

Public Sector Govt. POLICE

1987

~~JULY - AUGUST~~ ~~DECEMBER~~

JULY - AUGUST.

3 cases of attacks on Karoo 'kitscops'

THREE cases involving attacks on "kitskonstabels" and municipal police were heard in the Karoo area last week.

A case of public violence and another of attempted murder was heard in the Beaufort West District Court, and another case of public violence in De Aar District Court.

Three residents of the Kwa Mandlenkosi Township in Beaufort West, appeared for the alleged assault

of a "kitskonstabel", Velaphu Maneli.

Victor Nanze, 25, was charged with attempted murder and armed robbery. It was alleged that he robbed Maneli of his shot gun. Sylvia Mangqubisa, 21, and Meshack Kelleni, 36, were both charged with attempted murder.

They were not asked to plead, and bail of R500 each was set. They cannot communicate with the state witnesses and must report to the Beaufort West

police station daily between 7 and 9am.

In the other case, three residents also of the Kwa Mandlenkosi township appeared on charges of public violence. It was alleged that Siphso Bango, 24, John Mado 31, and John Metshevu 25, were part of a group who attacked the house of a "kitskonstabel".

Bail of R500 was set on condition that they report to the Beaufort West police station daily between 7 and 9am.

In De Aar, Gladstone Malyo, 25, of Nonzwakazi Location, appeared in the district court last week, on a charge of public violence.

It was alleged that Malyo was with 31 people who attacked a policeman on May 24 last year. It was alleged that he ran away while the other accused's cases were finalised. He was arrested on May 17 this year and charged for public violence. A bail application was refused.

4/18/73
Four Ibhayi
policemen jailed

Own Correspondent

JOHANNESBURG —
Jailing four Ibhayi
policemen for indecent
assault and attempted
rape yesterday—a case
which reminded him of
the barbarism of the
Dark Ages, Mr G Steyn,
Port Elizabeth Regional
Court president, said
that what he had heard
about the Ibhayi police
caused him the gravest
concern.

“He said the lack of
proper authority and
regulations had obvious-
ly led to a complete
breakdown, and he trust-
ed steps would be taken
to set the matter right.”

He was the second
magistrate this week to
criticize the Ibhayi
police. On Monday in the
same court, Mr A W
Meiring sentenced a
fifth municipal police-
man to eight years for
his part in the same in-
decent assault.

Thirteen years for brutal rape in municipal offices

A SERGEANT in the Ibhayi municipal police force was sentenced on Monday to an effective 13 years imprisonment after being convicted in a Port Elizabeth regional court of indecent assault and attempted rape.

Francois Phillip Swanepoel, 21, admitted that he and four other municipal policemen smothered a woman who may not be identified, with a plastic bag, ordered her to strip, pulled her breasts, forced her to have intercourse with another prisoner, and forced a baton into her.

Swanepoel was sentenced to 10 years for the indecent assault, of which two years were suspended. The three-year rape sentence will run concurrently. He will serve an effective eight years in jail.

The incidents took place during the interrogation of the woman and her boyfriend at the municipal police offices, Kwazakele, on October 27 last year.

In a sequel to the case, another four municipal policemen pleaded not guilty to the same charges on Tuesday. Senior sergeant Keith Anthony Hackart, 28, constables Leonard Nyamiso Puzi, 26, Colbert Zwani, 24, and Telson Ngangelanga Madolo, 24, said that although they were present during the assaults, they did not take part.

The woman took the witness stand on Tuesday and told the court she was assaulted, kicked, stripped naked and spreadeagled. The four policemen had held her and laughed as Swanepoel thrust a baton into her.

Later her boyfriend was brought into the room and was beaten and forced to perform indecent acts with her. She and her boyfriend were then forced to have intercourse while the policemen urged them on with kicks and burning cigarette ends.

They were released the following evening and warned by Hackart, Swanepoel, and Zwani that they would be necklaced if they laid a complaint. When cross-examined she remained adamant that all five men had been involved.

Asked whether her breasts had been pulled as she alleged in the charge-sheet, she said not only had Puzi pulled her nipples, but Swanepoel had taken a knife and pretended he was going to cut them off.

WEEKLY MAIL REPORTER

Swanepoel had asked the black constables whether any of them wanted her and they had all refused.

In sentencing Swanepoel, Magistrate A W Meiring criticised a system which allowed as young a man as Swanepoel to be given a position of authority without sufficient supervision or guidance.

Meiring said that during unrest trials over which he had presided in the past 18 months he had often wondered "where are the senior men" and been shocked by the responsibilities laid on youthful, inexperienced men.

He said the situation was aggravated by the fact that Swanepoel's immediate superior was alleged to have encouraged his actions.

The case against the four is proceeding. H van der Walt appeared for the state. N J van Rensburg, instructed by Burman, Katz, and Saks and Butler appeared for Hackart — East Cape News Agency.

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Assault, rape bid 'barbarism of Dark Ages'

The Argus Bureau

PORT ELIZABETH. — A case with elements of the "barbarism of the Dark Ages" ended in the Regional Court here when four Ibhayi municipal policemen were jailed for indecent assault and attempted rape.

Regional Court president Mr G Steyn said what he had heard about the Ibhayi municipal police caused the gravest concern. The lack of proper authority and regulations had obviously led to a complete breakdown and he trusted steps would be taken to set the matter right.

Before Mr Steyn was Senior Sergeant Keith Anthony Hackart, 28, Constable Leonard Nyamiso Puzi, 26, Constable Colburt Zwani, 24, and Constable Pelson Madolo, 24.

Hackart was sentenced to 10 years' imprisonment for indecent assault, two conditionally suspended, and two years, to run concurrently, on the rape-bid charge. The other three were sentenced to six years each for assault and a year on the second charge. The sentences will run concurrently and three years of the first sentence were suspended.

Interrogation

The charges followed incidents during the interrogation of a man and a woman at the municipal police offices in October. The couple were arrested on suspicion of being involved in the burning of a municipal policeman's home.

Mr Steyn said the woman was physically assaulted and mistreated in the most sadistic way with a baton, causing her extreme pain. The man was assaulted and forced to attempt intercourse with her but was rendered in-

capable by fear. They were then forced to commit indecent acts with each other.

Bady injured, they were locked up for a day without food or water.

Pain, humiliation

Mr Steyn said it was the barbarism of the Dark Ages, "something we should have left behind a long time ago. The pain and humiliation inflicted did not belong in a civilised society."

Earlier, a fifth member of the unit, Sergeant Francois Philip Swanepoel, pleaded guilty to and was convicted on similar charges by another court. He was jailed for eight years.

The magistrate, Mr A W Meiring, severely criticised the municipal police system and suggested it be investigated. He said he was shocked by the responsibility vested in young, inexperienced constables.

70 Aborigines died in custody — claim

The Argus Foreign Service

MELBOURNE — Twelve blacks dying in custody in seven months — the latest this week — would cause a world outcry if they had occurred in South African prisons, says Australia's Committee to Defend Black Rights.

"The death rate of Aborigines in custody is now so high and accelerating so fast that a royal commission into 70 documented deaths can be deemed only if this country is entirely racist," a spokesman said.

Miss Vanessa Frost said Aborigines were terrified of being put into jail or police cells because they saw it as a possible death sentence.

Vlok lauds blacks SAP members

3/7/87
8/Day
951
GERALD REILLY

PRETORIA — The loyalty of black members of the SAP was praised yesterday by Law and Order Minister A triaan Vlok

Speaking at a passing-out parade of black policemen and women at the Hammanskraal College, he said the force could not function without its black members

Government was aware of the burden placed on them during the period of violence and unrest that had plagued SA since September 1984

Black policemen became the target in the "callous and revolutionary onslaught" Their homes and families were attacked at night and many of their homes and belongings were destroyed, yet black members of the force remained loyal, Vlok said.

Their task was to help ward off revolutionary and criminal threats against SA. The threats were real and aimed not only at SA whites but against all its inhabitants.

"Separately we have little hope of warding off these threats. A united stand, however, will render the enemy's efforts to seize power under a communist flag futile," Vlok said

Cape Times

SATURDAY, JULY 4, 1987

Jackboot

IT comes as something of a surprise, even considering the repression of the state of emergency, that a police officer can act in such a high-handed manner as that disclosed to court in the case of Mr Allie Parker, a printer. It puts South Africa in the company of the more dubious jackboot nations of the world, and is reminiscent of the days of brownshirts and stormtroopers in Germany.

A Cape judge had cause yesterday, in ordering the release of Mr Parker, to describe as "high-handed" and "unacceptable" remarks made when Mr Parker, on legal advice, sought reasons for his arrest on June 12. It appears that the policeman concerned, one Van Schalkwyk, said he did not have to tell anyone under what authority he was acting. Later he made a remark about closing Mr Parker's business.

This is disgraceful. The judge's strictures are severe, and if those who employ this offensive official do not take immediate disciplinary action, the public will conclude that no individual, no business, is safe from crude invasion.

CASE TINKS 4/7/87

Judge criticizes policeman's act

Supreme Court Reporter

THE commanding officer of the Bellville unrest unit, Captain Ockert Gerbrand van Schalkwyk, was sharply criticized by the Supreme Court yesterday for "high-handed, unacceptable conduct".

The criticism came from Mr Justice L Rose-Innes before he ordered the immediate release from detention of Mr Allie Parker, co-owner with his wife, Rashida, of Allie's Printing Services in Epping.

Mr Parker was arrested and detained, purportedly in terms of Section 3(1) of the emergency regulations, by Captain Van Schalkwyk, who arrived on June 12 while a group of security policemen were searching the premises and confiscating 9 000 copies of "UDF News".

Arrest

The captain said he was closing down the premises and arresting Mr Parker. He confiscated a number of pamphlets and negative plates and ordered Mrs Parker and staff to vacate the premises.

On the advice of his attorney, Mr Parker asked the captain what the reasons were for his arrest and in terms of what authority the business was being closed.

The captain replied that he did not have to inform anyone of this.

He paid a further visit to the business on June 14, arresting Mr Parker's nephew and searching the premises after ordering everyone to leave.

He states in an affidavit that he

has recommended the closure of the business to the Divisional Commissioner of Police, "a recommendation currently being considered by him".

The main argument of counsel for Mrs Parker was that her husband's arrest was unlawful because it contravened the common law requirement, codified in Section 39 of the Criminal Procedure Act, that a person being arrested be informed of the reasons for his or her arrest.

Technical term

Mr Justice Rose-Innes agreed. He said there was nothing in Section 3 of the regulations gazetted in terms of the "undesirable state of emergency with which we are encompassed" which suggested that the term "arrest" had acquired a new meaning.

It was a technical term understood by draughtsmen, lawyers and the courts to mean something definite which included the requirement that a person being arrested should be informed of the reasons for the curtailment of his liberty.

The reason for the requirement was to curb abuse and improper arrest and it was not met by citing "section X or regulation Y of some or other proclamation".

A man not informed of the reasons for his arrest was justified in feeling assaulted or fearing kidnap and "may resist or escape because he is not obliged to submit to unlawful or irregular arrest on the part of the police or anyone else", the judge said.

He condemned Captain Van

Schalkwyk's refusal to give reasons to Mr Parker as "high-handed and unacceptable conduct on the part of a police officer".

Affidavit

"I make the further observation," said the judge, "that a police officer who makes a sworn affidavit saying that he arrested a person because of the opinion he formed about the possible consequences of the dissemination of pamphlets deemed to be subversive, while the true facts are that he announced his intention to arrest Mr Parker before attaching or reading the documents, displays an attitude which is not acceptable either to this court or to anyone else".

Finally, Mr Justice Rose-Innes dealt with the argument raised by counsel for the respondents — and accepted recently by Mr Justice H C Nel — that the Appellate Division had ruled in the Kerchoff case that no reasons for arrest had to be given to people arrested in terms of the emergency regulations.

This was not part of the Appellate Division judgment, he said. The point was neither argued before the court nor considered. The Appellate Division judgment amounted to a decision that formal re-arrest or symbolic gestures of arrest were unnecessary when a person was already under arrest.

Mr I G Farlam SC, with Mr L A Rose Innes and instructed by E Moosa and Associates, appeared for Mrs Parker. Mr G D Griessel SC, with Mr C Y Louw and instructed by the State Attorney, appeared for the respondents.

Coup rumour surrounds iBhayi council

CP Correspondent

THE iBhayi Town Council, near Port Elizabeth, which is teetering on the brink of collapse, has been given a 14-day lease on life by the government, according to well-placed sources close to the council.

If it does not resolve its internal squabbling, the word from the government is that the council will be disbanded and white administrators will be appointed.

This development came amid rumours that the mayor, Jimmy Nyako, has been ousted by council executive member Silulam Mpondo.

Mpondo and his supporters are said to have moved a vote of no confidence at a meeting in New Brighton on June 11 and implemented a quiet coup.

Attempts to interview Mpondo proved fruitless. Before slamming down the telephone he said "I don't want to speak to any newspaper. I don't have the time".

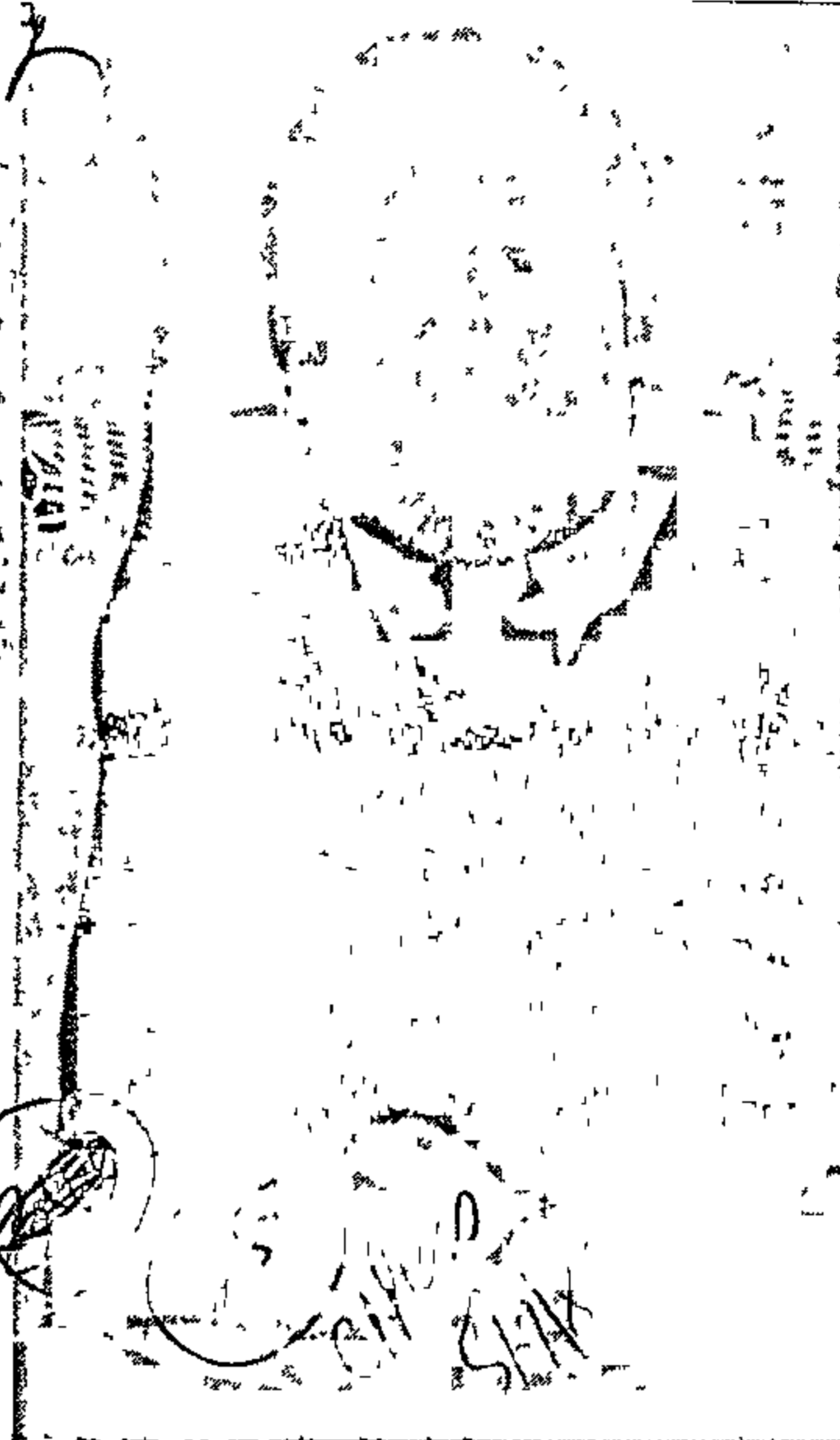
However Nyako was willing to talk. Interviewed in his plush Kwa-Ford home on Tuesday, Nyako said he was in a fighting mood and dismissed rumours that he and his deputy, Reuben Ntsimi, had been toppled.

"I have no fear of anyone challenging my post. I have done my best to normalise the situation in the township. I am aiming high for the people," he said.

However, he confirmed that the council's days were numbered should differences not be resolved.

Nyako is a former insurance company employee who resigned after company employees complained to management about his position as mayor - East Cape News Agency

Political comment and newsbills by P. J. J. Inchozo, headlines and subediting by Jon Swift, all of 204 Eloff Street Ext. 1, Durban, 2038.



Jimmy Nyako ... dismissed the coup rumours.

Assault cop jailed

CP Correspondent

A SERGEANT in the iBhayi municipal police force was on Monday sentenced to 13 years imprisonment after being convicted in the Port Elizabeth Regional Court on charges of indecent assault and attempted rape.

The sentence follows numerous allegations by township residents of assault by the "green flies" - the name residents have given to the green-clad municipal police.

Francois Phillip Swanepoel, 21, admitted that he and four other municipal policemen smothered a woman, who may not be identified, with a plastic bag, ordered her to strip, pulled her breasts, forced her to have intercourse with a fellow-arrestee and forced a baton into her

Swanepoel was sentenced to 10 years for indecent assault, of which two years were suspended. The three-year rape sentence will run concurrently. He will serve an effective eight years in jail.

The incidents took place during the interrogation of the woman and her boyfriend at the municipal police offices at Kwazakele on October 27 last year.

In a sequel to the case, four municipal policemen pleaded not guilty to the same charges on Tuesday.

Sergeant Keith Anthony Hackart, 28, and Constables Leonard Nyaniso Puzi, 26, Colbert Zwani, 24, and Telson Ngangelanga Madolo, 24, said that, although they were present during the assaults, they did not take part in it.

When the woman took to

the witness stand on Tuesday she told the court she was assaulted, kicked, stripped naked and spreadeagled.

The four policemen had held her and laughed as Swanepoel thrust a baton into her. Later her boyfriend was brought into the room and was beaten.

They were then forced to have intercourse while the policemen urged them on with kicks and burning cigarette ends.

They were released the following evening and warned by Hackart, Swanepoel and Zwani that they would be necklaced if they laid a complaint.

When cross-examined she remained adamant that all five men had been involved.

In sentencing Swanepoel, Magistrate AW Mering criticised a system which allowed as young a man as Swanepoel to be given a position of authority without sufficient supervision or guidance.

Mering said that during unrest trials which he had presided over in the past 18 months he had often wondered where the senior men had been and had been shocked by responsibilities laid on inexperienced men.

He said the situation was aggravated by the fact that Swanepoel's immediate superior was alleged to have encouraged his actions.

Castigated in '60, in '87, lauded

CAPE TIMES
7/7/87
3000 (251)
3000

By CHRIS STEYN

A POLICE colonel, castigated for not taking drastic, punitive action against 30 000 black marchers 26 years ago, was honoured yesterday by the Minister of Law and Order, Mr Adriaan Vlok

Colonel Ignatius P S Terblanche was finally given the promotion, withheld by the then Minister of Justice, the late Mr Frans Erasmus, who later ordered the arrest of the group's leader, Mr Philip Kgosana, the regional secretary of the Pan Africanist Congress (PAC)

Colonel Terblanche, who was then deputy Commissioner of Police, said yesterday that he felt as if though he had committed treason when the authorities arrested Mr Kgosana

The 21-year-old university student was persuaded by Colonel Terblanche to tell the crowd to return home peacefully, and then bring a deputation of not more than three people to see him at Caledon Square

Colonel Terblanche undertook to convey to the minister Mr Kgosana's wish too see him about certain imprisoned PAC leaders

Receiving the honorary rank of brigadier (assistant commissioner) yesterday, the 84-year-old colonel relived the events of that day which was referred to at the time as "The Miracle of March 30"

Tears welling in his eyes and his voice hoarse with pent-up emotion, he said "It was one of the tragedies in my life that I did not get rank I had to disagree with a minister on a very dangerous occasion"

In an interview with the Cape Times after the ceremony, Colonel Terblanche described the horror he felt when Mr Kgosana was arrested when he and three other PAC men kept their appointment at Caledon Square

"When I asked Mr Kgosana to persuade the crowd to return peacefully, I said 'Philip, you are doing a very dangerous thing today. If I have to use force here, you will be the first to die'

"I promised to convey his wish to the minister and I told him that he could come back later with one or two, or at the most three, people

"I felt very bad when they arrested him. I regarded myself as a traitor

"Mr Erasmus later denied in Parliament that he had given the order for Kgosana's arrest. But that was certainly not the truth. The order came from him



Colonel Ignatius Terblanche

CAB Times 7/7/87 (251) (A) (A)

Flashback . . .



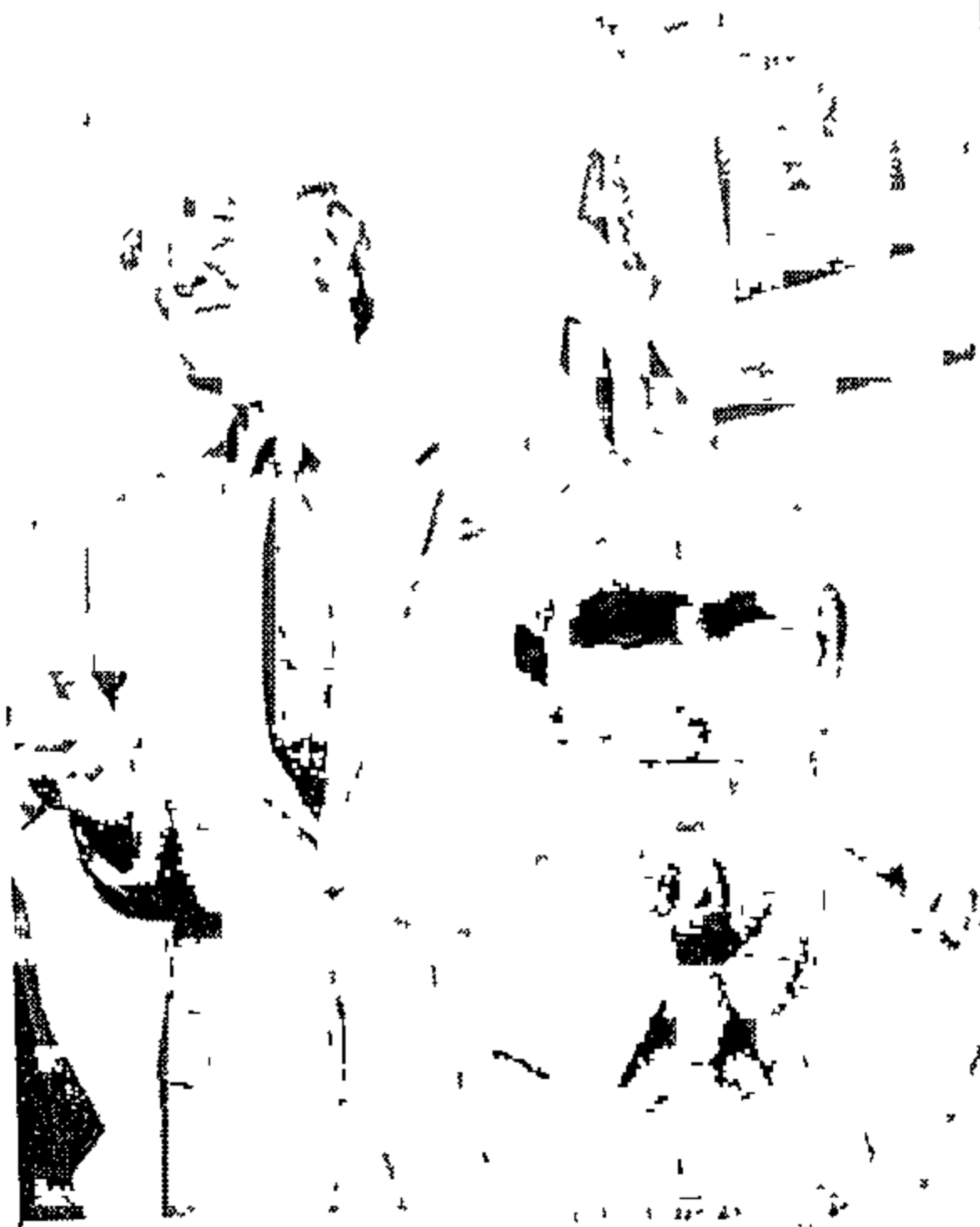
Mr Philip Kgosana, in shoulder-high triumph after a peaceful demonstration outside Caledon Square on March 25, 1960. He was arrested soon after.

From page 1

"And, to tell you the truth, I was very sad when he gave that order," Colonel Terblanche said.

Addressing Mr Vlok, Colonel Terblanche said "If justice had prevailed, I would have been entitled to the rank of major-general at the time of my retirement. But now you have put it right."

Conferring the honorary rank, Mr Vlok described him as a "unique personality", a "remarkable person," "this legendary Colonel I P S Terblanche over whom the older generation get lyrical, while the younger generation listen with amazement to details of his curriculum vitae", but of his role in "The Miracle of March 30", not a word was uttered.



Vindicated at last. Colonel Ignatius Terblanche, disgraced in 1960 by the then Minister of Law and Order, honoured yesterday by the current Minister, Mr Adriaan Vlok.

RESPECTIEVAN
N
VER

UITGEGEE DEUR
KAAPLANDSE NASIONALE VROU
VAN DIE PARLEMENT
EN SAAMGESTEL DEUR
LULU VAN HEERDEN
TEN BATE VAN DIE
S.A. WEERMAGFONDS

CAPE TIMES 7/7/86

SA crime rate in 'dramatic' decline

By CHRIS STEYN

SOUTH AFRICA's burgeoning crime rate, up alarmingly in recent years, has slowed dramatically in the past 18 months, according to statistics released last night by the office of the Minister of Law and Order, Mr Adriaan Vlok

From a high of a 12,5% growth in January last year, crime has actually declined to a negative growth rate, his office says

And, statistics say, the decreasing crime rate is largely due to a sharp drop in crime in the Western Cape

Law and Order press spokesman Brigadier Leon Mellet said the decrease was the result of, among other factors, the introduction of special constables

Another contributing factor, he said, was "greater co-operation" between the police and members of the public since the introduction of the emergency

Brigadier Mellet said that burglaries at businesses in the Western Cape had decreased by 33% in the past six months, while burglaries at "white homes" had dropped by 26%

Burglaries throughout the country had increased by only 0,5%

Serious crime in the country had decreased by 1,0%, robbery by 5,5% and car theft by 8%

Brigadier Mellet disclosed that during 1985 the crime rate increased by about 17% a month. In January last year that dropped to 12,5% and in March 1986 to 8,6%

He said the downward trend continued from an increase of 0,7% in January this year to a drop of 1,0% in March

'Words instead of bullets' man promoted after 27 yrs

By STEPHEN WROTTESELEY
Crime Reporter

THE man who used words instead of bullets when 30 000 people marched on Caledon Square police station in 1960 has been promoted after 27 years

Suggestions at the time were that his promotion was deliberately withheld by the then Minister of Police, Mr Frans Erasmus, because he failed to obey orders

"I was blamed for not using force I was an outcast, even among my colleagues," honorary Brigadier Ignatius Petrus Stephanus Terblanche, 84, said last night after his promotion was announced by the Minister of Law and Order, Mr Adriaan Vlok

"But if I had used force, it would have been a massacre," he said

"My elevation in rank was obviously withheld because of what happened," he said

TURN BACK

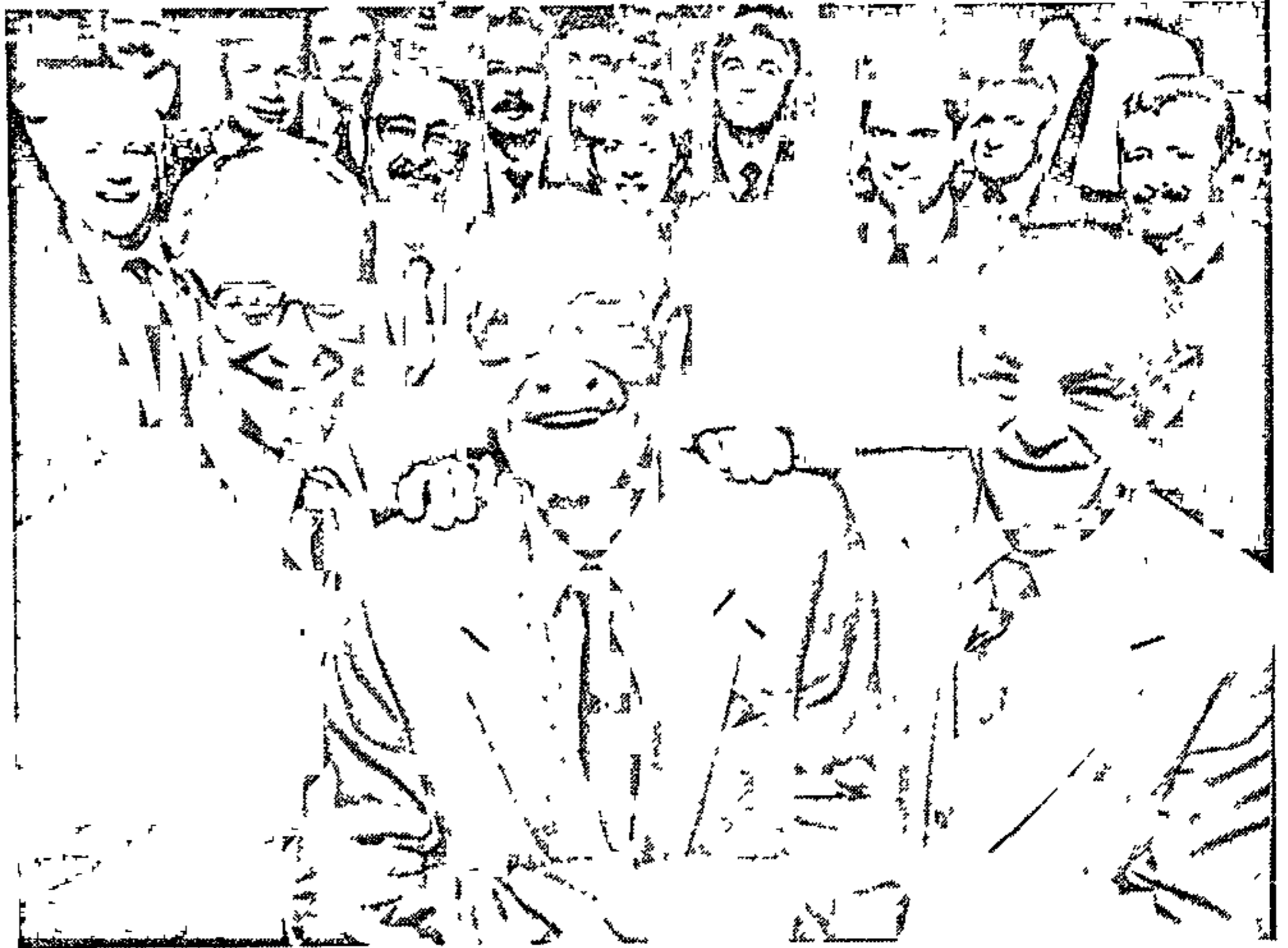
On March 30 1960, 30 000 people marched to Cape Town, led by Pan Africanist Congress regional secretary Mr Philip Kgosana, to demand the release of prisoners

Brigadier Terblanche persuaded them to turn back

His promotion was announced at a function attended by more than 50 senior policemen, including Lieutenant-General H G de Witt, acting Commissioner of Police, Major-General Chris Swart, former divisional commissioner of police in the Western Cape, and his successor, Brigadier Ronnie van der Westhuizen

Afterwards Mr Vlok said the promotion was not righting any wrongs of the past Brigadier Terblanche was honoured because of his work following his retirement from the police in 1961, Mr Vlok said This included his service as director of the Kirstenbosch golden jubilee celebrations and as vice-chairman of the Cape Peninsula Road Safety Association.

Accepting the honour, Brigadier Terblanche told how he defused the situation



Picture DOUG PITHEY, The Argus

Honorary Brigadier I P S Terblanche, centre, is congratulated by the Minister of Law and Order, Mr Adriaan Vlok, left, and the acting Commissioner of Police, General H G de Witt, while senior police officers look on.

in 1960 and later, in an interview, explained why he believed, that by not acting on the Minister's orders, he had been denied promotion

He said that as deputy commissioner of police he had been contacted and told that a great number of people had gathered outside Caledon Square and the police could see no way of handling the situation

He and a colleague went to see what was happening

He was then called to the telephone to speak to the Minister and when he had finished the call, he was "very worried" It was then that he was given instructions which he failed to carry out

Brigadier Terblanche went outside and a member of the huge crowd spoke to him It was a conversation that had a great effect on him

With tears in his eyes, Brigadier Terblanche said the man told him he would never forget him

The man, who was the cook when Brigadier Terblanche was district comman-

dant in Wynberg, had been assaulted by a policeman

He told Brigadier Terblanche that the crowd was waiting for their leaders, including Mr Kgosana who was waiting nearby with another huge crowd

Brigadier Terblanche sent a policeman to bring Mr Kgosana to Caledon Square and they returned, followed by a second huge crowd

"Many people thought I should use force that day If I had it would have been a massacre"

Brigadier Terblanche spoke to Mr Kgosana who demanded that people who had been arrested be released Brigadier Terblanche told him "this is not the way to act if you want to see a Minister"

He told Mr Kgosana to tell the crowd to disperse and go home He would take a message to the Minister and Mr Kgosana should come back with two or three friends

"What happened next is history," Brigadier Terblanche said

The crowd dispersed peacefully When Mr Kgosana returned to meet the Minister he was arrested

Top riot policeman replaced

BY CHRIS STEYN and
SHAUNA WESTCOTT

THE head of the Bellville unrest unit, Captain Ockert van Schalkwyk, has been replaced by another officer after being rebuked by two Supreme Court judges, one of whom said his conduct was "high-handed and unacceptable".

Police also confirmed yesterday that a top-level departmental investigation has been ordered by the Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen. Captain Van Schalkwyk could not be reached for comment last night.



UNDER INVESTIGATION ... Captain Ockert van Schalkwyk. Picture: TONY WEAVER.

A spokesman said that Captain Van Schalkwyk was relieved of his "unrest responsibilities" last week — even before the most recent criticism from Mr Justice L Rose-Innes, who ordered the immediate release of printer Mr Allie Parker, detained by the captain on June 12.

Following the rebuke, police had launched an investigation into the criticism levelled at Captain Van Schalkwyk.

'High-handed'

Mr Justice Rose-Innes described the captain's refusal to give Mr Parker reasons for his arrest as "high-handed and unacceptable". He also described as "unacceptable" the captain's unlawful threat to close Mr Parker's business and a statement made under oath that proved to be false.

The captain's attitude and use of "unreasonable force" was also criticized two months earlier by another Supreme Court judge, Mr Acting Justice H P Viljoen.

On April 23, this year, he awarded damages of R15 000 to a Belville South schoolboy who was 14 when he was shot in the back by Captain Van Schalkwyk on September 5, 1985.

Mr Acting Justice Viljoen found that the captain had used unreasonable force in arresting the boy after dis-

persing a group of young stone-throwers. He criticized him for acting so drastically before making any attempt to chase the youths, shout a warning or aim a shot at their legs.

Mr Acting Justice Viljoen also said the evidence of Captain Van Schalkwyk and one of his subordinates, a Constable Crous, showed they had gone to the scene "with the preconceived idea" of using an R1 rifle "to bring down people" who fled from them.

Another controversial operation commanded by Captain Van Schalkwyk was the arrest and detention of an entire congregation at a service at St Nicholas's Anglican Church in Elsie's River on June 15 last year.

The entire congregation of 225 people, including Cape Times reporter Mr Andre Koopman, were detained — the last after about three weeks.

Captain Van Schalkwyk is also well-known to reporters and television newsmen, some of whom have been arrested by him several times.

In November 1985, a CBS TV crew was acquitted by a Bellville magistrate on a charge of failing to obey a police order to leave an illegal gathering after films showing their arrest — and contradicting the evidence of Captain Van Schalkwyk — were shown.

POLICE yesterday moved to dispel criticism of their crowd control methods saying they "cannot quell a vicious, riotous mob by kid-glove methods".

The SAP Public Relations Division was responding to allegations made by Johannesburg attorney and researcher Nicholas Haysom in an article entitled: "Licenced to kill" which appeared in the SA Journal on Human Rights.

Haysom said yesterday there was a "lack of concern for black human life" and there were not enough restraints within the law framework to rationalise the use of lethal weapons.

"If a person were a fleeing apple thief or a member of an unruly crowd, deadly force may be used in both cases to apprehend the suspect," he said.

In a telexed reply to Business Day police said difficulties were sometimes experienced and lesser methods were not always successful in crowd control situations.

Open terrain and the wind factor limited the use of teargas to specific areas.

The use of batons and shields had also become extremely hazardous for police

SAP defends its 'tough tactics'

DANIEL SIMON

in that missiles such as petrol and acid bombs were hurled and there were instances where they had been shot at from crowds.

They also pointed out the "radical element" often pushed women and children to the forefront of the crowds and then operated from behind these "unarmed civilians".

The casualties of rioters being shot in the back was attributed to crowds running away while other rioters were launching frontal attacks.

To this response Haysom said: "This appears to justify and rationalise why non-lethal measures are not used.

"They are policing people who are politically impotent and accordingly there is no mechanism of accountability between the police and people that are being policed."

IN BRIEF

Anglovaal staff make big move

ANGLOVAAL staff will move to 77 F. Street, Johannesburg, from August 1 while its head office building at 56 Main Street will be renovated.

There will be small staff presence Main Street throughout the renovation period, expected to last about two years.

Anglovaal's Post Office box, telephone, telex and telefax numbers will remain the same.

Big spenders

ABOUT 200 000 Transvaal holidaymakers are expected to spend R68m in Durban during the school holidays this month — an average of R57 each for seven days.

Many of the 2 hotel beds in C.

All
Yes
Yes

5

By CHRIS STEVEN

MORE information about the reign of Captain Ockert van Schalkwyk, who has been replaced as the head of the Bellville unrest unit, emerged yesterday. He was relieved of his "unrest responsibilities" last week after being rebuked by two Supreme Court judges for his conduct

The Cape Times obtained the trial record yesterday of a public violence hearing held in Goodwood Magistrate's Court earlier this year in which the Minister of Law and Order ordered to pay R10 000 damages in an out-of-court settlement to the accused — a 17-year-old girl who was shot by Captain Van Schalkwyk.

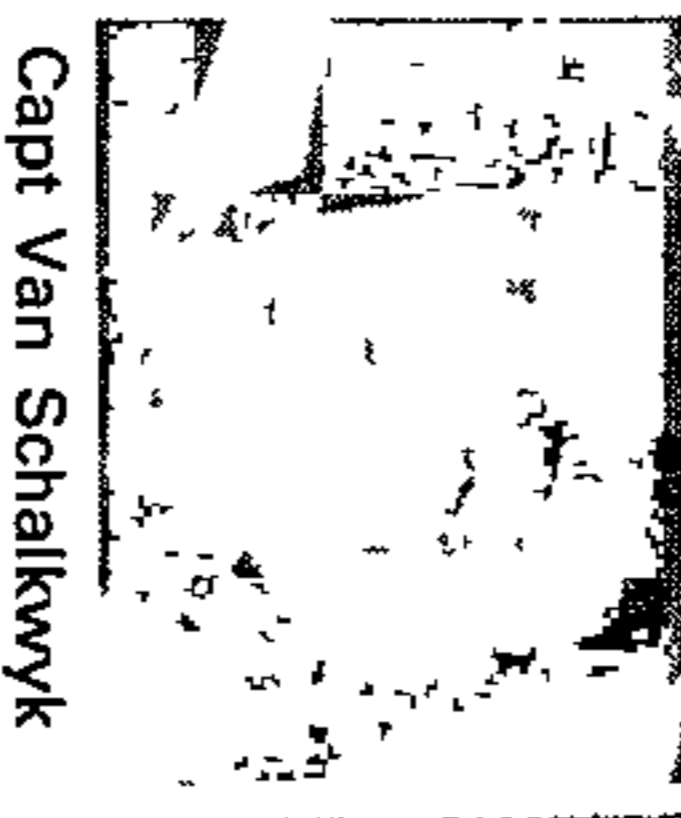
The most recent criticism came from Mr Justice L. Rose-Innes, who ordered the immediate release of printer Mr Allie Parker, who was detained by Captain Van Schalkwyk on June 12. He described the captain's refusal to give Mr Parker reasons for his arrest as "high-handed and unacceptable."

The captain's attitude and use of "unreasonable force" was also criticized two months earlier by another Supreme Court judge, Mr Acting Justice H.P. Viljoen, who awarded R15 000 damages to a Bellville South schoolboy who was 14 when he was shot in the back by Captain Van Schalkwyk on September 5, 1985.

Following the rebukes, the Divi-

Reign of unrest captain: More facts

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Capt Van Schalkwyk

sional Commissioner of Police, Brigadier Ronne van der Westhuizen, ordered a top-level departmental investigation into the criticism levelled at Captain Van Schalkwyk.

In January this year, a 17-year-old Elsie's River girl, who may not be identified, appeared in court on a charge of public violence. She was shot in the leg by Captain Van Schalkwyk before her arrest.

After hearing the captain's testimony, the girl was acquitted. On February 2 this year, the Minister of Law and Order paid damages of R10 000 to her family.

Captain Van Schalkwyk admitted during cross-examination that he shot the girl without warning her to stand still — and before she started running.

According to the court record, he was cross-examined by Mr A A Chohan, who asked him "And she walked all the time, she did not run at all?"

"She wanted to, she had increased her speed and even before she could break into a run, I shot her," said Captain Van Schalkwyk.

"But she had not run yet?" Mr Chohan asked.
"She had not run yet," said Captain Van Schalkwyk.

"You do have a loudhailer?" Mr Chohan asked.
"That is right," Captain Van Schalkwyk said.

"You did not use the loudhailer to tell the accused 'stand or I shoot' or something like that?" Mr Chohan asked.

"No, your honour," said Captain Van Schalkwyk.
"You also did not shout at the accused 'stand or I shoot, I mean, what I mean now is without the loudhailer'?" the lawyer asked.

"No, your honour," the captain said. Mr Jan van Eck, MP for Claremont and member of the Progressive Federal Party's Unrest Monitoring Committee, said yesterday that the action taken against Captain Van Schalkwyk showed that the role of the "Rambo-style" policeman was being whittled down and signalled a return to the "traditional law-and-order" policeman.

"I have, over the past three years, frequently drawn the attention of the police authorities to the fact that there were elements within the security forces who, instead of maintaining law and order, actually undermined law and order by the use of provoca-

tive and excessive force," Mr Van Eck said.

"I had the impression that those who used force were actually openly tolerated, and that policemen who would go out of their way to prevent confrontation by creating compromise and by attempting to negotiate with the people of the townships were being tucked away.

"The extent to which the role of the provocateur security force member or Rambo-style policeman is being whittled down is illustrated by the action taken against Captain Van Schalkwyk. And the peace-maker role of the traditional law-and-order policeman is being restored, as illustrated by the honorary rank conferred on Col I P S Terblanche — 27 years after the Philip Kgosana incident.

"It is further illustrated by that fact that these traditional law-and-order policemen have been more prevalent in Western Cape townships over the past two months. One, actually has hope that a spiral of violence and counter-violence will be reduced," Mr Van Eck said.

He also said that largely improved control was being exercised over special constables in the Western Cape

Adel. Times 9/1/87
**Cop shot
dead in 751
gun lesson**

Own Correspondent

PORT ELIZABETH —
An Ibhayi municipal policeman shot himself dead while instructing colleagues in the use of firearms on Tuesday

Mr Patrick Ncumé, 28, was standing in front of the class giving his lecture when the pistol he was holding discharged, killing him instantly.

It is understood he shot himself between the eyes.

Captain Peet Grobler, SA Police liaison officer for the Eastern Cape, said Mr Ncumé was delivering a lecture at the offices of the Ibhayi police at about 3.30pm when the accident happened.

Police are investigating the incident.

CAF Troops 9/7/87

Police chief's call to rebuild Crossroads

Staff Reporter

THE Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen, yesterday challenged the Mayor of Crossroads, Mr Johnson Ngxobongwana, to enlist the unemployed members of his community to rebuild Crossroads and Khayelitsha into a better town within five months.

The challenge was made during an informal get-together arranged by Brigadier Van der Westhuizen with Mr Ngxobongwana and 30 committee members of both Crossroads and Site C (Khayelitsha) areas in Khayelitsha last night.

Mr Ngxobongwana, who had initially decided not to attend the meeting, last night said he had changed his mind after both the brigadier and the Inspector of Police, Brigadier R P

During, had arrived at his home imploring him to attend.

In a speech during the function, Mr Ngxobongwana spoke out strongly against the attitude taken by police in Guguletu, saying they did not work for law and order.

The statement was noted by Brigadier Van der Westhuizen who later promised that he would give the matter his personal attention.

Although no major decisions were made during the meeting both parties showed interest to continue meeting on matters beneficial to the black community.

Mr Ngxobongwana said his former resistance to both police and government in the late 1970s had changed because the government had recently showed signs of wanting to talk.

MR

Transport Services Liaison Unit

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A group of Ibahyi Town Council policemen

From MIKE LOWE
PORT ELIZABETH.
"This is only the tip of the iceberg", said a spokesperson for the Legal Resources Centre in Port Elizabeth in commenting on the imprisonment of five Ibahyi Town Council policemen to a total of 30 years in jail for indecent assault and rape.

The deeds were described by the Port Elizabeth Regional Court President as "out of the dark ages".
In two separate trials which ended last week, the Court President, Mr Gert Steyn, and another magistrate, Mr A W Meiring, found the five took part in a barbaric rape of a woman and forced her to perform indecent acts with her naked man friend.

Inquiry
The crimes occurred in an office of the Ibahyi Town Council Police on October 27 last year.
Both magistrates called for an immediate investigation into what they found to be

Police rape 'out of the dark ages'

a total breakdown of authority in the force, effectively adding their voices to a chorus of protest about the behaviour of the force.

It was the first ever imprisonment of members of the force set up in 1982 out of township recruits who were to protect the council and assist in the maintenance of law and order in the townships.

On Friday Steyn jailed four of the force for a total 17 years imprisonment. He sentenced Senior Sergeant Keith Hackart, 28, to a ten years for indecent assault, of which two years were conditionally suspended for five years,

and two years imprisonment for attempted rape, to run concurrently with the first sentence.

Constables Leonard Puzi, 26, Colbert Zwani, 24, and Telson Maddolo, 24, were jailed for six years each for indecent assault and one year each for rape.

The sentences are to run concurrently and three years of the assault were suspended conditionally for five years. Effectively they will each serve three years in jail.

On Monday last week Meiring said in sentencing former SAP riot policeman, Sergeant Francois Swanepoel, 21, to 13 years, that often dur-

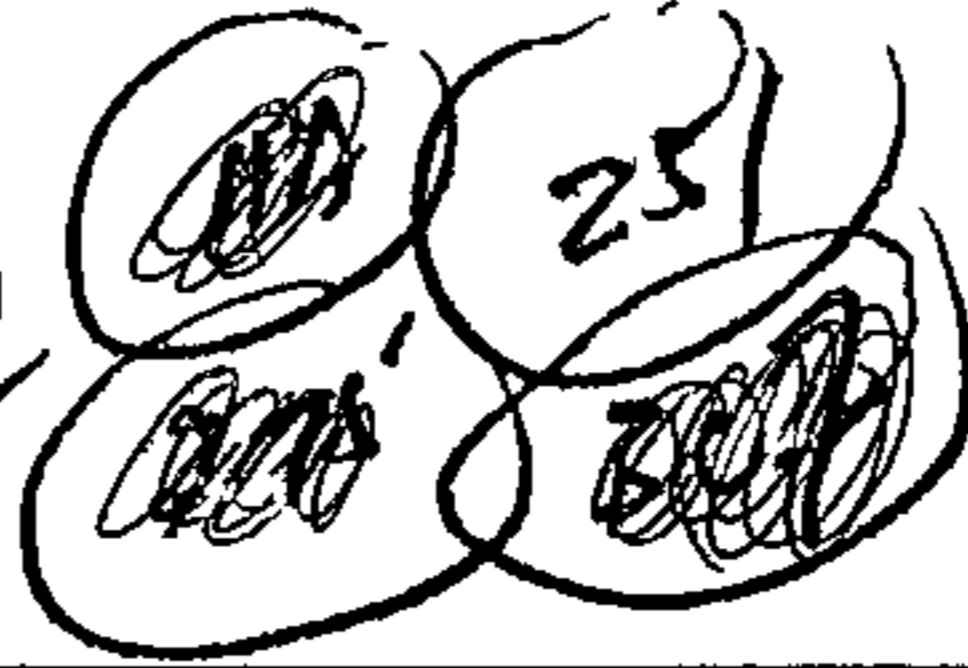
ing unrest trials he had wondered where the senior men were.
Responding to the convictions, Edward Pullen, the white Ibahyi town clerk reliably believed to be pushing for the council's dissolution, said remedial action was taken against the force soon after the crimes, but the matter would come before the council shortly.

Other crimes

Meanwhile the Legal Resources Centre says they have 40 more cases involving alleged Ibahyi Police atrocities, most of which are pending a court hearing. The spokesperson said the appeals for assistance started soon after the force was set up in June last year. Most involved assaults and shootings in which people died or were seriously injured.

The spokesperson said there had been a flurry of complaints in May and June this year, indicating an escalation of misbehaviour by the force.

NRGUS 9/7/87



CITY/NATIONAL

'Beef up Crossroads ... and invite PW'

Staff Reporter

THE Mayor of Crossroads, Mr Johnson Ngxobongwana, has been challenged at an informal function with senior Western Cape police officers to redevelop the squatter camp so that President Botha can visit it in five months' time.

Brigadier Ronnie van der Westhuizen, divisional commissioner of police, asked Mr Ngxobongwana to get the support of the unemployed in the area to improve the camp without Government money.

He said: "Build it up so my wife and I can do my shopping in Crossroads. Why don't we set a date? In five months we invite the State President and show him what has been done"

The function, held in a hall in Khayelitsha, was organised to try to improve relations between the police and leaders from Crossroads and Site C.

CHANGED HIS MIND

Brigadier van der Westhuizen said the "goodwill visit" was to show that the police and all security forces involved in law and order were "good people".

Initially Mr Ngxobongwana declined to attend but changed his mind when Brigadier van der Westhuizen and Brigadier R P During, the divisional inspector, went to his home and asked him personally.

Brigadier van der Westhuizen asked the guests to stand firm with the police as this would contribute to a better, more peaceful and friendly community.

More legal information

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THIS week SOUTH's legal team provides more information on the use of force by police

force is used it must be done carefully

DISPERSING ILLEGAL OR RIOTOUS GATHERINGS:

The police are allowed to use force to get people to move away if the group of people is doing something "illegal" or "riotous"

For example Meetings, marches or funerals that have been banned or restricted by a magistrate or the Minister of Law and Order, where the crowd is about to seriously injure someone or where property is about to be damaged

Police are given this power under sections 48 and 49 of the Internal Security Act But this law says that if

RULES FOR POLICE DISPERSING CROWDS

Ordinary policemen cannot give orders to disperse crowds The order must come from a police officer of the rank of Warrant Officer or higher (e.g. Lieutenant, Captain, Major, Colonel, Brigadier)

Police are only allowed to use as much force as they need to disperse the crowd

Before using force the officer must warn the crowd in English and Afrikaans to leave the scene The officer must tell the crowd how long they have to go and must give them

enough time to leave

For example "This is an illegal gathering You have three minutes to disperse If you fail to do so we will use force against you"

The officer must say that so that everyone can hear If there are lots of people he must use a loudhailer

If the people do not obey the officer's order, he can then order the police under him to use force

The force must be aimed at making people leave It can't be used to punish people or to stop them from leaving

For example If the police hits someone on the ground with a sjambok, the police are stopping that

person from getting up and leaving

Before shooting bullets at a crowd, less dangerous weapons must be used The police must first try things like teargas and sjamboks If this does not work, they can fire buckshot or bullets

The police may not shoot to kill - that would be too much force They may only use as much force as they need to make people leave

The same rules apply to members of the South African Defence Force when dispersing crowds

These rules also apply to members of the municipal police acting under orders of a Warrant Officer (or higher rank) of the SAP or SADF

SAP man warns of complacency

THE early lifting of the emergency would plunge SA back to the level of political violence experienced two years ago, SAP Divisional Commissioner for the Witwatersrand Major-General Mulder van Eyk told business and commerce representatives at an Emergency

Business Day Reporter

Planning Association meeting in Johannesburg yesterday.

He said South Africans should not be lulled into a false sense of complacency because the level of unrest had subsided.

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Priest 'killed by kitscop'

251

Soutz

9-14/7/87

By AYESHA ISMAIL

A PROMINENT Aberdeen priest, the Rev Boo1 Jantjies, 40, of the Zion Holy Church of Africa, was shot dead by "kitskonstabels" in this small Karoo town this week.

Several angry residents of Tembalisizwe, Aberdeen's African township, say they witnessed the shooting of a "handcuffed" Jantjies in the street outside the house of a special force constable

The priest had earlier left his own house to find out about his son, Bobob Jantjies, 15, who had been taken from his house by nine kitskonstabels on Tuesday night.

Bobob was arrested after the kitskonstabels had searched the house for dagga

They also arrested two of Bobob's friends, Santjies Jantjies, 16, and Major Ngabile, 28

They were taken to a kitskonstabel's house, according to residents

A friend of the Jantjies family, George Yalolo, said Boo1 had not been home at the time of the arrest of his son. He had been worried about his son's whereabouts and went to investigate.

At the house of the kitskonstabel, the priest apparently had an argument over the treatment of his son, according to Yalolo.

Several shots were fired and the residents saw the priest fall. They claimed he was beaten with a sjambok.

Body in van

The station commander of Aberdeen, a Warrant Officer Lategan, and another officer later arrived on the scene and the body of Jantjies was put in a police van

Jantjies's wife was apparently told she would not be allowed to see the body of her husband until after a post mortem, according to Yalolo

A spokesperson for the SAP public relations division in Pretoria confirmed the shooting

"A special constable had effected an arrest when he was allegedly attacked. He was struck with a knobkierie. Another special constable went to his assistance and warned the attacker to desist

"The warning was ignored and the second special constable was also attacked by the knobkierie-wielding man. A warning shot was fired but also ignored. A second shot was fired and the attacker was fatally wounded"

He said a crowd gathered but dispersed after a number of shots were fired into the air. One person was arrested

Police were investigating charges of possession of dagga, defeating the ends of justice, and escaping from lawful custody

"As with any unnatural death, the death of the person involved in this matter is also the subject of a police investigation"

Special police shot priest — claim

APC Times 10/7/87 (251)

Staff Reporter

A HANDCUFFED priest was shot dead by special constables this week in the Eastern Cape town of Aberdeen, residents allege — the latest in a series of allegations of serious misconduct by members of the special force.

A police spokesman confirmed the shooting of the Rev Boo Jantjies, 40-year-old priest of the Zion Holy Church of Africa, and said police were investigating

Residents said the priest had gone to the home of a special constable after hearing that his house had been searched for dagga and his 15-year-old son arrested and taken there.

An argument ensued, residents allege, and the priest was sjambokked, handcuffed and shot.

Police allege that the shooting occurred after the special constable and a colleague were attacked by a man wielding a knobkierie who failed to desist after being warned

Police are also investigating an alleged assault on a 49-year-old Beaufort West woman, Ms N Gcada, who claims she was beaten by a special constable.

11 alleged instances

These two incidents are only the most recent in a string of allegations about misconduct by special constables that prompted the PFP Unrest Monitoring and Action Committee to send a dossier to the Minister of Law and Order in March as a matter of "extreme urgency".

The dossier detailed 11 instances of alleged improper conduct by special constables — including four fatal shootings and an alleged assault of a pregnant woman — and urged the withdrawal of the special constables and their replacement by properly trained policemen.

The special constables were criticized before the first batch of 320 hit the streets in October last year after a six-week crash course.

The UDF condemned them as "organized shock troops", the PFP warned of widespread opposition and escalating tension and criminologists asked how people with minimal education could be expected to understand the law and act within it after such skimpy training.

Now, with the special force swollen to nearly 3 000 men, according to figures given in Parliament by the Minister of Law and Order, criticism has turned to alarm.

Policemen assaulted two 'for no reason'

By YVETTE VAN BREDA
Court Reporter

TWO former railway policemen were yesterday fined in Wynberg Regional Court for being accessories to the fact where a man and a woman were assaulted "for no reason" after their vehicle was stopped by police in Langa.

Warrant Officer Andre Willem Swart, 35, was fined R200 (or three months) and Constable Andre Johan Smit, 23, was fined R150 (or 75 days).

The two (who are now policemen, due to the phasing out of railway policeman) are both of Belcon Road, Bellville.

They pleaded not guilty to two counts of assault with intent to do grievous bodily harm and Swart pleaded not guilty to another count of assault.

At a previous hearing Mr Welkom Mtyotywa said he was returning from a Salt River discotheque where he worked. He was in a minibus, with other people.

As the bus reached a corner in Langa, a police vehicle pulled up in front of it, blocking its path. Two of the five policemen who alighted from the police van ordered the passengers out of the bus.

As Mr Mtyotywa got out, he was hit in the face, he said.

He was frisked, punched and later picked up by the belt and "my head knocked on the ground". He had lost consciousness.

He had laid a charge as "I gave them no reason to assault me".

Ms Beauty Mahlabani said W/O Swart hit her with a flat hand "and told me to be quiet". "I was screaming and shouting in the passenger seat".

He had punched her in the face, kicked her out of the bus and kicked her in the private parts, she said.

The policemen said they stopped the bus as it looked suspicious.

Struck unconscious

In his verdict the magistrate, Mr A S McCarthy, said that if people who were driving along peacefully were stopped, dragged from a bus and searched they would be concerned with their own position and would not look at others.

That explained the discrepancies in the evidence of the State witnesses.

They were honest with the court and it was most unlikely that they would "make up the story", Mr McCarthy said.

He accepted that the two were assaulted and Mr Mtyotywa was unconscious.

"These people were trying to earn their bread and butter honestly and working hard until 2am. The public must see the police as protectors."

He accepted that a civil claim was pending against the two policemen.

Mr P Mostert prosecuted Mr E R van Zyl, instructed by the State Attorney, appeared for the two policemen.

CAL 10/7/87

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Protest over brigadier's call on Ngxobongwana

By CLARE HARPER

SIXTEEN squatter leaders from Nyanga, Old and New Crossroads, KTC and Khayelitsha yesterday protested at the actions of the Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen, in meeting the Mayor of Crossroads, Mr Johnson Ngxobongwana, in Khayelitsha on Wednesday night.

The leaders include Mr Prince Gobingca of Old Crossroads (representing an unknown number of Old Crossroads residents), Mr Christopher Toise of the Portland Cement Camp (claimed 9 000 supporters), Mr Reuben Fulani of Site C, Khayelitsha (claimed 17 000 supporters), Mr Isaac Gwiliza of Section L, Site B (claimed 10 000 supporters) and Mr Gladstone Ntamo of KTC (claimed 25 000 supporters)

Speaking on behalf of the leaders, Mr Gobingca said the brigadier "should call all the squatter leaders in the Western Cape — not just Ngxobongwana — for a meeting in a neutral area, if he wants peace".

The squatters said it appeared the brigadier was taking sides, and if that was true "the blood in Crossroads will not stop flowing".

"We want peace, we don't want anybody to be killed," they said.

The squatters rejected Brigadier Van der Westhuizen's challenge on Wednesday night that Mr Ngxobongwana should enlist the unemployed members of his community to rebuild Crossroads and Khayelitsha, saying that the brigadier should contact all the Western Cape squatter leaders for such a task.

furniture international

Colonel 'was obeying orders', says Kgosana

Call this 10/7/87

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By ANDREW DONALDSON

COLONEL Ignatius P S Terblanche was not a traitor, says Philip Kgosana—the former Pan Africanist Congress leader who has troubled the retired police officer's conscience for more than a quarter of a century.

In an exclusive interview with the Cape Times, he said last night from Colombo, Sri Lanka, where he now lives, "He was a policeman. He was simply obeying orders."

Interest in the former PAC regional secretary was rekindled after Colonel Terblanche, the 84-year-old former Deputy SAP Commissioner—castigated for his role in the dramatic march on Cape Town by 30 000 peaceful black demonstrators on March 25, 1960—was this week finally honoured by the Minister of Law and Order, Mr Adriaan Vlok.

Receiving the rank of honorary brigadier—a promotion he was due for at the time but refused—Colonel Terblanche said he felt as if he had "committed treason" when Mr Kgosana was arrested after the 21-year-old student had led the march.

Promised an audience with the then minister of justice, Mr Frans Erasmus, by Colonel Terblanche,

EXCLUSIVE

Mr Kgosana had returned to Caledon Square with a small deputation—and was arrested. Both men had avoided bloodshed on the day of the march.

While the policeman had persuaded marchers to return home peacefully, Mr Kgosana had altered the course of the march from Parliament—where massed security forces and certain slaughter waited—to Caledon Square police station.

In spite of this, the former PAC leader—now an economist with the United Nations Children's Emergency Fund (Unicef) in Sri Lanka—declined to elaborate on the events that came to be known as "The Miracle of March 30" and was first reported under the headline "Peace Is Aim, Native Says."

"All that happened to me, mattered to me, was that when a promise had been made it was not honoured by the government of South Africa," Mr Kgosana said in the interview last night. Asked to comment on Colonel Terblanche's professed troubled conscience and that the officer had regarded himself as a traitor following his arrest, Mr Kgosana

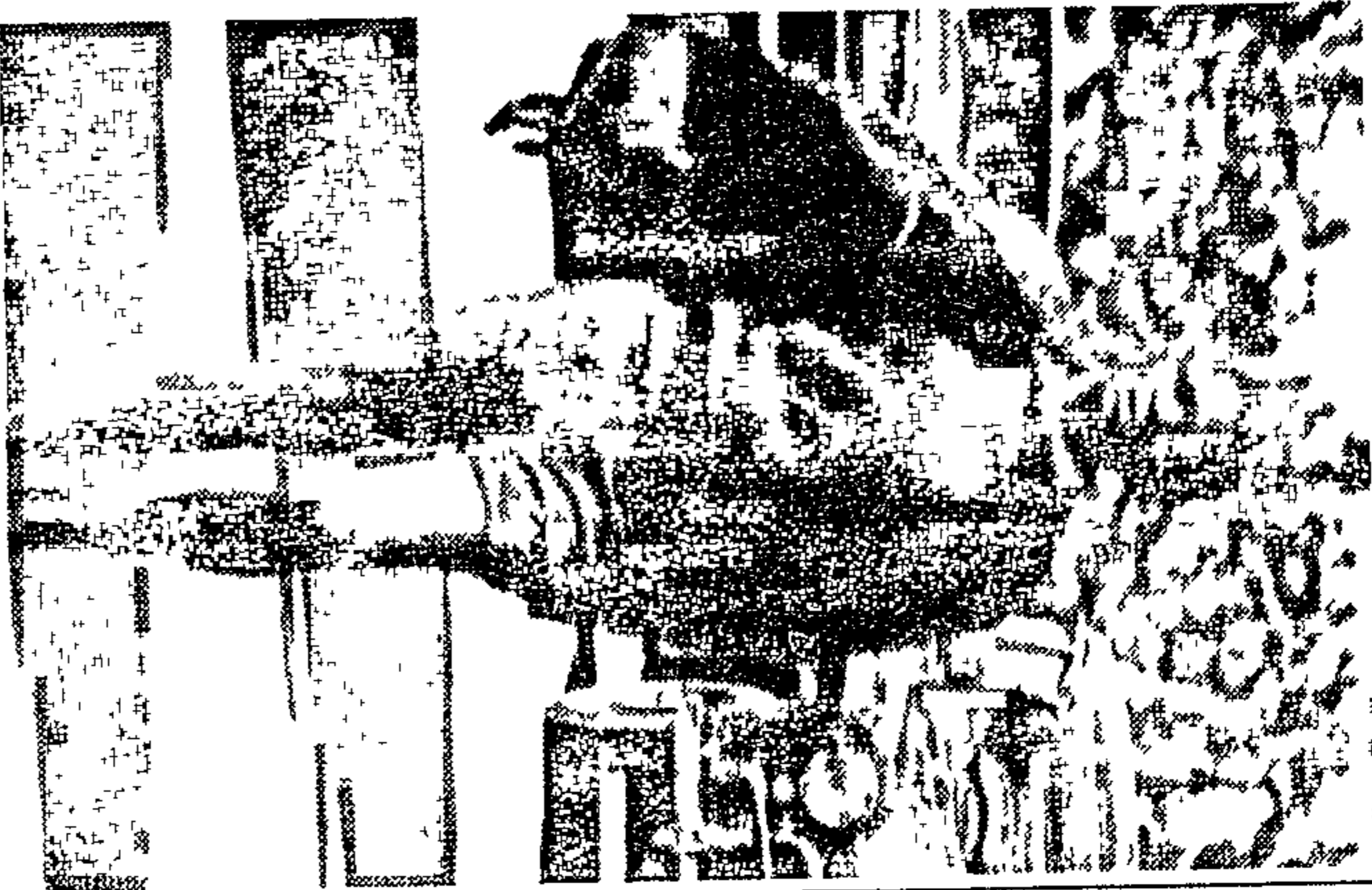
said "I believe that at his level, a policeman, he was only carrying out the orders of a minister (Mr Erasmus). I do not think, as much as I opposed him that he can consider himself to be a traitor."

"He was simply obeying orders. And the fact that when I went back and was arrested, I think I opposed him on fundamental questions—but this was an issue where a policeman was carrying out the orders of the minister."

Asked if he had any messages for South Africans, he replied "No, I do not want to say anything at this time. I think it would be inappropriate. But, tell me, how do you promote a retired man of 84?"

When Colonel Terblanche's comments were read to him and how—by disagreeing with a minister and avoiding bloodshed—his actions did not receive a favourable reaction from his superiors, Mr Kgosana said "This is what I do not understand. At that time in what way did they think that he had done a disservice? Is it clear to you, this disservice?"

"It sounds like South Africa Disservice means you have killed less. You have failed to kill more people. That's why I say it sounds very much like South Africa."



FLASHBACK... In shorts, the 21-year-old student and PAC leader Philip Kgosana, his supporters seated behind him, strides towards Caledon Square police station to demand an audience with the then Minister of Justice, Mr Frans Erasmus.

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Police examine 'negative effects' of court rebukes

A TOP-LEVEL police investigation is being conducted into the commander of a Cape unrest unit who has received his second rebuke by a Supreme Court judge for his "high-handedness".

But the investigation will not focus on the conduct which drew the criticism in the first place. Instead, it will assess the effect of the judge's remarks on the image of the police force.

Captain Ockert van Schalkwyk's replacement as head of the Bellville unrest unit occurred before this week's judicial criticism, Lieutenant Althe Laubscher of the Western Cape SAP public relations division said.

Describing Van Schalkwyk as a "good policeman", Laubscher said the investigation would look at the negative effects Judge I. Rose-Innes' remarks had on the force's image.

Judge Rose-Innes, ordering the immediate release this week of Cape Town printer Allie Parker whom Van Schalkwyk detained on June 12, said

the captain's refusal to give Parker reasons for his arrest was "high-handed and unacceptable". Also "unacceptable" was his threat to shut down Parker's business and a statement made under oath which proved to be false.

His criticism followed that of Acting Judge HP Viljoen in April, who found Van Schalkwyk used "unreasonable force" when he shot a 14-year-old boy in the back while dispersing stone-throwing youths in 1985. Awarding the boy R15 000 damages, the judge said evidence by Van Schalkwyk and a subordinate showed they had a "preconceived idea" of using an R1 rifle "to bring

By GAYE DAVIS,
Cape Town

down people" who ran from them.

It was Van Schalkwyk who, in June last year, detained an entire congregation of 225 people during an Elites River church service, claiming it was an illegal gathering. Some of the congregation spent more than two weeks behind bars.

Legal experts said the issue underscored the lack in South Africa of police accountability to the public.

Associate professor of law at the University of Cape Town, Dennis Davis, said it recalled the promotion of former Eastern Cape security po-

lice chief Colonel Pieter Goosen, named during the 1977 inquest into the death in detention of black consciousness leader Steve Biko as the man who ordered him kept chained. Goosen was one of several policemen transferred elsewhere in 1978 after the death of another detainee, Lungile Tabalaza. The then minister of law and order, Jimmy Kruger, said instructions regarding detainees' safety "may not have been adhered to".

But by 1982 Goosen was a deputy commissioner.

If police were serious about improving their image they would appoint an ombudsman not connected

to the police force, instead of asking people with complaints merely to lay a charge at their nearest police station, Davis said.

Johannesburg civil rights lawyer Fink Haysom said. "If police acted as robustly elsewhere in the world heads would roll because the people being policed would cause an outcry. Yet here the police feel they need not regard the feelings of the black community."

In an article in the March issue of the South African Journal on Human Rights, he quoted a March, 1985 letter from a senior deputy commissioner of police which stated: "When acid or petrol bombs are thrown at police or private vehicles and/or buildings an attempt must be made to eliminate the suspects."

South African law was inadequate in restricting the use of force by law enforcement officials and police exceeded even the latitude allowed by law to maintain law and order, Haysom said.

CME Times 11/7/81

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Erasmus: Morale-busting minister

By **ROGER WILLIAMS**
Chief Reporter

THE LATE Mr F C (Frans) Erasmus, who as Minister of Justice castigated the then Western Cape police chief, Colonel I P S Terblanche, for not using force against 30 000 angry blacks who marched on Cape Town on March 30, 1960, is one of the most controversial figures in South African political history.

His name was recalled this week after Colonel Terry Terblanche, now 84, was honoured by the Minister of Law and Order, Mr Adriaan Vlok.

At a ceremony at which no reference was made to the 1960 drama, or to Mr Erasmus, Mr Vlok conferred the honorary rank of brigadier on Colonel Terblanche — the rank denied him by Mr Erasmus more than 20 years ago.

Colonel Terblanche and the leader of the black marchers, Mr Philip Kgosana, were credited with saving Cape Town from a bloodbath, in what the colonel himself has referred to as "the miracle of March 30".

Mr Erasmus, later accused of betrayal after he had had Kgosana arrested, is widely remembered as the man who as Minister of Defence dealt (although inadvertently) a staggering blow lasting 11 years to morale in the armed forces. He was noted for the way he "bowler-hatted" able and respected officers — or withheld promotion from them.

An apostle of apartheid and one of the architects of the National Party's victory at the polls in 1948 — he was an outstanding organizer — Mr Erasmus was rewarded by the Prime Minister, Dr D F Malan, with the defence portfolio in the first post-war NP cabinet.

A paradoxical personality, he did not fit the blustering jackbooter image of himself projected in

some quarters. Quietly spoken, urbane and courteous, he was out of the Cape Nationalist mould. While he gave the impression of having an obsessive hatred of anything to do with Britain, and its royalty, he often proudly sported the blazer of the sailing club he belonged to — Royal Cape Yacht Club.

An ardent Afrikaner Nationalist who had strenuously opposed South Africa's entry into World War II on the side of the Allies, he dismissed without thanks the wartime Prime Minister, General Smuts, from his honorary post of Commander-in-Chief of the Union's forces.

Mr Erasmus later said he would refuse to sit at the same table as any follower of Smuts.

He "bowler-hatted" General Evered Poole, then regarded as SA's ablest and most distinguished soldier (he had commanded the South African 6th Division during the war), by giving him a semi-diplomatic posting abroad.

Mr Erasmus, a man with no military experience, then appointed Lieutenant-General Len Beyers as Chief of the General Staff and set about remodelling the army on the old commando system.

But he became so active in bowler-hating Smuts government appointees and replacing them with "reliable party men" that General Beyers resigned in anger and disgust, saying that as a professional soldier he could no longer tolerate what he bluntly

called "political interference" by the Minister. Mr Erasmus abolished the "orange flash" that had distinguished SA servicemen as volunteers during the war, and he started changing uniforms and insignia. He put sailors into new, Germanic outfits, after referring to the uniform worn by ratings of the British Royal Navy as consisting of "soup-plate hats, wide-skirted trousers and women's jumpers".

Opposition MPs referred to him as "a glorified military tailor".

Among other things, Mr Erasmus banned liquor in Defence Force messes in 1958, and his unpopularity manifested itself in many ways, which included the removal or defacing (in one case with jam) of his portrait in military establishments. This led to at least one court-martial of an officer — a SAAF war hero with a DFC.

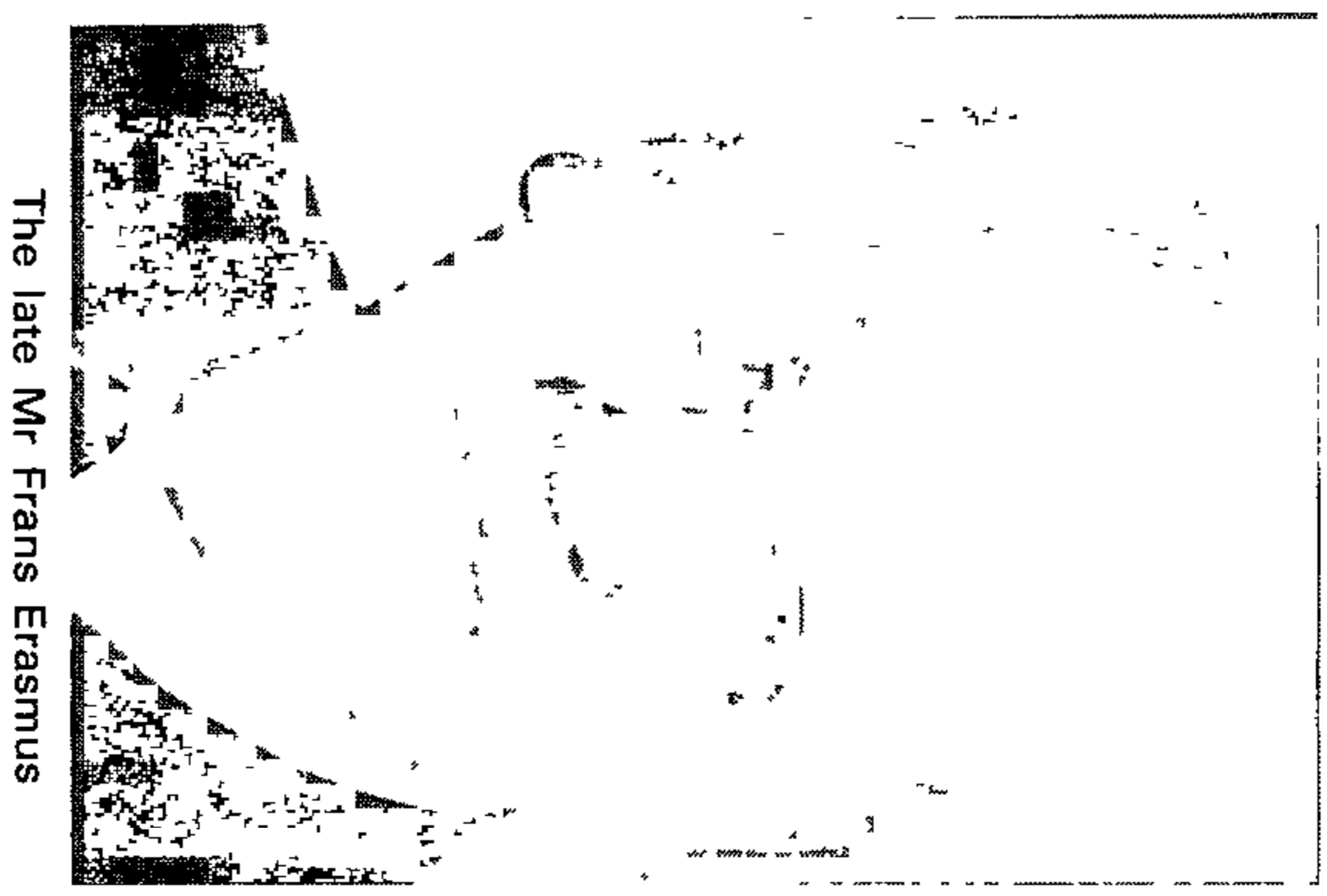
Morale recovered only after Mr Erasmus was relieved of the defence portfolio in 1959 and replaced by the late, ever-popular Mr Jim Fouché, who subsequently became State President. Mr P W Botha, who succeeded Mr Fouché in the Defence Ministry, also did much to repair damage done by Mr Erasmus.

Mr Erasmus held the Justice portfolio for two years before his surprise resignation in 1961. The then Prime Minister, the late Dr Hendrik Verwoerd, sent him to Rome as South Africa's ambassador — an appointment he held for four years.

Mr Erasmus died suddenly while on holiday at Die Mond, near Bredasdorp, in 1967.

□ **Anthony Heard on the assurance given to Philip Kgosana — Page 6.**

□ **Troubleshooter "Terry" Terblanche — a man of wide culture — Top of the Times, Page 16.**



The late Mr Frans Erasmus

A POLICE spokesman in Pretoria yesterday released new information on an incident in which a lay preacher was allegedly sjambokked and shot dead by special constables while handcuffed.

The spokesman said previous allegations about the incident in Aberdeen in the Eastern Cape were incorrect.

The spokesman said a special constable was allegedly attacked by a knob-kierie-wielding man at 7 45pm on Tuesday and had made an arrest.

A colleague went to his aid and warned the attacker to stop, but was also attacked.

A warning shot was ignored. The attacker, alleged to be a lay preacher, was fatally wounded by a second shot.

A crowd gathered but dispersed when a number of warning shots were fired into the air.

One person was arrested and the police are investigating charges of possession of dagga, defeating the ends of justice and escaping from lawful custody.

The spokesman said the death of the man was being investigated.

Cape Times 11/7/87
Police statement on death of lay preacher

(251)



Police for more talks with leaders

Crime Reporter

POLICE are working towards bringing together the various factions and community leaders in the black townships, the Commissioner of Police for the Western Cape, Brigadier Ronnie van der Westhuizen, said yesterday.

He said he had pointed out during informal talks this week with the Mayor of Crossroads, Mr Johnson Ngxobongwana, and 30 committee members from Crossroads and site C, that he would be holding more informal talks with all leaders.

Yesterday, following a report that Mr Prince Gobingca and 15 squatter leaders from Old and New Crossroads,

KTC and Khayelitsha, had protested at the particular meeting, he said that the differences between the two groups did not allow such a meeting at this stage. However, he was convinced that in time such meetings would be held. He was willing to talk to all leaders, he said.

Mr Gobingca and others had visited his office on several occasions, he said, the last two being on June 29 and July 8.

"It is peace and prosperity which we are all after and the only way we can attain this is for all leaders to come to terms with each other and to tackle the problems together."

Mr. Terblanche 11/1/67

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Opinion

Assurance that averted a riot — unpublished facts now on record

By ANTHONY HEARD, EDITOR, CAPE TIMES

IT IS necessary, in the interests of the historical record, to place a footnote on the Philip Kgosana story, which was in the news again this week.

I have some previously unpublished evidence about the march on Cape Town of March 30 1960, which must now be given.



Cape Times reporter Anthony Heard (left) speaking to Philip Kgosana (extreme right) and some of his aides at the Jutland fly-over bridge above Roeland Street on March 30, 1960, just before the confrontation at Caledon Square.

For 27 years, the evidence has been gathering dust in a drawer. It is in the form of a statement, made by me as a reporter who covered the events, and it confirms that a categorical assurance was given to Philip Kgosana, the leader of the 30 000 Africans on the march, that an interview with the Minister of Justice, Mr. F. C. Erasmus, would be arranged if the crowd dispersed.

It is explicitly clear that this was not a matter of a "request" for an interview — as most versions, so far, have it. No, if the assurance had not been given by Colonel I. P. S. Terblanche, that other man of destiny outside Caledon Square police station on March 30, there would have been a violent confrontation and much bloodshed.

It is a matter of history that Mr. Kgosana and some colleagues were arrested when they turned up later, confident that the South African Government would keep its word. This betrayal has always worried me, particularly against the

background of the powerful need for negotiations, based on good faith, between white and black to address the country's problems. It worried me so much at the time, in view of persistent denials of such an assurance, that I handed in a statement to the Langa riot commission on May 12, 1960.

The statement was handed to the then Attorney General who was leading evidence at the inquiry, Mr. W. M. van den Berg. It no doubt forms part of the Langa commission papers, though when the report (incidentally, an excellent, lucid document compared with the turgid Sharpeville re-

port) came out, there was no publication of accompanying papers.

The best way to tell the story of an assurance that saved Cape Town but, when broken, shattered the faith of countless Africans, is to publish that statement, which follows.

ON March 30, 1960, when a crowd of Africans gathered outside Caledon Square, I travelled in a Cape Times car, preceding one group along De Waal Drive, while another group went to Caledon Square another way (apparently along Main Road).

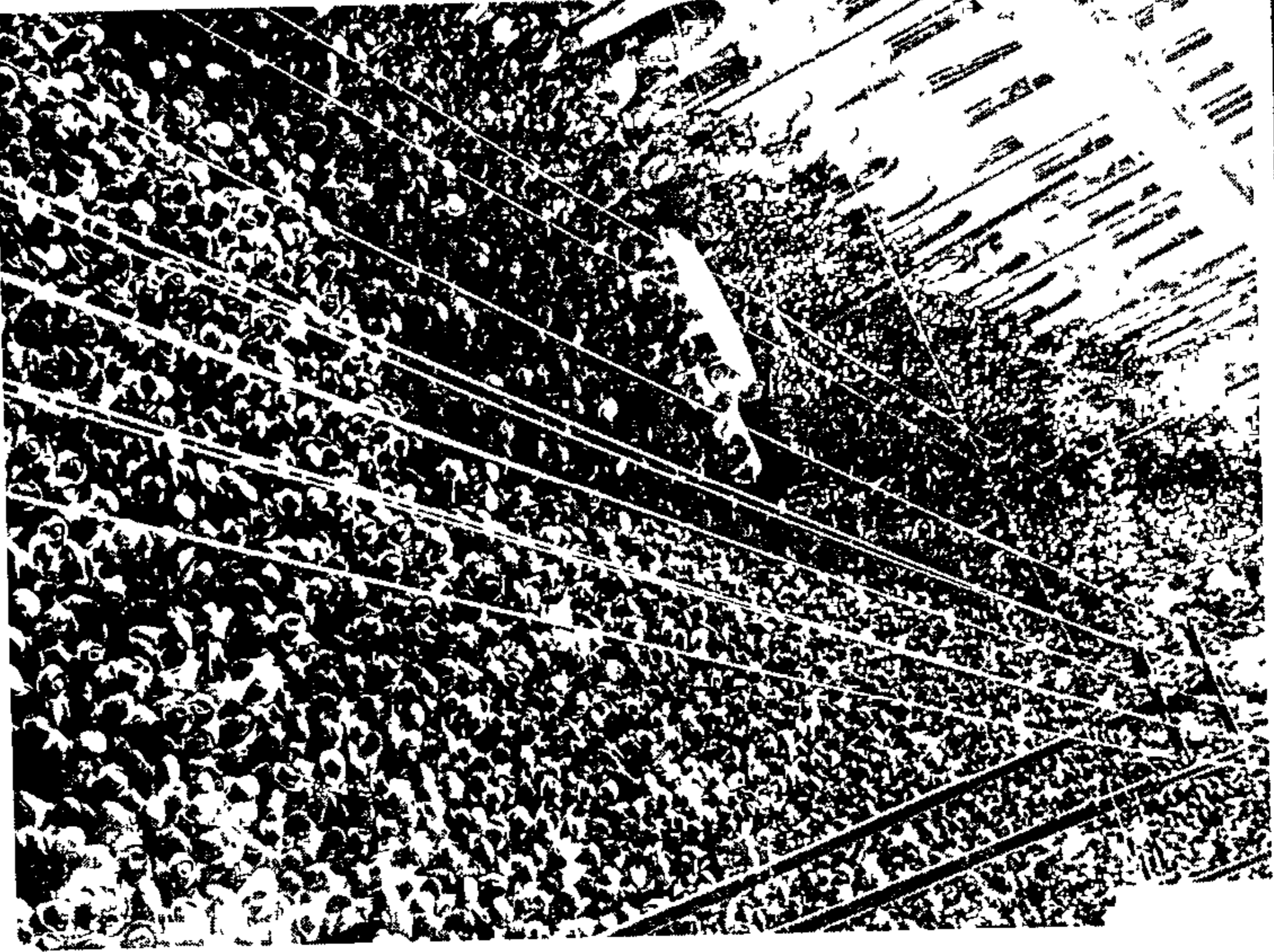
Leaving his crowd sitting on the grass above Jutland fly-over bridge,

yard — and they were silent.

He then addressed Colonel Terblanche. Colonel Reay was standing just to the side of Colonel Terblanche and Colonel Mur was walking about seeing that the crowd kept back from the group. Kgosana's demands included a personal interview with the Minister of Justice immediately, and an assurance that the police would not continue beating Africans at Langa in their efforts to get them to go to work. Colonel Terblanche said the minister was not available at the time (it was lunch time), and Colonel Reay remarked, "Come on, Kgosana, you can't see the minister with all these people round you. Come back with a few of them" (or words to this effect).

I then heard Colonel Terblanche clearly promise to arrange an interview later between Kgosana and the Minister of Justice. He gave his personal assurance that he would do this, and I heard no talk of his trying to arrange such an interview.

After hearing this assurance, I saw a (Cape Times) photographer standing near the charge office door, and because I had been trying to locate our photographers earlier, I went over to him. Shortly after this Kgosana was lifted shoulder-high and he told the crowd that an assurance had been



The crowd outside Caledon Square on March 30, 1960

given that he could have an interview with the minister. He then told the crowd to disperse quietly. I was convinced that if this assurance had not been given, Kgosana would not have been satisfied and would have told the crowd to disperse. I felt great admiration for Colonel Terblanche because he had, I believe, avoided bloodshed that day by his tact, and his preparedness to discuss things with Kgosana and give this assurance. I believe an ingrained attitude of an unsatisfactory assurance could easily have sparked a riot.

Terry's been a troubleshooter most of his life

"A legend in his own lifetime" is how Mr Adriaan Vlok, Minister of Law and Order, referred this week to Colonel "Terry" Terblanche, the former Western Cape police chief whose cool courage and tact saved Cape Town from a bloodbath in 1960. ROGER WILLIAMS spoke to Colonel (now honorary brigadier) Terblanche about his career in the SAP — and about his wide cultural interests.



The Minister of Law and Order, Mr Adriaan Vlok, left, with Colonel "Terry" Terblanche at the ceremony at which the minister conferred the honorary rank of brigadier on the former Western Cape police chief, and unveiled a bronze bust of him. Mr Vlok referred to Colonel Terblanche as "a legend in his lifetime". Picture ALAN TAYLOR

COLONEL IPS Terblanche, whose tact and cool courage in saving Cape Town from a bloodbath in 1960 were recalled this week when he received the promotion denied him at the time, has been a hard-line troubleshooter most of his life

His blinded right eye, a legacy of police action in the Witzieshoek Reserve in 1950, is testimony to the tough roles he was called on to play in nearly 40 years in the force

Yet "Terry" Terblanche, long retired and now 84, is a man of wide culture and interests, with a deep concern for his fellow-beings as well as for the national heritage

He has been as much concerned about the upkeep of the National Botanic Gardens at Kirstenbosch and the preservation of historic buildings (he is a former regional chairman of the Simon van der Stel Foundation) as he was in main-

taining law and order as a policeman

For four years, he was called on to apply the firmness but fairmindedness for which he was noted to professional boxing, when he was in the chair of the board of control in the Cape

There have been many memorable events in the life of this highly-respected ex-police officer, perhaps the most-memorable being the one he refers to as "the miracle of March 30th"

This was the day, in 1960, when he walked out, unarmed, into a throng of 30 000 angry blacks who had marched on the Caledon Square police headquarters in Cape Town, and persuaded their young spokesman, Mr Philip Kgosana, to lead his followers peacefully back to the townships

One wrong move by anyone in that vast and tense assembly could have had the streets of

Cape Town flowing with blood

The course Col Terblanche chose — that of talking rather than shooting — evoked the wrath of the then Minister of Justice, Mr Frans Erasmus, and cost him the promotion due to him Col Terblanche has referred to what he has seen as a patently punitive action as being "one of the tragedies in my life"

The present Minister of Law and Order, Mr Adriaan Vlok, offset that "tragedy" this week by conferring on Col Terblanche the honorary rank of brigadier (assistant commissioner)

□ How did "Terry" Terblanche come to join the SAP in the first place? "It happened in 1923, at a time of economic depression," he told me

"A flood at Uniondale, my birthplace, had ruined my family financially (my father was a farmer) and we moved to the Free State And it was at Mar-

guard where I got a job as bookkeeper in a store, after taking a commercial matric at the local high school, that it was suggested to me that I join the police

"Business was bad at the time, with everything 'on the book' in this predominantly farming community I had befriended a young policeman named Beukes, and he must have told his sergeant — Sergeant McHardy, a former British soldier who had married an Afrikaans girl — that I had shown interest in joining the police

"McHardy remembered me as a good rugby player, and he came to see me He told me about conditions of service in the SAP (he pointed out that a sergeant's salary was £365 a year) and persuaded me to join, which I subsequently did And I have never regretted taking that step"

The young "Terry" Terblanche (the police sports complex at Pine-lands is named after him) soon made his mark in the

SAP, and in no time found himself in its first rugby team

At the outbreak of World War II in 1939 he was sent with 110 men, on instructions of Prime Minister General Smuts, to South West Africa to deal with militant Germans among the population He had many of them interned, and besides being appointed internment-camp commandant at Windhoek he was put in charge of security for SWA

"When the Germans marched into France and Holland the internees celebrated and became restive, thinking the war was over I had to put my foot down pretty firmly, I tell you!

"Before I arrived up there, the German pocket-battleship Graf Spee had been lying off Walvis Bay, ready to put men ashore and annex SWA should South Africa not come into the war"

Col Terblanche was

again the troubleshooter called in to deal with rebellious police in Johannesburg during the war, and in 1950 he was, as district commandant at Bethlehem in the OFS, the officer in charge of a party of police that rode out, at great risk to themselves, to disperse warring factions of tribesmen at Witzieshoek He was wounded in the right eye

Earlier, in 1947, he was in charge of security arrangements during the visit of the British royal family, and he was also in charge of police arrangements at the Van Riebeeck Festival in 1952

Dr Emma Terblanche, a former medical officer at the Alexandra Institution, shares her husband's cultural interests

They have a son, two daughters and six grandchildren — all of whom share "Terry" Terblanche's pride in his promotion to honorary brigadier — at the age of 84

Captain in court over an ECC assault

CP Correspondent

ALTHOUGH emergency regulations prevent *City Press* from publishing the startling details of evidence led in a Port Elizabeth court this week about a security police captain's alleged assault on a former Port Elizabeth End Conscription Campaigner who was in detention at the time, we can reveal that tea drinking was central to the captain's defence

The ECC campaigner in question, Derek James Grant, who currently works as a darkroom assistant for Afrapix, a Johan-

nesburg-based independent news photograph agency, denied a defence allegation that there was a broad strategy among anti-apartheid groups to lay false charges of alleged security force brutality in order to discredit them.

"I work within the law," he said, denying that he had laid false charges because he felt strongly about the law enforcement "set-up" in South Africa and wished to discredit the police.

Grant, 34, was testifying in the trial on Monday of PE security police captain George James Beeton. He is charged with assaulting Grant, then a PE bus driver, on June 20 last year.

However, regulations 3 (1) of the emergency regu-

lations prohibits publication of most of Grant's startling evidence relating to the assault charge, which involved physical demonstrations in the court.

The regulation prevents reporting on evidence relating to the manner or circumstances of the arrest and to treatment in detention until judgment is delivered on July 16.

Under cross-examination, Grant said he participated in a creche renovating campaign in Walmer township which was part of ECC's just peace campaign to demonstrate a form of national service which could serve as an alternative to military service.

Grant said he objected to conscription because it

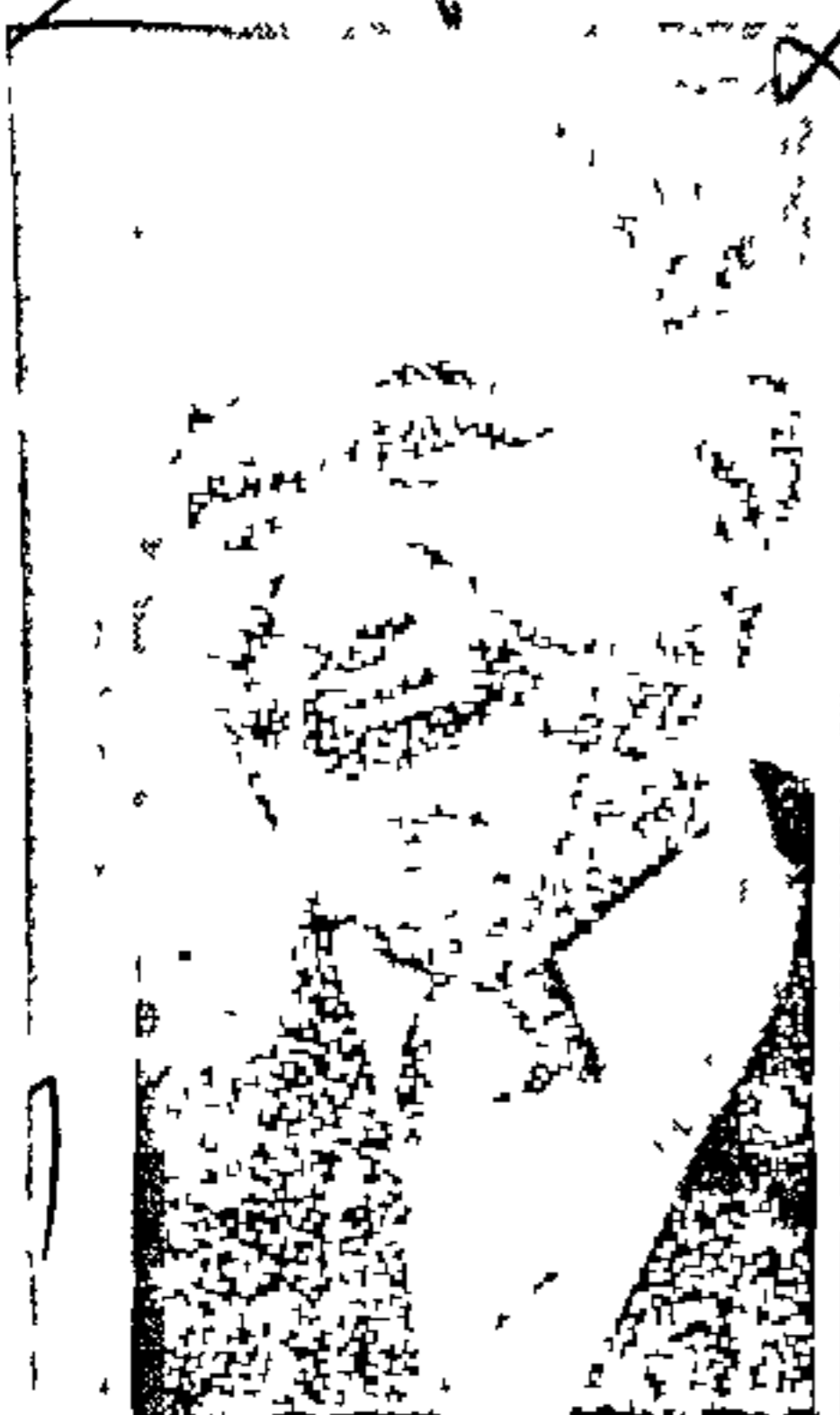
meant enforcing the apartheid system which was socially unjust.

He said South Africa had no further need of the present security police, SADF and SAP who should be exposed when they acted above the laws of the country.

In his evidence, Beeton said he was aware of a grudge harboured against himself personally by the PE ECC and he had in his possession an ECC pamphlet whose aim was to discredit the security police.

He also denied the assault charge.

Dr L Krige, a district surgeon, gave interesting evidence, while security police constable Richard John Rademan and Sergeant Suzanna Roelofse also testified.



PE journalist harassed

CP Correspondent

PORT Elizabeth journalist and *City Press* correspondent Mike Loewe this week had his tyres slashed and also received a hoax call which claimed his father was critically injured in a car smash.

Loewe said he was at the trial of a PE security police captain charged with as-

saulting a former PE End Conscription Campaign member when he was informed that his father had been critically injured in a car accident.

He said: "I soon learnt that my father was away on a fishing holiday and I returned to court."

That night two of his car tyres were slashed.



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UDF said "Our
this issue is well-
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The UDF statement con-
tinued "We, therefore,
categorically reject any no-

It also added that it
stood by the resolution tak-
en at its recent national

August 20, that the 'People
Shall Govern,' the state-
ment concluded

open to any non-violent
strategy that would help to
neutralise collaborators

Captain's conduct 'unacceptable'

THE head of the Bellville unrest unit, Capt Ockert van Schalkwyk, has been replaced by another officer after being rebuked by two Supreme Court judges.

One of them said his conduct was "high-handed and unacceptable".

Police also confirmed that a top-level departmental investigation has been ordered by the divisional commissioner of police, Brig Ronnie van der Westhuizen.

Judge L Rose-Innes recently ordered the release of printer Allie Parker, detained by Van Schalkwyk on June 12

The judge described the captain's refusal to give Parker reasons for his arrest as "high-handed and unacceptable".

The captain's attitude and use of "unreasonable force" was also criticised two months earlier by another judge, Acting Judge HP Viljoen.

On April 23 this year he awarded damages of R15 000 to a Bellville South schoolboy, who was 14 when he was shot in the back by Van Schalkwyk on September 5, 1985.

The judge found that Van Schalkwyk had used unreasonable force in arresting the boy after dispersing a group of stone throwers.

The name of the officer replacing Van Schalkwyk has not yet been released. - Sapa.

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APR 27/87

Mb Trip 13/7/02 (251)
Widow receives R7 500

PORT ELIZABETH. — A Walmer township widow has been paid out R7 500 by the Minister of Law and Order in an out-of-court settlement after a claim that she was unlawfully detained for nearly three months under the emergency regulations last year. The payment was made "without any admission of liability" to Mrs Regina Antoni, a spokesman for the Legal Resources Centre said yesterday.

Carl Tins 14/7/87 (25) (JS1)

Langa shooting victim wants R1,2m damages

Own Correspondent

PORT ELIZABETH. — A victim of the 1985 Langa shootings is to press for damages amounting to R1,2 million from the then Minister of Law and Order in the Supreme Court next month.

According to a statement released yesterday by the National Union of Metalworkers of SA in support of legal action, Mr Lawrence Gqubule, 25, was paralysed from the waist down when police opened fire on a funeral procession in Langa, near Uitenhage, on March 21, 1985.

He will press for damages against the minister on August 3 — the same day that the case of the family of Mr Phakamile Solomon, a worker and father of five who was shot dead in the same incident, will be heard.

Mr Gqubule was hit in the leg and back. The second bullet severed his spinal cord, paralysing him.

On March 21 he joined a procession to KwaNobuhle to attend the funeral. He was struck by two bullets when police opened fire, killing 20 people and injuring a number of others.

A former part-time labourer, Mr Gqubule is confined to his hospital bed and only able to lie on his stomach. His injury has been described as permanent. According to yesterday's statement he is now emaciated, with septic bedsores and increasing stiffness in his other limbs.

Cases of dependants of others killed or injured in the shooting are still to be heard.

Police appeal 'to people with influence in KTC'

By STEPHEN WROTTESELEY, Crime Reporter

AN APPEAL to people with influence in the KTC squatter camp — including priests — to use it to restore law and order was made today by Brigadier Ronnie van der Westhuizen, Divisional Commissioner of Police for the Western Cape.

Brigadier van der Westhuizen made the appeal in the wake of renewed claims that the "witdoeke" vigilantes of Crossroads were preparing to launch an attack on other squatter communities.

"I have been given the assurance by the people of Crossroads that if the people living there are not attacked, they will not attack KTC," he said.

"I've got influence in Crossroads and I can keep them under control, but I haven't any access to the leaders of the KTC camp."

He said that, after seeing squatter leaders from KTC and Nyanga last month at a meeting which Mr Jan van Eck, PFP MP for Claremont, was instrumental in arranging, attacks had continued from KTC.

Went to camp

He said he had personally gone to the camp to discuss the situation with the leaders in an attempt to bring an end to the violence but had been unable to find anybody to speak to.

"Other people have access to the leaders, like the Legal Resources Centre and various priests. I would like them to use their influence and do what I'm doing in Crossroads and Khayelitsha to bring an end to the violence."

"I can assure them that there will be no attack if the people from Crossroads are not provoked or intimidated."

"Every morning there is another attack from KTC. The lorry that was burnt out yesterday — that was an attack from KTC."

He said he had taken a personal interest in the squatter communities since he was divisional criminal investigations officer and he hoped that if peace was restored, "maybe some or other time in the future we can come together to discuss the wider problems."

● Brigadier van der Westhuizen announced that an in-service training programme for charge office staff is to start next week. He said the programme had come about as a result of various complaints from the public.



SISTERS TALK . . . Melanie Kriel, 19, (left) and Michelle Kriel, 24, the sisters of dead ANC member Mr Ashley Kriel talk of their dead brother at their home. Picture ANNE LAING

Police to probe Ashley Kriel death allegations

Cape Times 14/7/87

By **CHRIS STEYN** and **RONNIE MORRIS**
POLICE are investigating allegations about the death of ANC member Mr Ashley Kriel, who was shot dead by police last week.

The Cape Times has withheld details of allegations made by Mr Kriel's family pending the police inquiry. These allegations will be disclosed on completion of the official investigation.

A police spokesman said yesterday, "I feel very sorry that people can make such allegations against the police when it is normal police procedure that when we are looking for a suspect to talk to, we visit his known address."

The central executive committee of the Cape Youth Congress (Cayco) yesterday called for a full inquiry into the circumstances surrounding the killing of Mr Kriel.

Miss Michelle Kriel said she was very proud that her brother died for his people "because he cared about his fellow human beings".

Father murdered

"I should have been shocked when I heard that Ashley had been shot dead, but I somehow expected it," said the 24-year-old Ms Kriel.

"He was a very peace-loving person. I was very close to him, but knew very little about his political activities. I knew he was active in the school's SRC but I only heard this afternoon that he was a founder member of Bisco (the Bonteheuwel Interschools Congress)".

Ms Kriel said her mother was the sole supporter of the victim and his younger sister Melanie and left the house when it was dark in the morning and returned when it was dark at night. She did not know what her son did.

"My father was murdered when Ash-

ley was five years old. I always think about the man who killed my father when the police came in here with their guns.

"I pass him in the street often. He is free now after serving a few years. The police never hunted him — he gave himself up — the way they hunted Ashley."

"We, especially my mother and sister, received a lot of community support. I never knew he was so well-known because today people continuously streamed into our house. Everybody showed their support and that keeps us going."

"People have the wrong idea if there is talk of a 'terrorist'. If they (the police) called Ashley a 'terrorist', then we would all like to be called terrorists."

The victim's younger sister, Melanie, aged 19, said her brother had a lot of love for people and whenever he spoke to people he told them to love their neighbours.

"The word terrorist is so cold. What is a terrorist? Jesus died on the cross for our sins and Ashley died for his people," she said.

Michelle said the family had the right to know what had happened during the skirmish. They did not get much information from the police.

Police, she said, could at least have wounded her brother if he had tried to escape and given him a fair trial.

"I'm very proud, he died a hero," she said.

A Cayco spokesman said the "consistent economic and social injustices expressed by our people, led Mr Kriel to believe that merely being involved in a democratic and progressive organization was not enough."

Police said that Mr Kriel died last Thursday during a "skirmish" with police in Hazendal. Police confiscated a Russian-made grenade, a weapon and ammunition.

Cape Times 15/7/87 (229/251)

East Rand police on assault charge

JOHANNESBURG — Three East Rand policemen have been charged with the alleged assault of a teenager who was held at Daveyton last July.

Sergeant T H Bekker, Constable L Seota and Sergeant W Swanepoel appeared briefly in the Benoni Regional Court yesterday before magistrate Mr A J Becker

They were not asked to plead and the trial was postponed to July 29.

Prosecuting is Mr P W Merks. The three accused will be represented by the State Advocate.

The complainant is Mr Ruben Makhukhudu, one of two teenagers whose allegations of abuse at the hands of the security forces were featured in a World Council of Churches newsletter in March.

The document drew on information released by the Detainees' Parents Support Committee.

Case Title: RFB7

PR course for charge office cops

Staff Reporter

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THE Divisional Commissioner of Police, Brigadier Ronnie Van der Westhuizen, has introduced an in-service public relations training course for charge office policemen in the Western Cape

The course starts on Monday.

"We have received various complaints from people saying that they are not being treated well in charge offices

"All members of the police force doing charge office duty will therefore go on a special course in the finer points of public relations

"They will be trained to be more professional in the execution of charge office duties," Brigadier Van der Westhuizen said

The training course will be of a practical nature and senior police officers will visit charge offices to evaluate the progress being made by staff

"The ongoing training course has been introduced to build a better relationship between the police and the public," Brigadier Van der Westhuizen said

New talks on squatter conflict

By CHRIS STEYN
and CLARE HARPER

THE Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen, will hold talks today with Mr Jan van Eck, the Progressive Federal Party MP for Claremont, about the Crossroads-KTC squatter conflict

The meeting was confirmed last night by Mr Van Eck, who said he had also asked the divisional commissioner to meet all squatter leaders in the area to avert renewed fighting

Yesterday, at a press conference, the Masincedane Committee of KTC said they had never attacked the Crossroads community and "had no intention of doing so"

At the conference, convened after a warning by Brigadier van der Westhuizen that "there will be one hell of a war" if KTC attacked rival squatter groups, the KTC committee said they found the brigadier's warning "gravely disturbing"

The nine-member committee, representing some 25 000 squatters, said it was "ironic in the light of the events of June, 1986, and in the light of repeated calls by us over the last three months for protection against further at-

tacks, that we should be called upon to maintain the peace"

The committee said two-thirds of KTC was destroyed by Witdoeke from Crossroads, allegedly helped by police, according to a Supreme Court application in June last year

They said they were "most upset by the impression given by the brigadier that KTC residents were troublemakers"

The chairman of the committee, Mr Milton Mbewana, said there was no truth in the rumour that KTC intended to attack any other squatter camp

"The residents of KTC want to live peacefully and are willing to negotiate peace with anyone," he said

The committee said in a statement that they were alarmed that the brigadier said "he can only give an assurance that there will be no trouble from Crossroads if its residents are not provoked"

"We strongly believe that it is the duty of the police to protect each and every community unconditionally and we call on the brigadier to confirm this is his policy and assure the public and us that KTC will receive effective protection from any attack on it," the committee said

The committee secretary, Mr Gladstone Ntame, said that after the Archbishop of Cape Town, the Most Rev Desmond Tutu,

urged the squatters to make peace after the May/June battles, they had held talks and made peace with their former opponent, Mr Prince Gobingca

They said they would be pleased to make a similar peace agreement with Mr Johnson Ngxonbongwana, leader of the Old Crossroads community

The committee compared the brigadier's position in the Crossroads-KTC situation with that of a referee at a soccer match who had taken sides, and was about to blow the whistle

The Western Cape vice-president of the United Democratic Front, Mr Joe Marks, said the UDF viewed the brigadier's statements in "a very serious light"

Mr Marks said it was clear that "the brigadier is trying to prepare the public for yet another onslaught on KTC by Witdoeke from Old Crossroads and Khayelitsha

"It now seems clear that they will have a tacit, if not open, support of the SAP and the SADF"

He said that in spite of smears and insinuations, the UDF was confident that its affiliates in KTC would continue to behave in a disciplined manner and ignore any attempts to introduce a confrontation atmosphere into the squatter areas

BRITISH DEGREES

Mr. Botha... with... mother

SAP: ^{CME 7/14/87}
^{16/7/87}
Kriel ~~(17/8)~~ ~~(17/8)~~
trained in ²⁵¹
Angola

By CHRIS STEYN

POLICE yesterday disclosed details about the training and death of ANC member Mr Ashley Kriel, who they say was shot dead with his own firearm during a scuffle with police at an Athlone home last week

Police said Mr Kriel underwent training as an ANC guerilla in Angola during the past three years

In a statement last week, they said he died during a "skirmish" with police at a home in Hazendal, Athlone. Police confiscated a Russian-made grenade, a weapon and ammunition

A spokesman said yesterday that Mr Kriel left the country in December, 1985 and illegally crossed the border into Lesotho

From there, he travelled to Angola where he underwent guerilla training by the banned ANC, returning to South Africa in April

Last Thursday, the day Mr Kriel died, police received "certain information" and went to the home in Albermarle Road, Hazendal

On arriving there, they were confronted by Mr Kriel at the backdoor of the house where he pointed a firearm at the policemen

Police said a scuffle ensued and when they tried to disarm Mr Kriel, a shot went off and he was fatally wounded with his own firearm

The spokesman said that "everything that happened after that" was sub judice.

An inquest docket had been opened and police yesterday appealed to people with information about Mr Kriel's death to make sworn affidavits

Kriel killing protest

Cape Times 16/7/87

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Kriel killing — protest

By CHRIS BATEMAN
AND CLARE HARPER

SEVERAL thousand pupils of at least four schools in Bonteheuwel and Heideveld yesterday held rallies and placard demonstrations in protest at the police killing of a prominent former schools activist, Mr Ashley Kriel, 22

And the United Democratic Front, Western Cape, yesterday demanded an "immediate investigation" into the circumstances surrounding the death of Mr Kriel to allay the "deep suspicion in our community about the events surrounding the shooting"

Mr Kriel, whom progressive organizations identified as an ANC guerilla, was a founder member of the Bonteheuwel Inter-Schools Congress (Bisco) and left the country during widespread schools upheaval in 1985

He was mysteriously killed by police in a "skirmish" at a house in Hazendal, Athlone, last Thursday. Police said they found a Russian-made hand-grenade, a weapon and ammunition at the home

The regional vice-president of the UDF, Mr Joe Marks, said in a statement that the UDF demanded answers to the following questions

● Was Ashley Kriel assaulted or beaten up before he was shot?

● Did he attempt to use a firearm or any weapon to re-



PUPILS PROTEST ... Some of the thousands of pupils of three Bonteheuwel secondary schools who protested yesterday about the death of former schools activist Mr Ashley Kriel.

sist arrest, if so what weapon?

● Had he already been subdued or handcuffed at any time before the shooting?

Yesterday's main rally was at Bonteheuwel Senior Secondary School where more than a thousand pupils of the three main Bonteheuwel secondary schools gathered, festooning fences with placards reading "Our school belongs to the ANC"

After several speeches and the singing of "Nkosi Sikelele" in the school courtyard, hundreds of placard-waving pupils streamed out to march around

the school grounds and along several streets before dispersing

A similar rally was held at Cathkin Senior Secondary School in Heideveld. No incidents were reported at either school

Meanwhile at Portlands Senior Secondary School in Mitchell's Plain, pupils held a lunch-time rally in the grounds in support of teachers and pupils at Langa High School

● Langa High teachers yesterday entered their second day of talks with officials of the Department of Education and

Training (DET) over their refusal to compile registers of all pupils at the school and their unofficial reopening of the school. The meeting with DET will continue today

Police maintained a low profile at all rallies and no armoured vehicles were seen

Residents spoken to in Bonteheuwel and Heideveld expressed fear over the rising tensions in the area

The Western Province Council on Sport has postponed its sports day on Saturday because of the Kriel funeral

Two riot cops on murder charge

By SAHM VENTER

NEARLY two years after the death of a teenage girl and the wounding of several others, two policemen have been charged with murder and attempted murder.

Constable Ernest Villet and Warrant Officer Paulus Otto Germanus Kruger, then attached to the Riot Squad of the SAP and stationed in Parow, will appear in the Supreme Court on August 4.

It is alleged they murdered Ms Sarah Van Wyk in Bellville South on August 29 1985. It is also alleged that they attempted to murder Ms Mercia Coetzee, then 24, Ms Monica Daniels, then 20, and a minor.

The charges were confirmed by the attorney general's office this week.

According to the charge sheet Villet and Kruger who, with other policemen, were patrolling the Bellville South area, shot and killed Kruger and wounded the others after they ran or walked in the direction of where the policeman were hiding.

It is alleged that after removing burning objects from the intersection of Industry Road and Armada Crescent with the assistance of the fire brigade, Kruger, Villet and another policeman armed with shotguns, were instructed to conceal themselves behind a fence

and to use their discretion in acting against "the instigators".

According to the charge sheet, the police vehicle and the fire brigade then left the scene as did a group of people. Another policeman about 100 to 150m from the intersection then allegedly fired teargas at the group, believing them to be "about to cause unrest".

The people turned and ran or walked down Armada Crescent. When they passed the fence where the accused were hiding, seven shots were fired at them.

Van Wyk died instantly from a gunshot wound in the chest. The other three were hospitalised. Daniels spent six months in hospital where her right arm was amputated as a result of the shooting.

Coetzee, Adriaan Erasmus, then 24, and the minor were charged with public violence but were all acquitted last year.

Civil claims for damages have been instituted on behalf of the family of the deceased and of injuries sustained by Daniels, Blaauw, Johannes, Baron and the minor.

The legal representative acting for the family has been instructed to hold a watching brief in the criminal proceedings which has been set down for August 4 in the Supreme Court.

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Police chief denied
leave to appeal order

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Supreme Court Reporter

THE Divisional Commissioner of Police, Brigadier Ronald van der Westhuizen, has been refused leave to appeal to the Appellate Division against a Supreme Court order overturning a ban he imposed on a UDF meeting in April

Mr Justice H Berman, sitting with Mr Acting Justice J G Foxcroft, dismissed the argument advanced by counsel for the brigadier that the court's finding that his ban was unlawful "constituted a reflection on his character"

"This shows a degree of sensitivity quite uncalled for," the judges said "Findings that persons in official capacities have made incorrect decisions are frequently made by courts in review proceedings, yet such findings do not of themselves impugn these persons' characters"

The judges said that since the UDF meeting had long since been held, the brigadier's application boiled down to one against the order that he pay costs

Among considerations in applications like the brigadier's, apart from reasonable prospects for success, was the amount at stake — not much in this case, "for the hearing was a short one, and the papers limited in number", and whether the issue involved was alive or dead, as in this case

Another important factor was the significance of the matter to the parties. Since the meeting had long since been held, the matter was "no longer of the slightest importance" to the UDF. Its importance to the brigadier on the grounds of the stain on his character was dismissed.

Mr J J Gauntlett, instructed by Mallinck Rees Richman and Closen-berg, appeared for the UDF. Mr G D Griessel SC, with Mr C Y Louw and instructed by the state attorney, appeared for the divisional commissioner

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UDF rally: Court 'No' to police plea

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Supreme Court Reporter

THE Supreme Court has refused the divisional commissioner of police, Brigadier Ronnie van der Westhuizen, leave to appeal against an order allowing a banned United Democratic Front rally to go ahead on April 15

Mr Justice Berman, with Mr Acting-Justice Foxcroft concurring, found yesterday that the past could not be undone and that an order setting aside, on merits, a Full Bench decision to allow the meeting to take place could have no practical meaning or effect

The rally was held in the City Hall less than two hours after the court upheld an urgent application by the UDF against the ban imposed by Brigadier van der Westhuizen

The judges said "To all intents and purposes the application for leave to appeal is against the order as to costs"

They added that the costs for the short hearing and limited papers in-

volved were not substantial and that "a dead issue" was involved

No reflection on the character of Brigadier van der Westhuizen had been suggested by the court order, as submitted by his counsel, Mr G D Griessel, SC

"Findings that persons in official capacities have made incorrect decisions are frequently made by courts in review proceedings, yet such findings do not of themselves impugn these persons' characters

"In any event, the matter is no longer of the slightest importance to the UDF — it has held its meeting, which is now long over and done with"

The judges added, citing a House of Lords judgment, that it was an essential quality of an appeal that a matter in actual controversy existed between the parties which the court undertook to decide as a living issue

Mr J J Gauntlett, instructed by Mallinck, Ress, Richman and Cloenberg, appeared for the UDF. Mr Griessel was assisted by Mr C Y Louw and instructed by the State Attorney

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Not SAP policy to describe 'terrorists' as 'guerillas'

Cape Times 18/7/87

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From Lieutenant A LAUBSCHER, Office of the Divisional Commissioner, SAP, Western Province Division (Cape Town):

ON the front page of the Cape Times of July 16 under the heading "SAP Kriel trained in Angola", it is stated that "Police said Mr Kriel underwent training as an ANC guerilla"

I personally issued that statement and I never at any time described Mr Kriel as an ANC guerilla. In fact I emphasized that he was a trained terrorist.

It is not the policy of

the South African Police to describe callous murderers who kill indiscriminately by means of the most hideous terror methods such as car-bombs, limpet mines etc, as guerillas

The Concise Oxford Dictionary defines a guerilla as "a person taking part in irregular fighting" with the emphasis on "fighting"

A terrorist is defined as "one who favours or uses terror-inspiring methods of governing or of coercing government or community"

It is a conviction that the ANC has adopted terror methods and not

guerilla tactics in its ill-fated bid to seize power in South Africa.

In directly quoted speech, the Cape Times naturally uses the exact words of the speaker. This statement was in indirect or reported speech, in which it is our editorial practice to use the word which is most apt in a particular instance. An act of terrorism is described as such, similarly guerilla activity. In the absence of proof of terrorism (and, in spite of our correspondent's confident assertions, no such evidence has been presented in court in the Kriel case), the more neutral word guerilla is justified. - Editor, Cape Times

Vlok intent on police reform

MR ADRIAAN JOHANNES VLOK, the Minister of Law and Order, is emerging as the architect of some long-overdue reforms of the police force.

The minister is an image-conscious politician who seems intent on disposing of policemen who embarrass the force, and settling debts left by his predecessors.

One of his priorities has clearly been to improve the image of the police — something which suffered greatly under the stubborn pride of those who reigned in previous decades.

Mr Vlok has said that no police force or policeman should regard itself or himself above the law.

"Any policeman who goes beyond his legal powers, who acts in a way that clearly shows lack of compassion and of discipline, is not really a policeman but a bully posing as one."

"Just one brutal, unlawful act by a single policeman can cause more harm than the disciplined actions of 1 000 others," he said in April this year.

And, in December last year, he said that he hoped to project the image of the police particularly in the black townships "as those who protect and serve."

But, seen against the continuing conflict in the townships and limited access to these areas because of the emergency regulations, it would be dangerous to judge his progress.

His aides insist, however, that township residents once again trust the police. Proof of that, they say, is a sharp drop in the crime rate largely due to renewed co-operation between residents and the police.

And, in February this year, Mr Vlok said that the highest priority had been given to addressing black grievances.

"Grievances in some black townships we have identified are, for example, a lack of proper housing, insufficient education

"Just one brutal, unlawful act by a single policeman can cause more harm than the disciplined actions of 1 000 others". These are the words of Law and Order Minister Adriaan Vlok, who is changing the controversial image of the South African Police. Crime Reporter CHRIS STEYN examines the minister's apparent new strategy.

facilities and, generally, a lack of suitable water and electricity supplies."

Asked if he believed blacks perceived the police as protectors or as a force which was simply maintaining the power of a government whose policies they rejected, Mr Vlok replied "If we are not seen as protectors then we must change that perception because we are the protectors and the servants of this country and all its peoples."

"This is a very high priority with me and I'll do my utmost to prove that."

Speaking in Gordon's Bay in April this year, Mr Vlok said "A government must bring good government to the man in the street — and that does not mean only for whites."

"The man in the street must feel that government cares for people and we must look at legitimate grievances within the communities."

Predictions by political analysts — following immediately on Mr Vlok's appointment in November last year — were that a new approach to law and order was unlikely.

Opposition parliamentarians said he was not going to bring about any changes of significance.

They felt that "the most junior minister in the cabinet" was hardly the person to be in charge of one of the most crucial departments of state — one that needs very determined political management.

"What is required is a first-class manager and fairly heavy-weight politician," said Mr Tian van der Merwe, the Progressive Federal Party spokesman on Law and Order.

But Mr Vlok's critics conceded that he will be somewhat more conciliatory than some of his predecessors and that he will listen to criticisms.

And, the minister's actions in recent months seem to signify a shift away from the hard-line policies and unbelievable arrogance of some of his predecessors.

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□ Colonel Ignatius P S Terblance, the 84-year-old former Deputy SAP Commissioner — castigated for his role in the dramatic march on Cape Town by 30 000 peaceful black demonstrators on March 25, 1960 — was this month finally honoured by Mr Vlok. He described Colonel Terblance as "a legend in his own lifetime."

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She was murdered while being transported with sentenced male prisoners in a police van from Bredasdorp to Caledon in December last year. Her killer, Stanley



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□ Earlier this month, the head of the Bellville unrest unit, Captain Ockert van Schalkwyk, was replaced by another officer after being rebuked by two Supreme Court judges, one of whom said his conduct was "high-handed" and "unacceptable."

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□ In March this year, Mr Vlok confirmed that seven policemen had been suspended and one dismissed last year as a result of arrests, interrogations, detentions and other unrest-related activities.

Mr Vlok also said that 14 members with previous convictions and 30 without previous convictions had been discharged from the force.

The minister said that 196 members of the police were convicted of assault, 25 of whom had previous convictions of assault or assault with intent, while 35 were convicted of assault with intent to do grievous bodily harm, one of whom was previously convicted of assault and another of assault with intent.

Of the 10 members convicted of culpable homicide, one had a previous conviction of assault with intent while one of the eight convicted of murder, had a previous conviction of assault with intent.

□ After a meeting with veteran civil rights activist Mrs Helen Suzman in July last year, Mr Vlok — then still deputy minister — gave a firm undertaking to investigate a series of complaints relating to emergency detainees.

Mrs Suzman said that Mr Vlok had been "prepared to listen sympathetically" to the com-

plaints of detainees and their relatives presented to him and he had "expressed dismay" at some of the individual cases she had brought to his notice.

Among the complaints and conditions Mr Vlok promised to investigate were the failure by authorities to inform people about the detention of relatives. Specific instructions have been issued to police and Mr Vlok said he would see to it that these were complied with.

□ Mr Vlok also promised that "self-examination" by police of problems relating to their public image will play an important role under his leadership.

Following this promise, an in-service public relations training course for charge office policemen in the Western Cape will be introduced this Monday.

"The ongoing training course has been introduced to build a better relationship between the police and the public," said the divisional commissioner.

Mr Vlok, a former private secretary to the past Minister of Justice Mr P C Pelser, and a former assistant private secretary to Mr John Vorster when he was Prime Minister, is regarded in political circles as a good administrator and a hard worker.

He is also regarded as an approachable politician. And, unlike some of his predecessors, Mr Vlok enjoys a quick retort.

In 1982, as Nationalist MP for Verwoerdburg, he said in a reply to Mrs Helen Suzman in the parliamentary debate on the Rabie Commission Report "She makes a big song and dance about people being in solitary confinement, but in the same breath she attacks the minister because detainees are being interrogated for long periods of time. How is it possible then to describe them as being in solitary confinement if they spend so much time being interrogated?"

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Hansen, was sentenced to death after being convicted of murder in a Supreme Court trial.

Mr Vlok said "To prevent a recurrence of events of this nature and the joint transportation of male and female prisoners, strict instructions have been issued."

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AG THE ...



ABOVE: Mr Jan Van Eck, MP, yesterday called for the dismissal of Major Odendaal, photographed here in an incident concerning an ANC flag at Saturday's funeral of Ashley Kriel. **Report — Page 3** Picture 'ADIL BRADLOW, Afrapix

LEFT: Pall-bearers at the funeral of Ashley Kriel move through the streets of Bonteheuvel with the coffin.

APR 11 1937 217 7/8 2 3511 357

Man acquitted of bomb-scare call

Court Reporter

A MAN was acquitted yesterday in Wynberg Regional Court of making an anonymous telephone call in which he threatened to blow up a block of flats housing mostly policemen.

Mr Darryl William Ackerman, 29, of Lentegeur, was charged with making a bomb threat by way of an anonymous call to Detective Constable L. Aspeling at Servamus Flats, Wynberg, in July last year, alternatively, making a false statement regarding an explosion.

Earlier the magistrate, Mr F. Botes, ruled as inadmissible an alleged confession made by Mr Ackerman after his arrest.

Mr Ackerman said he was arrested and told to make a statement. He refused and was "pushed around" by Lieutenant Abraham van der Westhuizen.

His hands were handcuffed tightly behind his back and Lieutenant Van der Westhuizen kneeled and punched him.

He said "something wet" was tied over his head and he felt as if he was suffocating.

He was thrown to the ground and assaulted.

Later he was released and asked to sign a "fingerprint form" but was not in a fit state to read the form. He said he was made to sign the statement under false pretences and denied making a

confession.

Mr Botes said the State had failed to prove that the statement was made voluntarily and fairly.

Detective Constable Aspeling said he had had previous encounters with Mr Ackerman. When he received the call he recognized Mr Ackerman's voice, as he had a speech defect.

Mr Botes said: "The fact that he knew the accused was not enough. Although he speaks with a slight lisp, it is not a peculiarity that sets his voice apart from others."

Mr N. Erasmus prosecuted. Mr M. Albertus appeared for Mr Ackerman.

CALL TO DISMISS TOP COP

AN MP has called on the police to fire the head of the Cape Riot Squad chief for his handling of a funeral on Saturday.

Mr Ian van Eck, Progressive Federal Party MP for Claremont, said he would lodge an official complaint with the Minister of Law and Order and the Divisional Commissioner of Police against Major Dolf Oudendaal

"He was beyond the pale," Mr van Eck said about Major Oudendaal's handling of the funeral of African National Congress (ANC) activist, Mr Ashley Kriel

"The police appear to be trying to clean up their image in the Western Cape

"If so, they must get rid of Major Oudendaal. He is always like this and I have complained about his conduct before"

Major Oudendaal was in charge of the huge police contingent which surrounded the New Apostolic and Anglican Churches in Bontheuwel

Mr van Eck said it appeared the major had "lost his temper" at the funeral when he saw Mr Kriel's coffin was draped with the ANC flag — in defiance of an earlier agreement struck between the clergy and the police

"While the clergy was trying to persuade youths

Behaviour at burial slammed

to remove the flag, an aggressive exchange took place between police and some mourners but no violence was used by anyone

"All of a sudden, Major Oudendaal broke and completely lost his cool and started shouting "get the teargas, men Shoot, shoot"

"I shouted at him There are ministers, there is a coffin" But he was unwilling to listen to reason

"And then we saw the disgusting spectacle — the most disgusting spectacle I've ever witnessed — of heavily armed policemen shooting teargas canisters right at the clergy"

Mr van Eck said until then there had been no violence and the clergy

was still trying to negotiate with the youth to remove the flag"

"Then, as if that was not enough, police shot teargas into the church I saw it billowing out, and scores of people, including children and elderly women were trapped inside, choking and retching"

Mr van Eck said that after several similar incidents in the past, Major Oudendaal was unpopular in the townships

"This can't go on There are police capable of handling this sort of situation fantastically"

81 (81) (81) (81) CAG Times 22/7/87

Police action at funeral is defended

By CHRIS STEYN

THE Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen, last night came out in support of Major Dolf Odendaal, acting commander of Cape Town Riot Squad, who was in charge of security forces at the Ashley Kriel funeral on Saturday

He said some conditions placed on the funeral of the ANC "terrorist" were not kept and an illegal gathering was held, at which Major Odendaal acted after repeated warnings to the crowd to disperse were ignored

But Progressive Federal Party MP Mr Jan van Eck, who called for the dismissal of Major Odendaal, stuck to his description of police action at the funeral as "the most disgusting spectacle I have ever witnessed"

Formal complaint delivered

While Mr Van Eck maintains that "peaceful crowds" were teargassed at the funeral, police have shown journalists videos which indicated that restrictions were contravened

Mr Van Eck said he had delivered a formal complaint about Major Odendaal to the Divisional Commissioner of Police yesterday afternoon

"I had a long discussion with the Divisional Commissioner," he said, "and he told me they were busy with a full-scale investigation"

However, Brigadier Van der Westhuizen last night denied that a full-

scale investigation had been launched

Mr Van Eck said a formal complaint would be delivered to the Minister of Law and Order today

The United Democratic Front (UDF) also supported calls for disciplinary action against Major Odendaal, and his dismissal

Meanwhile, Mr Van Eck has been the victim of a bomb threat and aggressive phone calls

Mr Van Eck, MP for Claremont, said a woman telephoned his home yesterday about 4pm and told the domestic worker who answered the phone "They must be careful when they come home There will be an explosion"

The bomb threat followed, "a number of very aggressive phone calls"

And in another development yesterday, three prominent church leaders criticized the way police handled funerals with political connotations

They expressed dismay at the turn of events at the funeral of Mr Kriel, which ended in police firing teargas at the crowd, including church leaders

The press conference was called by Anglican Archbishop Desmond Tutu, Roman Catholic Archbishop Stephen Naidoo and Dr Allan Boesak, Moderator of the NG Sendingkerk, who all supported the call for disciplinary action

A Law and Order spokesman said yesterday that the police were quite prepared to have kept a low profile, if the church leaders had kept their part of the agreement

Tractor death: Colonel tells of statement

CPM Times 22/7/82
Court Reporter

A STATEMENT that a policeman, charged with culpable homicide, had dragged a farm labourer behind a tractor was taken down "word for word", the Parow Regional Court heard yesterday.

Lieutenant-Colonel George Potgieter was giving evidence in the trial of Detective-Sergeant Gert Jacobs, of Rusthof Farm, Kuils River, and Sergeant Hermias Rossouw, 35, of Herte Street, Kraaifontein, who pleaded not guilty to causing the death of Mr Dawid Morris, 35, by hitting him, tying him to a tractor and dragging him on farm land.

They also pleaded not guilty to assaulting Mr Johannes Alkaster with intent to do grievous bodily harm.

Fight over 'panga'

Detective-Sergeant Jacobs admitted hitting the dead man but said it was in self-defence. Both policemen denied dragging Mr Morris behind the tractor. They said he was tied to the tow bar in a sitting position to be transported and fell off.

Detective-Sergeant Jacobs said he and Sergeant Rossouw went to the farm Rotterdam to investigate a disturbance. There Sergeant Rossouw had attacked Mr Morris who was stealthily approaching D/S Jacobs with a "panga".

Detective-Sergeant Jacobs wrestled the panga from Mr Morris's grip, and handed it to Sergeant Rossouw who moved off.

Later, Mr Morris attacked him again with the "panga" and a fight ensued. Eventually Detective-Sergeant Jacobs brought Mr Morris under control and fetched the tractor to transport him.

Chicken coop

Colonel Potgieter said he took Detective-Sergeant Jacobs's statement down "word for word". The statement said Mr Morris was dragged behind the tractor for 30 to 40 metres.

Mr Alkaster, the complainant in the assault matter, said he was hiding in a chicken coop after being assaulted by Detective-Sergeant Jacobs.

He saw the two policemen hitting Mr Morris, tying his hands to the tractor and dragging him face down to an adjoining farm, where he worked.

The hearing continues today.

Mr J C Botha was the magistrate. Mr J Luckhoff prosecuted. Mr H C Trisos appeared for the policemen.

AKGUS 22/7/87

'Attacked me like madman' detective

251

Tygerberg Bureau
DETECTIVE-SERGEANT
Gert Johannes Jacobs of Brackenfell described to the Regional Court, Parow, how he had seated and tied a farm worker to a tractor's towbar but failed to notice he had fallen off.

The Brackenfell policeman and a colleague, Sergeant Hermias Cornelius Rossouw, 35, of Herte Street, Kraaifontein, have pleaded not guilty to charges of culpable homicide following the death of Mr Dawid Morris, who was allegedly dragged behind a tractor, and to assaulting Mr Johannes Alkaster on November 2 last year

Mr Morris died in Tygerberg Hospital of multiple injuries including a damaged heart, lacerated liver and ruptured colon

Detective-Sergeant Jacobs said in evidence he had transported Mr Morris by tractor as he had been "too tired to carry the man" after a fight with Mr Morris when he had arrested him

The off-duty policeman, who had been keeping an eye on the Rotterdam farm, near Kuils River, in its owner's absence, had been investigating a row between a group of squatters and farm labourers when he

was allegedly attacked by Mr Morris with a panga

He believed Mr Morris had been "out to kill me" and he had been defending himself and also tried to arrest him

"He seemed like a madman, or someone under the influence of something, as my blows with my stick and fists seemed to have no effect on him. He kept coming at me, howling that he would kill me," he said.

"I tried to get the panga away from him, hitting him with my stick on his hands, and also hit him with my fists to try and knock him out"

Feet tied

He said Mr Morris had refused to stand on the tractor to be transported to the farmhouse. Detective-Sergeant Jacobs tied Mr Morris to the tractor's towbar by his feet

The policeman drove towards the farmhouse to call the Kuils River police, with Sergeant Rossouw standing on the tractor as a passenger.

Detective-Sergeant Jacobs said he had not heard Mr Morris fall off or Sergeant Rossouw shouting at him to stop.

Detective-Sergeant Jacobs yesterday denied having assaulted Mr Alkaster and also denied breaking his arm with a "heavy, blunt weapon"

The hearing continues today.

Minister faces suits claiming over R300 000

Supreme Court Reporter

THE Minister of Law and Order is facing four Supreme Court suits for damages totalling over R300 000 arising from the destruction of large parts of KTC and the earlier total destruction of the Portland Cement, Nyanga Bush and Nyanga Extension squatter camps last year

The first of these, brought by Mr Patrick Mzamka and 20 other KTC residents with claims totalling R132 702, is scheduled to be heard on September 15.

However, the minister has now applied to the Supreme Court for an order consolidating the four cases into one

A letter before court from the Legal Resources Centre, attorneys for the plaintiffs in all four suits, says the main reason for their opposition to the consolidation application is that their preparations for the first trial were "far-reaching and well-advanced"

The letter said the trial was on a very wide issue — the destruction of KTC camp — and would be long and expensive. Its scope and length would be more than doubled if the consolidation was granted

3 300 suits

It added that the minister's resources were unlimited while those of the plaintiffs were not, and pointed out further that the LRC had made a number of attempts to negotiate ways to minimize the work and expense involved in the four Supreme Court suits and some 3 300 suits to be heard in the Magistrate's Court

These attempts were fruitless, however, and no reply had been received from the minister on the latest proposals made in December

All four suits allege that police either actively helped "witdoeke" in their mission of destruction, or unlawfully failed to take reasonable steps to prevent it

The application was postponed indefinitely yesterday

Mr Justice A J Lategan presided. Mr F D J Brand, instructed by the State Attorney, appeared for the minister

ARGUS 23/7/87 (251)

METROPOLITAN

I was denied rights — policeman in death case

Tygerberg Bureau

A POLICEMAN accused of culpable homicide after allegedly dragging a farm worker behind a tractor has claimed that police did not allow him to make a statement to a magistrate before his arrest

Detective-Sergeant Gert Johannes "Jakes" Jacobs and a colleague, Sergeant Hermias Cornelius Rossouw, have pleaded not guilty in Parow Regional Court to charges of culpable homicide following the death of Mr Dawid Morris

They have also pleaded not guilty to charges of assaulting farm labourer Mr Johannes Alkaster

Sergeant Jacobs said he had been off duty but keeping an eye on Rotterdam dairy farm, near Kuils River, in its owner's absence

Statement "inaccurate"

He claimed he had to defend himself against an enraged, panga-wielding Mr Morris while investigating a row between squatters and farm labourers on November 2 last year

He claimed that his pre-arrest statement to police was inaccurate in many places because Lieutenant-Colonel George Potgieter of the CID in Bellville — who "denied my request to make a statement to a magistrate" — had not taken his statement down word for word

His superior officer, he alleged, did not read it back to him and did not warn that the document could be used as evidence against him

Colonel Potgieter has denied these allegations

Drastic change

During cross-examination yesterday public prosecutor Mr Johan Lückhoff accused Sergeant Jacobs of being the aggressor

He said "How do you explain that the deceased underwent such a drastic physical change from the time of your fight and the subsequent transporting by tractor?"

"The medical evidence was that he suffered two broken leg bones, a torn heart, lacerated liver and kidneys and many other injuries, including facial and body lacerations possibly caused by dragging"

Sergeant Jacobs said "Someone else must have assaulted him after I had left him"

The hearing continues today



Picture DOUG PITHEY, The Argus

SHAPING UP: Fitness fanatics will be out in force during a four-hour aerobics marathon organised by the Cape branch of the South African National Aerobics Association at the Gardens Centre on Saturday Testing their muscles for the event are, from left, Clive Sussman, Susan Holzer, Harry Casper, Heather Wallace and Alicia Trimmer.

Sea Point to get its own free hopper bus service

Municipal Reporter

THE city's second free hopper bus service is to be introduced in Sea Point next month

Sponsored by the five main supermarkets in the area — Checkers, Pick 'n Pay, Woolworths, Grand Bazaars and Shopping Spar (Green Point) — the service will run every Friday between 10am and 3pm

The first trip is on August 7

"The idea is to assist the elderly, young mothers and domestics to get down to the Main Road, do their shopping and be returned home with their parcels," said Mrs Lydia

Abel, convener of amenities of the Green and Sea Point Ratepayers Associations, which is organising the service

The trips will be at 10am and noon from Stop 5060 in Ocean View Drive, along Fresnaye Avenue, Kloof Road and Queens Road into Main Road, and at 11am and 1pm from the corner of Kloof Road and Fresnaye Avenue along Ocean View Drive, Buitengracht, Somerset Road and Main Road

The return journeys will be at 11 30am, 1 30pm and 2 30pm from the Sea Point bus terminus and at 12 30pm from the Spar supermarket

CAPE Times 24/7/87

Kriel video misses 'critical moment'

Political Staff

THE police video of the funeral of Ashley Kriel last weekend did not change any of the conclusions he had reached about the actions of Major Dolf Odendaal, Mr Jan van Eck, the Progressive Federal Party MP for Claremont, said yesterday

He said the video had not covered the critical moment when Major Odendaal ordered the firing of teargas on the clergy. It highlighted the large police presence from the start of the funeral, in spite of the agreement reached with the clergy that the police would maintain a low profile.

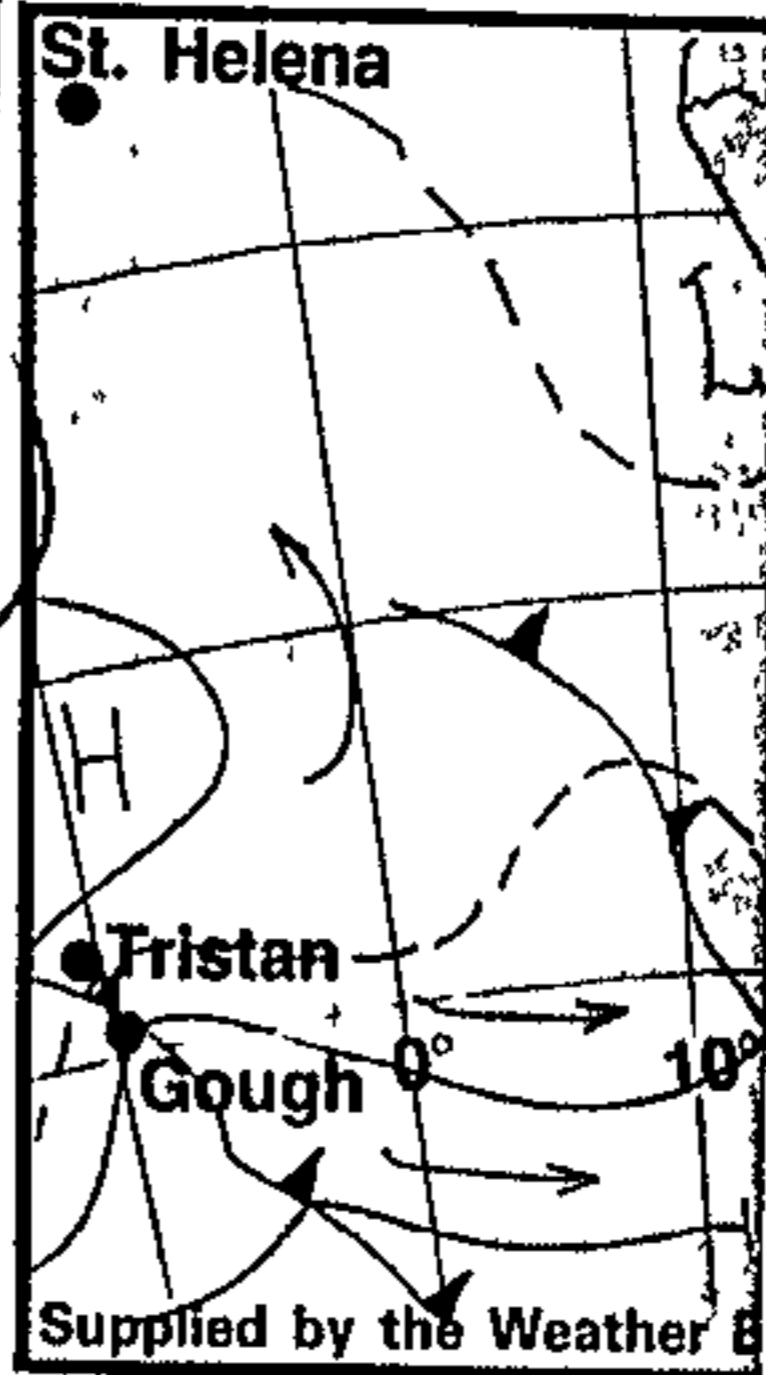
Mr Van Eck saw the police video of some of the events at the funeral yesterday afternoon together with Mrs Val Rose-Christie, the full-time organizer of the PFP's Unrest and Monitoring Group.

He said afterwards "In view of whatever new light the video contains, I have no reason to change any of the conclusions that I reached about the actions of Major Dolf Odendaal.

"Specifically, what the video did highlight was the very large police presence, right from the very beginning of the first service — something which was exactly the opposite from the agreement reached between the clergy and the police, namely that the police would maintain a low profile.

"I had not seen the cemetery itself. The spectacle of a police camera filming mourners at a graveyard was fairly distasteful.

"However, the video was an incomplete version of the events and it did not cover at all that critical moment when Major Odendaal lost control, or lost his temper, and ordered the police to shoot teargas at the clergy," he said.



Fine air

CAPE PENINSULA and vicinity and Western Cape Coast Belt Fine and warm, but it will become cloudy and cooler towards the evening with light rain. The wind will be moderately northerly becoming north-westerly today. The minimum and maximum temperatures will be between 6 and 24 deg C.

YESTERDAY'S READINGS

Barometer	noon 1021.6	8pm 1022.1
Humidity	41.0	92.1
Temperature	22.3	6.1

max 23.7 min 25.2

(At D F Malan 24 hours to 8pm)

Hours of sunshine 9.8

Wind (D F Malan) 8pm Calm

TIDES (TABLE BAY) TODAY

High 0231 1459

Low 0843 2104

Sun sets 1801 rises 0745

Moon rises 0702 sets 1636

TIDES (TABLE BAY) TOMORROW

High 0307 1530

Low 0914 2134

Sun sets 1802 rises 0744

Moon rises 0744 sets 1735

PHASES OF THE MOON

New Moon, July 25

First Quarter, August 2

Full Moon, August 9

Last Quarter, August 16

POOL, SEA TEMPERATURES

Mulzenberg Pool 13 Sea 12

Sea Point Pool 13 Sea 12

Newlands 12

teley

TV schedules, supplied by the

- 6 00- 8 00 Good Mornin
- 3 27: Programme Schedu
- 3 30 Take a Break Mus
- 4 00: Fast Forward Pop
- 4 30. Wizard of Oz
- 4 35 Hand in Hand. Reli
- 4 40 Santa Barbara The families
- 5 05: We Got it Made 1 David have second

Argus 25/7/82 257

Major Dolf Odendal: controversial bravery

by ROBERT HOUWING, Weekend Argus Reporter

Town — if not in his imposing physical presence, then as an occasional conveyor of police warnings and instructions from a loudhailer in his blue, wire-meshed van

At the Kriel funeral last Saturday, Major Odendal leapt in to attempt to intercept an ANC flag that was draped over the coffin as mourners filed out of the Anglican Church

The lone policeman tussled with several mourners — including Dr Allan Boesak, president of the World Alliance of Reformed Churches, and Moulana Faried Isack, national coordinator of the Call of Islam — for several seconds before the flag was bundled into the hearse and driven away

Major Odendal completely lost his cool and started shouting 'Get the teargas, men! Shoot!', Mr van Eck said

Mr van Eck said he lodged a formal complaint against Major Odendal to the Divisional Commissioner earlier this year, objecting to his "provocative methods"

"If the police are serious about moving away from 'Rambo-style action', they must remove Major Odendal from his sensitive position"

This week, however, Brigadier Ronnie van der Westhuizen, divisional commissioner for the Western Cape, said he "fully supported" the actions of Major Odendal and colleagues in the reaction unit are known to admire him for bravery

On several occasions, reporters have seen Major Odendal walk fearlessly towards threatening crowds, on his own

In August 1985, he received extensive shrapnel wounds when a hand-grenade exploded as security forces dispersed mourners outside the home of a Guguletu unrest victim

Television viewers throughout the country watched a wounded and bleeding Major Odendal order his men to grab their shotguns seconds after the blast. He continued to give advice before being airlifted to hospital by helicopter

Interviewed in his hospital bed a day later, he said he felt "fine, apart from being a bit heavier with all that shrapnel"

Major Odendal is respected more for his brazen courage than tact or diplomacy

Visibly angry, he said "All you skollies and Ikeys (UCT students) had better leave the area now"

In the Crossroads feud last year, when police were accused of siding with the vigilante "witdoeke", Major Odendal and senior colleagues drove up and down surrounding roads in their van, broadcasting messages to the warring groups

Observers swore it was his voice saying, "Make love, people, not war"

The major has been at loggerheads with Mr van Eck before. At the end of a UDF rally in Mitchell's Plain early last year, Mr van Eck and Mr Trevor Manuel, UDF Western Cape secretary, had a sharp exchange of words with the major

They accused the police of adopting a confrontational stance after what Mr van Eck described as "a very radical but essentially peaceful rally"

Major Odendal has a strange "love-hate" relationship with journalists, particularly camera crews from foreign networks. Frequently, he reads them the riot act, as it were, in ordering them out of "prohibited areas" or "unrest zones"

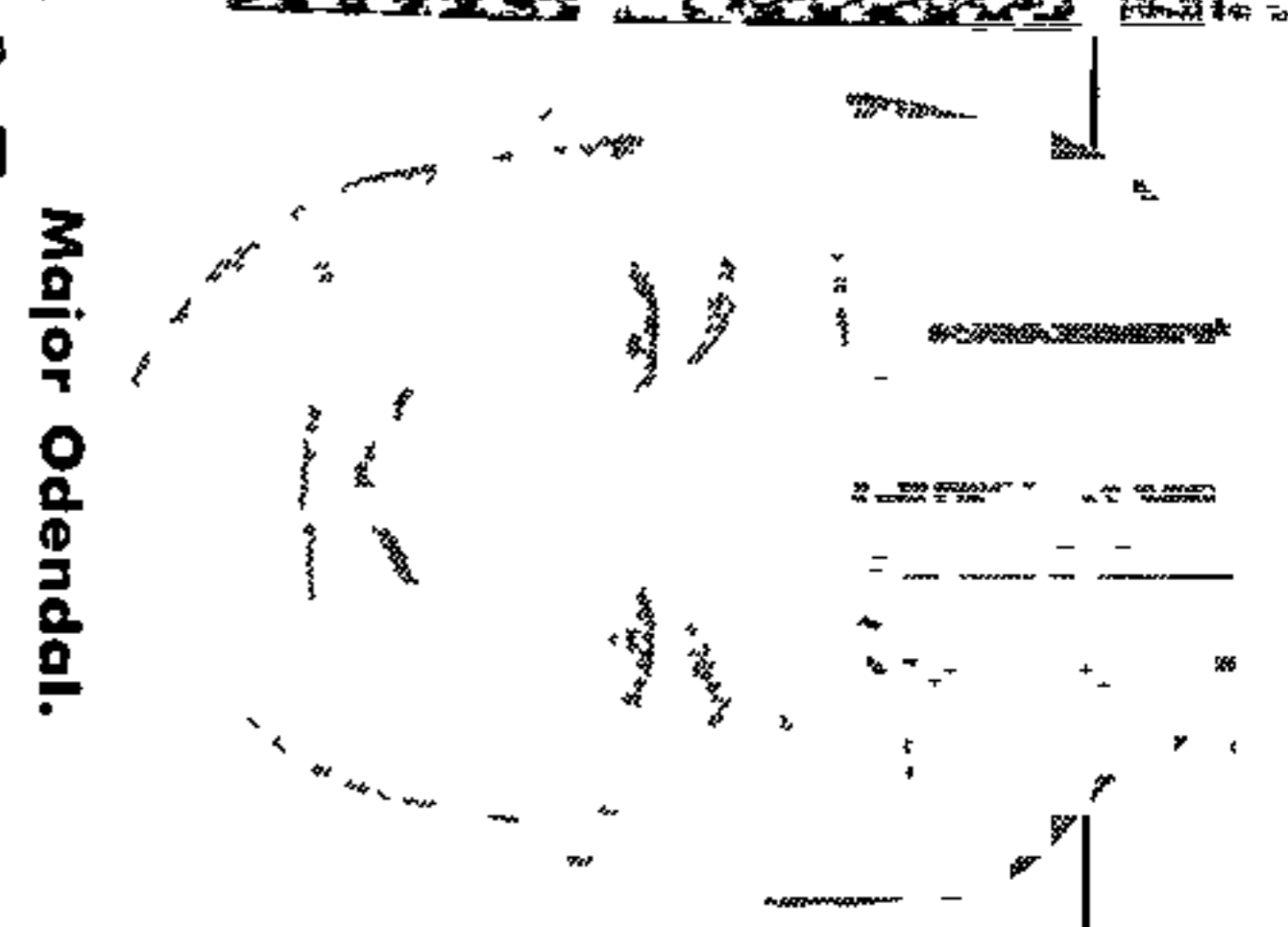
Although this relationship is more often acrimonious than cordial, there have been one or two humorous exceptions. Mr Craig Matthews, cameraman for Worldwide Television News

"I was standing on a certain shack, and did not know the major had spotted me — arranged a pincer-type bush"

Major Odendal crept up behind me and was seen by a soundman. He beckoned to my companion not to say anything before pouncing on my back

"I got a tremendous fright and he fell about laughing for good 10 minutes"

Brigadier Leon Meiring, spokesman for the Minister of Law and Order, declined Weekend Argus request to interview Major Odendal



Major Odendal.

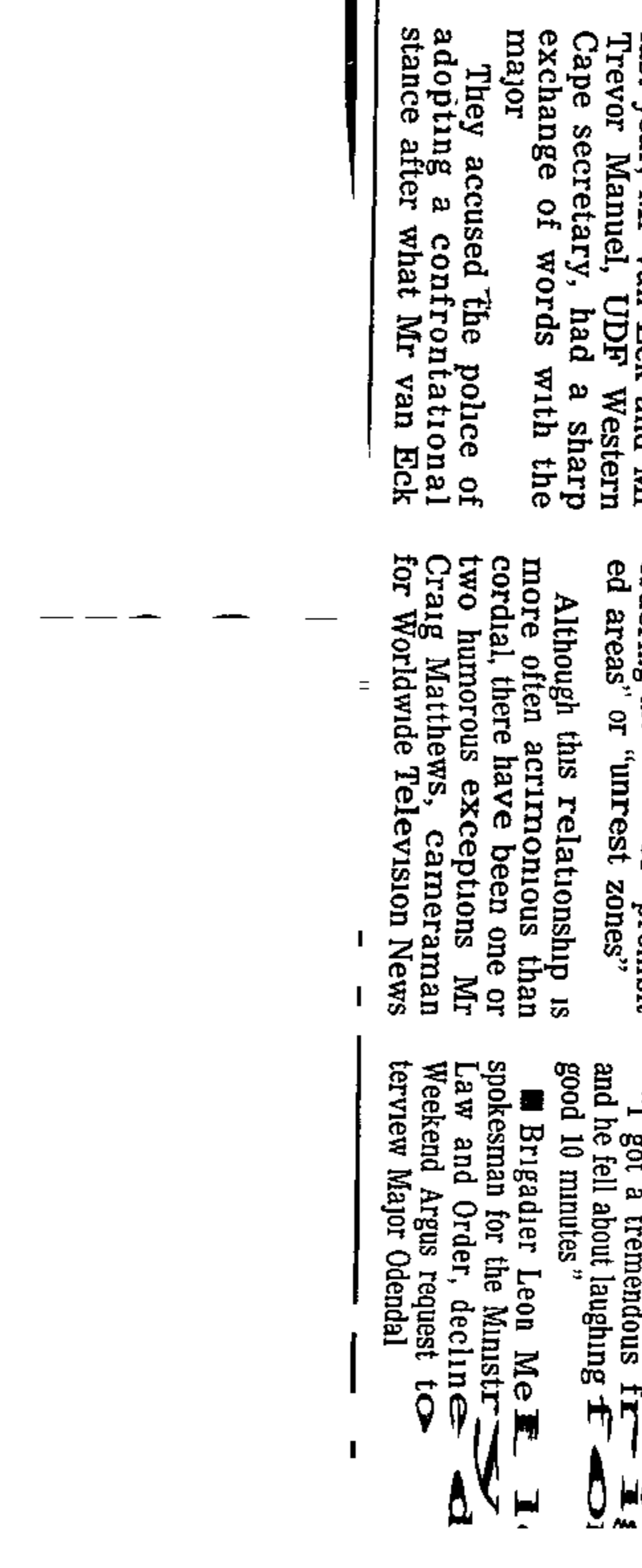
Major Dolf Odendal, second-in-command of the Peninsula's police reaction unit, is no stranger to controversy

Certainly, this last week's bill for his dismissal by Mr van Eck PFP MP for Laremont, following the policeman's conduct at the Bontevel funeral of African National Congress member Ashley Kriel, was not the first time he has been thrust into the media limelight

The long-serving officer, 43, a familiar figure to residents of the townships around Cape

During the famous "purple rain" incident in the city centre last year, when police dispersed crowds with purple dye from a water cannon, I was near a crowd of Adderley Street bystanders who were addressed by Major Odendal

NAME IN THE NEWS



CMB Times 25/7/87

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'Kriel was shot in the back'

Staff Reporter

AFRICAN National Congress member Mr Ashley Kriel was shot in the back at point-blank range, according to the pathologist who performed a private postmortem at the request of the family.

The pathologist, who can not be named for ethical reasons, said deposits of powder, deep in the bullet wound in the small of Mr Kriel's back, were "positive proof" that he was shot from behind at point-blank range.

The Kriel family requested a private postmortem to clear up

family and community suspicions surrounding the circumstances of Mr Kriel's death at an Athlone home a fortnight ago.

Mr Kriel's body was examined five days after the shooting.

Shortly after the shooting, police issued a statement saying Mr Kriel had died by a bullet fired from his own gun during a scuffle with police, who had been trying to disarm and arrest him.

The pathologist found what could have been the imprint of the muzzle of a gun circling the wound, and that the bullet had travelled along a horizontal,

slightly downwards path before exiting from the chest.

The pathologist also found a three-centimetre laceration on Mr Kriel's forehead and that the right side of his head was bruised.

Abrasions on his right upper arm and left shoulder were consistent with "someone being gripped in a struggle".

The pathologist found that an abrasion on Mr Kriel's chin could have been caused by his falling on to his face, possibly as a result of the bullet entering his back.

The date for an inquest still has to be set.



Mr Ashley Kriel

Cape Times 25/7/87

Police to curb special constables

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Supreme Court Reporter

THE Divisional Commissioner of Police for the South-Western Cape gave an undertaking in the Supreme Court yesterday that he would instruct police — and specifically 16 special constables — not to unlawfully arrest, assault or threaten residents of the Oudtshoorn township of Bongulethu.

The 16 special constables also gave an undertaking that they would not “arrest, detain, assault, seize possessions, enter into homes, threaten, insult, harass and intimidate in any manner whatsoever and interrogate in any manner other than that prescribed by law” Bongulethu residents

The undertaking was given during an application brought by the Bongulethu Civic Association and six others against the Minister of Law and Order, the divisional commissioner and the 16 special constables for an order similar to the undertaking given

The application was postponed yesterday for hearing on the semi-urgent roll after the undertaking was noted by the court

Sixteen affidavits filed in support of the application contain detailed allegations about what Bishop Elliot Maseti of the Bantu Zion Church of South Africa de-

scribes as “a reign of unchallengeable terror and unbearable oppression” perpetrated by the local special constables with the apparent support and sometimes active participation of other policemen

Bishop Maseti, ordained as a priest in 1960 and as a bishop 12 years later, is the elected chairman of the Bongulethu Civic Association, which he says represents the vast majority of the 6 000 residents, young and old

He says in his affidavit that he is deeply disturbed at the number of reports he has received about vicious assaults and harassment of residents by police, particularly special constables

‘Confrontation’

He himself is “very scared” of the special constables he has come to know from “seeing them loitering in the streets in groups of four or five carrying their dangerous weapons”

“It was as if they were looking for confrontation. They would regularly pick quarrels with young men and they would make suggestive remarks to young women,” he said

The bishop said one of the chief culprits was one Mr Bangi Saalman who used to be “a Bantu Administration official who vigorously executed and enforced pass laws”

Mr Saalman’s brother Zolile was “forced out of the township”, along with other policemen, by residents enraged by the killing of three children and the arrest of some 300 people at a commemoration service on June 16, 1985

The bishop said it seemed as if the Saalman brothers, and one Mr Basie Madewu, had returned “with a vengeance” to “settle their vendetta” while “holding themselves out to have the full protection of the law”

He says tension is rising in Bongulethu and increasing instances of retaliatory violence against special constables are occurring. He fears that unless the special constables are curbed, “we will be plunged back into the same mindless unrest and spiral of violence that we experienced during 1985”

He adds that Bongulethu does not have the convenience of a Supreme Court on its doorstep and local attorneys refuse to take on cases that are unrest-related.

Finally, Bishop Maseti says that charges laid against police “have not brought about any visible alleviation or change of attitude and conduct”

Mr Justice C T Howie presided. Mr I Farlam SC, with Mr J de Lange and instructed by Mr Kobus Pienaar of Fischer and Logan of Knysna, appeared for the applicants. Mr R van Riet, instructed by the State Attorney, appeared for the respondents

Post Focus

By BARRY STREEK

THE proposal by Constitutional Development and Planning Minister Chris Heunis for urban black people to have an elected National Statutory Council (NSC) to advise the Government and Parliament is not, essentially, a new reform.

A remarkably similar structure — the Natives Representative Council (NRC) — was introduced 50 years ago when Cape African men were deprived of the vote for Parliament.

The old council, which was also elected, collapsed within 10 years after its members found that its advice and views were totally ignored by the white-controlled Parliament.

One of the elected councillors, Paul Mosaka, called it a "toy telephone", a label which has stuck ever since.

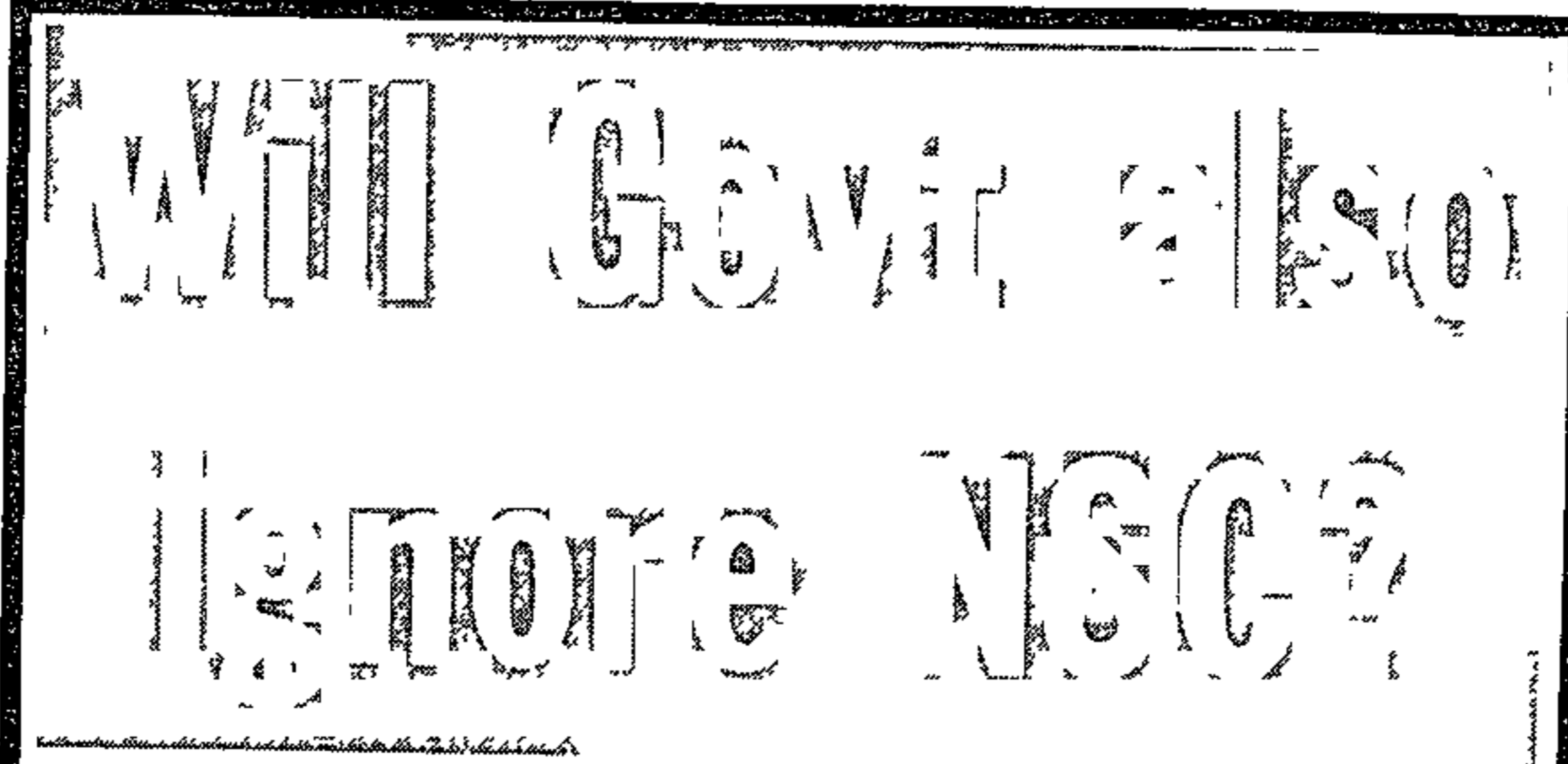
The NRC experiment was a political disaster.

Although legitimate black leadership, including prominent members of the African National Congress, served on the council, Parliament and the United Party Government refused to listen to its calls on fundamental political issues, such as the vote, the abolition of the pass laws, education and trade union rights.

In the process, black-white tensions increased and the credibility of Government leaders among black people was destroyed.

Among those whose reputation was severely damaged was the "liberal" Jannie Hofmeyr, Deputy Prime Minister in 1946 who, when he opened a new NRC session, paternalistically tried to justify racial discrimination and existing Government policies.

"Although the Council had a history of advice given and seldom taken, although it was a body of responsible men treated like children, although Mosaka had called it a toy telephone, yet it was the only link between white and black South Africa, the only means whereby



**'Liberal'
Hofmeyr's
reputation
shot by his
NRC speech**



Dr JAN HENDRIK HOFMEYR, Deputy Prime Minister under General Smuts.

**Can Heunis
dream be
shattered by
Statutory
Council?**

black South Africa could speak to their fellow-countrymen, and tell them their hopes and sorrows," Alan Paton wrote in his biography of Hofmeyr.

The Natives Representative Council and the proposed NSC are "in essence very similar proposals", says Andrew Merrifield, who is at present completing a doctoral thesis on the NRC for submission to Syracuse University in New York.

But, Merrifield adds, "we are talking about a very different society".

"It is much more complex than when the Secretary of Native Affairs could go from a council sitting, fetch some papers from his office next door and return to the discussions. The complexity of government has changed a lot."

When the NRC first sat in Pretoria in 1937, white politicians voiced hopes about the role of the council in a way which echo the statements being made 50 years later.

Hofmeyr, for instance, who voted against his own party in opposing the abolition of the Cape African franchise, said the NRC "may become a very important and valuable thing" which would be able to bring complaints quickly to the attention of the Government.

When he opened the first session of the NRC, Jan Smuts, then Deputy Prime Minister, said:

"This Natives Representative Council has been instituted as a constitutional body advisory to Government and Parliament, through which elected Native representatives are enabled to present the views and interests of their constituents to the Government and Parliament."

"It is the earnest wish of us all that through wisdom

and moderation, and in the statesmanlike use of the new opportunities, this notable advance may be fully justified and become a landmark in the happier relations between the European and Native people of this land," Smuts said.

Margaret Ballinger, one of three MPs who represented "natives" from the Cape, wrote that by the end of the first NRC session there was "little doubt that the mere opportunity to state their side of the case on levels they had never reached before relaxed tension in people who had for so long been not politically inarticulate, but beyond the range of Government attention."

The council terminated its first session "in the hopeful and firm belief that it had come into be-

ing, as one member expressed it, as a third chamber of the legislature, not only to be heard but to be listened to."

"Here indeed were grounds for encouragement and for hope," Mrs Ballinger wrote.

The members of the 16-member NRC were elected indirectly through local authorities to represent four provincial constituencies, each with an urban, a rural and a reserve member.

There were also four nominated Africans.

Among those who served were Dr John Dube, Selope Thema and Dr James Moroka, who were all at one time presidents of the ANC; Prof Z K Matthews, a prominent figure in the ANC, and Chief Albert Luthuli, who was the ANC president when it was banned in 1960.

Merrifield says that although there were no national elections for the council, "the idea was to have a representative NRC."

Although the Communist Party nominated candidates, particularly in the Transvaal and Orange Free State, the indirect system of election ensured that they "often came second or third in the polls".

At first, the NRC was consulted about how new laws affecting Africans would be implemented but "very soon they constantly began to question Government policy, even though the Government said they were not allowed to question policy."

"The final collapse of the council was precisely around this issue," Merrifield says.

"In the case of really crucial legislation, they ignored the council."

Despite the NRC demands for the scrapping of the pass laws, the Government tightened them up and in 1945 actually consolidated the controversial measures which were only recently abolished.

With this approach, the collapse of the council was inevitable, and it ceased functioning by the time Dr Hendrik Verwoerd closed it in 1950, telling the NRC that "the mistake many leaders of the Bantu make is to think only in terms of the highest superstructure of politics."

"Within this sphere they seek their own personal ambition, and forget that 99% of their people do not have these ambitions."

One of the major lessons of the NRC experiment was that advisory bodies, with little political power, are no substitute for political rights.

Whatever motivations and sincerity of officials and white politicians, that really will not change.

Indeed, Merrifield suspects that the proposed NSC will have the same effect as the President's Council.

"It won't be taken very seriously."

The NRC, in spite of having "a lot of credible leadership", was ignored.

And the chances of the revamped model succeeding 50 years later, without any prospect of luring credible leadership, having any greater success, seem very remote.

MP calls for firing of riot squad chief

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CT, 20/7/87

Staff Reporters

A PROGRESSIVE Federal Party MP has called for the dismissal of riot squad chief Major Dolf Odendaal, after peaceful crowds, led by clergy — including Roman Catholic Archbishop Stephen Naidoo — were teargassed at the funeral of ANC activist Mr Ashley Kriel on Saturday.

MP for Claremont Mr Jan van Eck intends to lodge an official complaint with the Divisional Commissioner of Police and the Minister of Law and Order against Major Odendaal, who was in command of the massive and heavily armed police contingent that surrounded the New Apostolic and the Anglican church in Bonteheuwel and lined the routes from the churches to the Matland cemetery.

The police force included Buffels, Casspirs, vans with dog trailers, two helicopters, which clattered overhead continuously, police marksmen on roofs opposite the Anglican church, a water cannon and a sneeze machine.

Apparently provoked by an ANC flag which draped the coffin as it was carried from the Anglican church, police opened fire with teargas after tussling with mourners, including the Rev Allan Boesak of the World Alliance of Reformed Churches, for possession of the flag.

Police comment on action at the funeral was given by Lieutenant R W Olivier, in Pretoria, who said "A few incidents took place at the funeral. Teargas was used to disperse small crowds of people. There were no injuries that we know of and no arrests have been made."

ANC flag

Mr Van Eck described it as "the most disgusting spectacle I have ever witnessed — the spectacle of heavily armed policemen shooting teargas canisters right at the clergy."

Mr Van Eck's description of events, confirmed by many people present, including reporters and TV crews, follows.

"A deal was struck earlier between Brigadier During, who was in overall charge of police, and the clergy, that the coffin could be carried out of the church but that the ANC flag had to be removed. The youth were unhappy about this.

"As the coffin was carried out of the gate, the clergy and pallbearers were faced by Major Odendaal — Brigadier During had gone — and I could see the man was quickly losing his temper. I managed to jump over the wall and ran to him to try to reason with him, by which stage it was clear he had lost control of himself.

"While the clergy were trying to persuade the youth to remove the flag, an aggressive exchange of words took place between police and some mourners, but no violence was used by anyone.

"All of a sudden, Major Odendaal broke and completely lost his cool and started shouting 'Get the teargas, men! Shoot! Shoot!'

"I screamed at him, 'Are you mad? There are ministers, there is a coffin!' But he was rude and out of control and completely unwilling to listen to reason.

"And then we saw the disgusting spectacle — the most disgusting spectacle I've ever witnessed — of heavily armed policemen shooting teargas canisters right at the clergy.

"Up to that point there had been no violence and the clergy were still trying to negotiate with the youth to see that the agreement was kept. After teargas was fired, one brick and a few stones came flying at police from behind the wall as people scattered in all directions.

"Then, as if that was not enough, police shot teargas into the church. I saw it billowing out, and scores of people, including children and elderly women, were trapped inside, choking and retching.

"Earlier, at the New Apostolic Church, although I tried to reason with him, Major Odendaal again snapped and shouted 'Shoot! Shoot!' as youth carried the coffin to the Anglican church around the block.

"Many teargas canisters were shot right at the people carrying the coffin in an obvious attempt to make them drop it."

Mr Van Eck said he lodged a formal complaint against Major Odendaal with the Divisional Commissioner earlier this year, objecting to the "provocative methods" he used and to "the fact that over a long period of time he has made a large contribution to the animosity that exists between police and township communities."

"If police are serious about normalizing relations with the township communities, they will immediately remove Major Odendaal from his sensitive position, after this latest undisciplined action forced thousands to witness the distasteful exercise of police violence against peaceful people," Mr Van Eck said.

He added that if police were indeed moving away from "Rambo style action" — as seemed to be indicated by disciplinary measures taken against Bellville riot squad chief Captain Ockert van Schalkwyk and the belated acknowledgement of the wisdom of Colonel (now Brigadier) Ignatius P S Terreblanche — action would have to be taken against Major Odendaal.

SADF Buffel

After the two church services, mourners — who numbered well over 3 000, in defiance of a police limit of 800 — drove bumper to bumper down Vanguard Drive to the Matland cemetery watched by impassive groups of white Goodwood residents behind a cordon of armed policemen who lined the 4-km route.

Police and troops also lined Voortrekker Road for some 3km as far as Crematorium Road and a SADF Buffel was stationed inside the cemetery where Major Odendaal and a squad of about 30 policemen — with a police video unit — positioned themselves about five metres from the grave.

Thousands were turned away from the cemetery by police, who blocked off Voortrekker Road after they said 800 mourners had been allowed in.

Mr Van Eck intervened several times at the cemetery in confrontations between police and reporters — one of whom, cameraman Mr Craig Mathews of WTN, was arrested and will appear in Cape Town Magistrate's Court this morning on charges of obstructing police and resisting arrest.

Police 'terror' halted

By ELSABE WESSELS

AN ENTIRE black community was this week granted relief from what was called a "reign of unchallengeable terror" through an interim court order granted in the Cape Town Supreme Court.

The order restrains the police from assaulting and harassing members of the community in Bhongulethu — the 6 000-strong black township on the outskirts of George.

The undertaking was given during an application brought by the Bhongulethu Civic Association (Bhoca) and six members of the community.

According to the temporary settlement, the Divisional Commissioner of Police for the South Western Cape gave an undertaking to instruct all members of the SA Police acting in the township not to unlawfully arrest, detain, assault, seize possessions, enter homes threaten, insult, harass, intimidate and interrogate any inhabitants of Bongeletu township.

In papers before the court, Bhoca chairman Bishop Elliot Maseti of the Bantu Zion Church of South Africa claimed he was particularly scared of the "kitskonstabels", special constables with shortened periods of training.

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SIT

24/7/87

BAIL FOR POLICE'S BUT FOR CONFLICT TO RESIGN

26/7/87
251
CPA



The coffin of Ashley Kriel is carried shoulder-high by mourners.

CP Correspondent

THE firing of teargas at clergymen and others attending the funeral of ANC activist Ashley Kriel has led to a call for the dismissal of Major Dolf Odendaal, the officer in command of the police at the funeral, by the MP for Claremont, Jan van Eck

Van Eck, who attended the funeral which was attended by about 3 000 mourners, said this week that putting Odendaal in charge of the funeral called into question the supposed "new approach" of the police to sensitive situations

"It has now reached the point where his presence is provocative in itself - he is 'Mr Conflict', he said

Recalling events at Saturday's funeral, Van Eck said Odendaal became enraged as Kriel's coffin was carried out of the church draped in an ANC flag

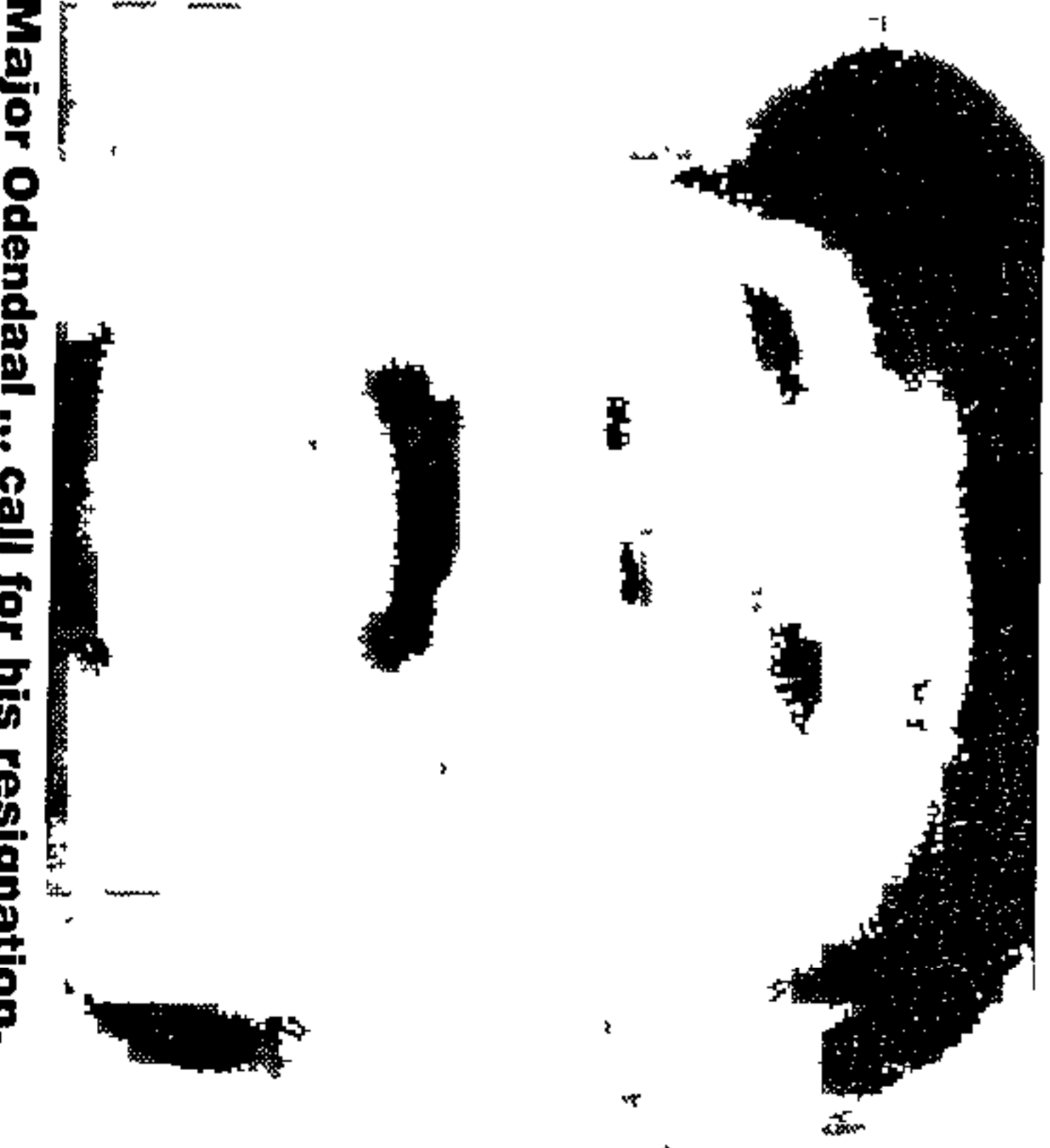
A police spokesman said the police acted at the funeral because conditions laid down by the police were ignored by mourners

"I jumped over a wall and ran to try to reason with him But he refused to listen

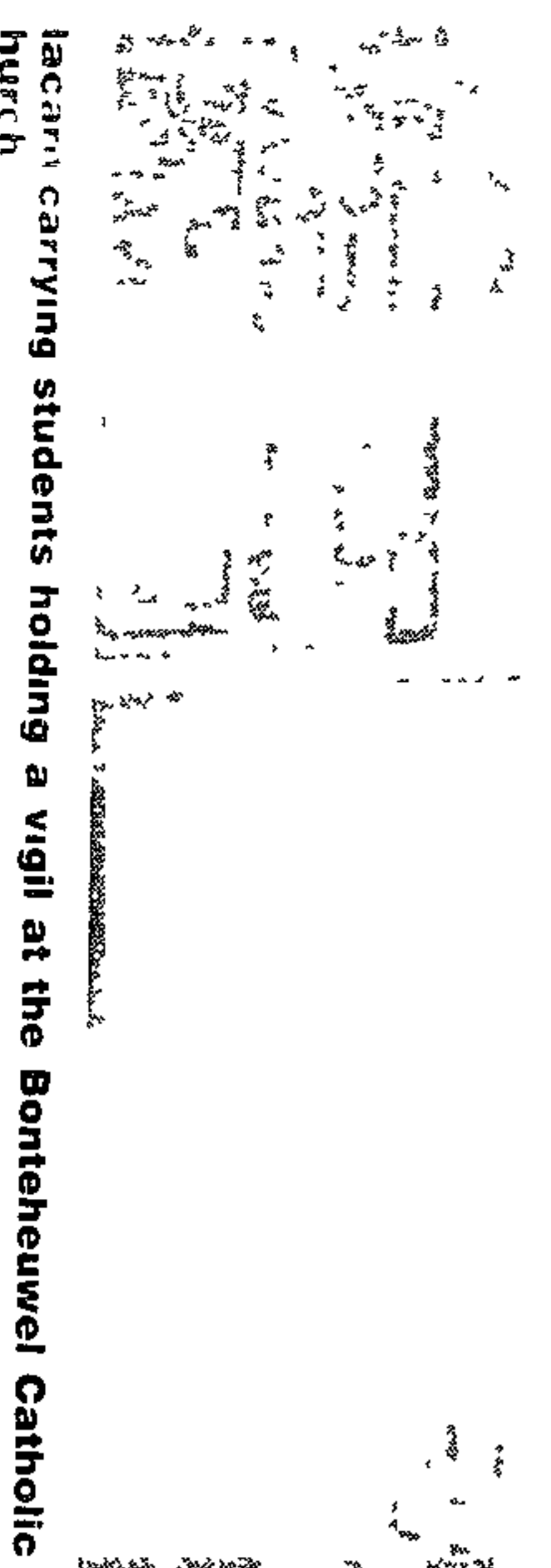
He added that an attack of police and other action by the crowd forced the action

"As members of the clergy were trying to persuade the youth to remove the flag Odendaal shouted at his men to fire teargas

Meanwhile, television cameraman Craig Ian Matthews, 29, pleaded not guilty in the Cape Town Magistrates' Court on Monday to a charge of attempting to evade arrest at the funeral of Kriel



Major Odendaal ... call for his resignation.



Students carrying a vigil at the Bontehuwel Catholic church

Accused captain given a transfer

CP Correspondent

AN EASTERN Cape police captain currently facing eight counts of assaulting Fort Beaufort township residents, has been transferred to district headquarters in Cradock.

But the transfer of the former Fort Beaufort station commander, Captain G Grobbelaar, to district officer did not "necessarily" mean he had been promoted, according to Eastern Cape police liaison officer Captain Peet Grobler.

Grobler's statement concluded months of speculation about Grobbelaar's standing in the force.

He said Grobbelaar was transferred "about two years ago".

The transfer took place soon after Fort Beaufort township residents alleged police assaults involving Grobbelaar.

Charges against him and four policemen under his command were brought 18 months later.

This followed the compilation of over 100 affidavits about the assaults, of which 34 were handed to the then-Minister of Law and Order, Louis le Grange.

Judgment is expected in early August - Albany News Agency.

U/View (251) 26/7/87

Cape Times 27/7/87 (25) (100) (100)

'The Mamelodi Massacre'

Cape Times Chief Reporter ROGER WILLIAMS last week visited the sprawling city of Mamelodi east of Pretoria — scene of a violent clash between protesting marchers and security forces in November, 1985 — to see what is being done there in a R100 million upliftment scheme. This is a second article on his observations.



STARK SYMBOLISM ... The front entrance to the house in central Mamelodi in which Dr Fabian Ribeiro and his wife Florence were shot dead by unidentified killers last December. The living quarters on the upper floor of the house were gutted by petrol bombs before the killings
 Picture PHILIP LITTLETON

WE WANT PEACE Colonel K S Lekganyane, police station commander of Mamelodi, told the Cape Times a survey of Mamelodi residents would show 98% see the police as protectors.
 Picture PHILIP LITTLETON

THE burnt-out shell of the double-storey home in central Mamelodi in which Dr Fabian Ribeiro and his wife Florence were murdered last December stands like some form of stark symbolism amid ambitious projects now under way to give the black city east of Pretoria a R100million facelift

Ribeiro's burnt-out home symbolic amid facelift

Dr Ribeiro, a prominent left-wing political leader, was known as "the people's doctor" in Mamelodi, and he was known to have kept detailed records, including photographs, of victims of clashes with the security forces

A white man, Mr Noel James Robey, who appeared at a preparatory hearing in a Pretoria North magistrate's court last month in connection with the murders, was acquitted on grounds that there was no direct evidence linking him with the killings

1985, when police and protest marchers clashed, Colonel Lekganyane said the first inquiries would be held "in a matter of months"

The last "necklacing" had been in February 1986

I visited his home last week during an all-day tour of Mamelodi, to see some of the work being done to uplift this sprawling city of 320 000 people which came into sharp international focus in November 1985, in what is referred to now by townspeople as "the massacre of Mamelodi"

There have been strong allegations of police complicity in the murders, but these have been emphatically denied by the SAP

A "tremendous amount" of investigation and paper-work had been involved, he added, and this had delayed the court hearings

The trouble at Mamelodi had started, he added, at the end of 1985 with a rent-boycott, and with townspeople refusing to report criminal matters to the police "People formed their own disciplinary structures including two 'kangaroo courts', the president of one of which was 14 years old and the other members of which were all under 18

Dr Ribeiro's brass plate is still on the gate-post of his home, which was petrol-bombed before he and his wife were shot, on December 1, by two masked men, said by some to have been white and by others to have been black. The suspected killers were seen fleeing from the scene by car

At an interview I had last Thursday with Colonel K S Lekganyane, station commander of Mamelodi, and Captain H F Boshoff of the SADF, who is in charge of the city's Joint Operations Centre, they said the Ribeiros had been killed by bullets from a 45-calibre firearm — a type of weapon no longer used by the police

Colonel Lekganyane also denied allegations I had heard in Pretoria of "police harassment" of residents of Mamelodi and of police interference at funerals

"These illegal courts have since been dismantled"

□ Asked why, in spite of ministerial assurances given at the time, no inquiries had yet been held on the 13 known victims of the shootings in Mamelodi on November 21,

"The troublemakers we have had to deal with in Mamelodi have come mostly from other areas"

When I put to him another allegation I had heard from residents of Mamelodi, that the SAP were no longer seen as the protectors of the people, (police are referred to by residents as "the system") he replied "I'm sure that if you did a survey you'd find that 98 percent of the people would say they see us as their protectors"

in a municipal area that now rates third, after Pretoria and Verwoerdburg, in the regional services councils (RSC) set-up in the Northern Transvaal

Mr Velelem Mashumi, public relations officer for the city council (Mamelodi acquired city status last year), who acted as my guide on the tour, said the residents of Mamelodi were "a very conservative people"

"This is the most-cosmopolitan and apolitical area I have ever come across," he said "In spite of the large number of ethnic groups here, the largest being North Sotho (with Nguni the dominant language-group), we have had no faction or tribal clashes"

"With the schemes the city council has embarked on, Mamelodi could become a model city for South Africa," he said

□ One could see, on this tour of Mamelodi ("place of melodies"), that the basic elements for creating such a model city are all there

And one was left hoping that, with the authorities striving to achieve this lofty goal, funds would also be made available for similar upliftment schemes and "model cities" in other parts of the Republic

□ Meanwhile, work is going apace on Mamelodi City Council's upliftment scheme,

Cape Times 28/7/87 (251)

Police shooting: Damages award

Supreme Court Reporter

THE Minister of Law and Order has been ordered to pay damages of R20 766 and the legal costs of the mother of a 16-year-old Langa boy who lost his right eye after being shot by uniformed police.

Mr Acting Justice B Hoberman said the shooting was "prima facie wrongful and unlawful and, if not intentional, was negligent".

Evidence was that on the evening of October 19, 1985, the boy was waiting with a companion opposite the Washington Road bus terminus for a friend, who had taken pants to a local tailor for mending.

He and his friend noticed a number of police vehicles parked on a sandy circle, with uniformed policemen carrying "long guns" standing by.

Three buses arrived, filled with mourners who had attended the funeral in Guguletu of certain "comrades" shot by police. The mourners disembarked, "speaking very loudly" about what they had seen at the funeral.

Soon after the mourners had passed and while the boy was facing away from the circle, he heard shots, turned to see where they were coming from and was shot in his face, shoulder, neck and back.

Both his friends were hit as well, and all took shelter in a nearby toilet. The boy was taken to hospital after some delay and his badly wounded eye subsequently had to be removed.

The judge remarked that evidence led on behalf of the Minister about police activities at the time was "quite inconclusive". He said he was unable to infer from the absence of a record of the shooting in the police "occurrence book" that Langa police were not involved.

He added that he found it "strange" that no one who could testify as to how the various local policemen were engaged at the time of the shooting had been called as a witness.

Mr J Krige, instructed by Buchanan Boyes, appeared for the boy's mother Miss A M de Swardt, instructed by the State Attorney, appeared for the Minister.

Cape Times 28/7/87

Refuse strike: Meeting today

Municipal Reporter

THE dustmen's two-week work-to-rule may end today if negotiations between their union and the City Council over a wage dispute are successful.

City Engineer Mr Des Riley confirmed yesterday that Mr Richard Friedlander, the chairman of the executive committee, would head the council negotiating team at the meeting today.

Mr Friedlander accompanied the mayoral entourage to Madeira recently. In his absence, Mr Louis Kreiner was left in charge of Exco, and when he fell ill Mrs Stott led the team. She expressed some unwillingness to make major decisions in the absence of Mr Friedlander and Mr Kreiner.

On Friday, council electricity workers joined the work-to-rule.

Mr Peter Rist, head of the Parks and Forests Branch, quashed speculation yesterday that workers from his branch would join the work-to-rule this week.

"I have had no reports of a go-slow at all. Everything is normal," he said.

Mr John Ernstzen, general-secretary of the Cape Town Municipal Workers' Association, could not be reached for comment late yesterday.

Rands and cents may pay your fare,
but a Toyota Corolla gives you a lot
more fun to share. So, if you're
looking for the best value for money
transport around get out of the

ficial use of a private vehicle will be paid on a kilometre tariff determined, periodically, by the Administrator

(b) This will be the situation when the RSCs come into being on 1 July 1987

Mr D J N MALCOMESS Mr Speaker, answering out of the hon the Deputy Minister's question, the question quite clearly asks what the annual salary is including allowances. It is also quite clear that that particular question has not been answered [Interjections] May I therefore ask the hon the Deputy Minister whether regional services councillors in the Algoa area in fact do receive a salary and, if so, whether that salary is irrespective of the number of days on which they actually sit—in which case it could, in fact, be increased by an allowance for attending such a meeting—or whether they only receive a sum dependent upon how many days they have attended?

†The DEPUTY MINISTER Mr Speaker, it is very clear from the reply before us that it is impossible at this stage to determine how many days there are going to be sittings. The responsibilities of each member of each regional services council still have to be determined, because in the Transvaal they are different from those in the Cape

†An HON MEMBER Algoa! †The DEPUTY MINISTER In Algoa I believe that in due course we shall be able to supply to the hon questioner with a detailed reply [Interjections]

New Questions

1 Mr D J N MALCOMESS—Agriculture [Withdrawn]

Medical Schemes Act

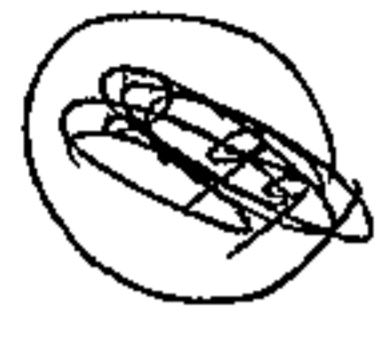
2 Dr M S BARNARD asked the Minister of National Health and Population Development—

- (1) Whether he recently received any representations in regard to the Medical Schemes Act, No 72 of 1967; if so, (a) from whom, (b) when and (c) what was (i) the nature of the representations and (ii) his response thereto,
- (2) whether he intends amending this Act, if so, (a) when and (b) what amendments are contemplated, if not, why not,
- (3) whether he will make a statement on the matter?

†The MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

- (1) Yes
- (a) The Medical Association of South Africa, The Dental Association of South Africa, The National General Practitioners' Group of the Medical Association of South Africa
- (b) 22 January, 1987, 28 January, 1987, 27 March, 1987
- (c) (i) Scales of benefits must be determined for all services, including the supply of medicine by medical practitioners, rendered to members and dependants of members of medical schemes, the Representative Association of Medical Schemes must be compelled to amend and publish the scale of benefits within three months from the date of the determination of a revised guide of fees by a professional association and to retain in the new scale of benefits the ratio between fees as determined by the professional association in its new guide of fees, all suppliers of services must be paid direct by a medical scheme in respect of services rendered to members of medical schemes and their dependants unless the account has already been paid by the member or credit facilities

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have been granted to the member, medical schemes should be bound to respect medical ethical rules, if an account is rendered by a supplier of services which corresponds with the scale of benefits, such account must be paid in full

(ii) A meeting was held on 9 April 1987 with all interested parties to discuss problems encountered with the provisions of the Act

- (2) Yes
- (a) As soon as the proposals have been cleared with the interested parties
- (b) It cannot be indicated at this stage
- (3) No

Statements critical of Government

*3 Mr S S VAN DER MERWE asked the Minister of Law and Order

Whether any persons or organisations have been prohibited from issuing or making statements critical of the Government, if so, (a) what persons or organisations, (b) when, (c) why, (d) in terms of what statutory provisions and (e) who took the decision in this regard?

The MINISTER OF LAW AND ORDER.

No. (a) to (e) Fall away

Independent Black states

*4 Mr S S VAN DER MERWE asked the Minister of Foreign Affairs:

Whether the South African Government has reached any agreements with the governments of any independent Black states regarding (a) the operating of members of the police forces of either country in the territory of the other and (b) joint operations, if so, with which such states?

†The MINISTER OF FOREIGN AFFAIRS

Agreements and understandings of this nature are normally confidential and details thereof ought not to be made known unilaterally. I am however prepared to inform the hon member about agreements of this nature on a confidential basis

Eisies River: death of 2 children

*5 Mr P G SOAL asked the Minister of Law and Order

(1) Whether, with reference to his reply to Question No 48 on 18 February 1987, the investigation into the death of two children in Halt Road, Eisies River, has been completed, if not, why not, if so, (a) when and (b) what were the findings,

- (2) whether the Attorney-General has reached a decision regarding this case if so, (a) when and (b) what was the decision,
- (3) whether the South African Police have taken any action in regard to this matter, if so, what action, if not, why not,
- (4) whether any charges have been laid against any members of the Police Force as a result of the death of these children, if so, (a) what charges and (b) what are the (i) ranks of and (ii) positions held by these members?

The MINISTER OF LAW AND ORDER

- (1) Yes
- (a) 6 February 1987
- (b) The case docket was forwarded to the Attorney-General for his decision
- (2) Yes
- (a) 19 February 1987
- (b) That a member of the South African Police stand trial in the Regional Court on a charge of culpable homicide, alternatively contravening section 138 (1) of the Road Traffic Ordinance, 1966,

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reckless and/or negligent driving. On 23 July 1987 the member was convicted on a charge of culpable homicide and sentenced to a fine of R400,00 or 12 months imprisonment.

(3) No but the facts raised during the criminal trial are presently being perused with the intention of taking possible departmental action.

(4) (a) to (c) I refer the hon member to the above paragraph 2 (b) and my reply in paragraph 2 (a) and (c) to written Question No 48 of 18 February 1987.

Note I want to point out to the hon member that during the incident the member of the South African Police was on his way to attend to an emergency alarm, and that the court accepted this evidence as extenuating circumstances.

Root Els/Betty's Bay/Kleinmond area

*6 Mr R R HULLEY asked the Minister of Constitutional Development and Planning.

Whether he or his Department intends to proclaim the Root Els/Betty's Bay/Kleinmond area as a nature area, if not, why not, if so, when?

THE MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

Yes. Negotiations with regard to the establishment, in terms of section 9 of the Environment Conservation Act, Act 100 of 1982, of a management committee for the nature area to be established are under way. As soon as this aspect has been finalised, the formal proclamation of the nature area by the Administrator will follow.

Chronic spinal injuries

*7 Dr M S BARNARD asked the Minister of National Health and Population Development.

Whether any facilities are available in the Transvaal for the rehabilitation of chronic spinal injuries in Black persons, if not, why not, if so, in what hospitals?

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THE MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

Yes Natalspruit and Kalafong

Underutilised institutions

*8 Mr R M BURROWS asked the Minister of Education and Development Aid.

Whether (a) he and (b) any minister of education of a national state has approached the Minister of Education and Culture in the House of Assembly to admit Black students or pupils to underutilised institutions under the control of the Department of Education and Culture, if not, why not, if so, (i) when, (ii) in respect of what specified institutions and (iii) what was the response?

THE DEPUTY MINISTER OF EDUCATION

(a) Yes
(b) No

(1) 27 November 1986

(ii) Broad guidelines in respect of the possible utilisation of such educational institutions were discussed.

(iii) The response was positive.

Kwamevane Township

*9 Mr R W HARDINGHAM asked the Minister of Constitutional Development and Planning.

Whether any decisions have been taken in regard to the upgrading of Kwamevane Township, near Howick, if not, why not, if so, (a) what decisions and (b) when?

THE MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING.

Yes

(a) Kwamevane will be retained and upgraded within its present boundaries.

(b) The decision was conveyed to the relevant local authority on 14 July 1987.

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Abuse of air-ticket privileges

*10 Mr D J N MALCOMESS asked the Minister of Transport Affairs.

(1) Whether, with reference to his reply to Question No 21 on 16 June 1987, the inquiry into the alleged abuse of air-ticket privileges at Jan Smuts Airport has now been completed, if not, (a) why not and (b) when is it anticipated that it will be completed, if so, and (ii) what were the findings,

(2) whether any action has been taken as a result of the inquiry, if not, why not, if so, (a) what action and (b) with what result,

(3) whether the matter has been referred to the South African Police, if so, (a) on what date and (b) with what result,

(4) whether he has studied the report of this inquiry, if not, why not, if so, when,

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

THE MINISTER OF TRANSPORT AFFAIRS

(1) No

(a) Investigation by the SA Police is not yet completed.

(b) Presumably during the second week of August 1987 (1), (ii)

(3) Yes.

(a) 2 March 1987

(b) Matter is *sub judice*.

(4) Falls away.

(5) No.

Generic medicine: tests checked

*11 Dr W J SNYMAN asked the Minister of National Health and Population Development.

(1) Whether a team of experts appointed by the South African Medicines Council

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Control Council is at present checking the accuracy of tests on generic medicine by a certain laboratory, particulars of which have been furnished to the Minister's Department for the purposes of his reply, if so, (a) what is the name of this laboratory and (b) how many medicines are involved in the investigation,

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

THE MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

(1) Yes

(a) Gestalt (Pty) Ltd

(b) 20

(2) No, as the matter is still under investigation.

Clarendon Gardens Shopping Complex

*12 Mr F J LE ROUX asked the Minister of Constitutional Development and Planning.

(1) Whether a certain project, particulars of which have been furnished to the Minister's Department for the purposes of his reply, was submitted to the Administrator of the Cape Province for his approval, if so, (a) what (i) was the Administrator's decision and (ii) were the reasons for his decision, (b) where is the project being launched, (c) what is the (i) nature and (ii) name of the project and (d) by whom is it being undertaken,

(2) whether there was any objection to the project, if so, (a) by whom was objection lodged and (b) what was the nature thereof,

(3) whether the city council concerned has approved the project, if so, (a) what city council and (b) when,

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

THE MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

(1) A proposal for the development of a shopping complex, to be known as

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in each such transfer and (c) what was the reason for transferring each of these teachers?

†The DEPUTY MINISTER OF EDUCATION

- (1) Fourteen (14) of the 147 teachers are no longer in the Department's service
- (a) and (b) Two teachers resigned on 30 June 1986 and 12 February 1987 respectively. One teacher absconded on 30 June 1986. Five teachers' appointments on probation were terminated due to unsatisfactory service and/or conduct
- Two on 28 February 1986
One on 6 June 1986
Two on 31 December 1986

Six teachers' temporary appointments were terminated due to unsatisfactory service and/or conduct

One on 30 June 1986
Three on 31 December 1986
One on 31 July 1986 and
One on 30 June 1987

- (2) No, (a), (b) and (c) Fall away
- (3) No, (a) and (b) Fall away
- (4) Yes,
- (a) One
- (b) From a mine school to a farm school
- (c) The manager of the school was not prepared to have him on the staff any longer

Helicopter: pamphlets dropped

*21 Mr P G SOAL asked the Minister of Law and Order

- (1) Whether, with reference to his reply to Question No 7 on 16 June 1987, the investigation into the incident on 23 May 1987 in which pamphlets were dropped from a low-flying helicopter has been completed, if not, when is it anticipated that it will be completed, if so, (a) when, (b) what were the results of the investigation and (c) who is the owner of the helicopter,

- (2) whether, as a result of this incident, any action has been taken against the (a) owner of the helicopter and (b) group allegedly responsible for distributing these pamphlets, if not, why not, if so, (i) what action in each case and (ii) what is the name of this group,
- (3) whether he will make a statement on the matter?

The MINISTER OF LAW AND ORDER.

- (1) No It is not possible to indicate when the investigation will be finalised
- (2) (a) and (b) No, because the investigation regarding this matter is not yet finalised
- (3) No

Modderbee Prison: detainees

*22 Mr P G SOAL asked the Minister of Justice.

- (a) On how many occasions did the district surgeon make visits to detainees held in the Modderbee Prison under the emergency regulations since 12 June 1986 up to the latest specified date for which information is available and (b) what total number of detainees were seen by the district surgeon during these visits?

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†The MINISTER OF JUSTICE.

- (a) Five district surgeons are responsible for visits to Modderbee Prison and visits are made every weekday, excluding public holidays

Arrangements for emergency cases involve registered nurses on standby and if necessary ill prisoners are taken to hospitals outside the prison for emergency treatment

- (b) Until and including 22 June 1987, 472 detainees consulted the district surgeons on their own request and 228 of these persons were referred by the district surgeons concerned, for further visits to physicians, hospitals, and other medical services outside the prison

Schools-civil-unrest

*23 Mr K M ANDREW asked the Minister of Education and Development Aid

- (1) Whether his Department has decided not to carry out repairs at certain schools that were damaged as a result of civil unrest, if so, (a) who decided on this policy, (b) who decides on the schools at which such repairs are not to be carried out, (c) what criteria are applied in making decisions of this nature, (d) why was this policy adopted and (e) (i) what are the names of the schools concerned and (ii) where are they situated,
- (2) whether any financial or other assistance has been (a) requested from and (b) offered by (i) parents, (ii) local communities, (iii) charitable organisations, (iv) commercial undertakings and (v) any other specified organisations in regard to repairing such damage to schools, if so, (aa) what assistance and (bb) what persons or bodies were involved;

- (3) whether any such assistance has been accepted, if not, why not; if so, (a) what assistance, (b) from whom, (c) when and (d) in respect of what schools,
- (4) whether any assistance has been offered in respect of repairing damage to schools in (a) the Cape Peninsula and (b) Alexandra, Johannesburg, if so, (i) what assistance and (ii) what was the response of his Department?

The DEPUTY MINISTER OF EDUCATION

- (1) No It is policy that damages caused by unrest may be repaired under certain conditions and the availability of funds. Obviously there is no budgeting for this expenditure

- (a) The Minister of Education and Development Aid
- (b) The considerations of repairs of damages caused by unrest are delegated to several officials according to the amount of the damages
- (c) Basically three criteria (i) availability of funds (ii) the risk of further damages (iii) protection of State property
- (d) To avoid disruptions and to furnish continuous services
- (e) (i) and (ii) Fall away
- (2) (a) No (i) to (v) Fall away
- (b) (i) Yes
- (ii) Yes
- (iii) Yes
- (iv) Yes
- (v) No.

(aa) Mainly donations and repairs such as replacing or repairing windows, locks, doors and toilets

(bb) Parents of pupils, local communities, charitable organisations and commercial organisations.

- (3) Yes,
- (a) Donations and labour as mentioned in (2) (aa).
- (b) As mentioned in (2) (bb)

†The DEPUTY MINISTER. Mr Speaker, it is very clear from my reply that the issue here was unsatisfactory work done.

Squatters oppose court bid

Supreme Court Reporter

PAPERS opposing a bid by the Minister of Law and Order to have four damages actions against him consolidated into one, have been filed in the Supreme Court, Cape Town.

The actions follow widespread violence in the Crossroads area last year.

The Legal Resources Centre (LRC), Cape Town, has been instructed by about 3 300 former residents of the Nyanga Bush, Nyanga Extension and Portland Cement squatter camps to seek damages from the Minister for destruction of their property.

Four separate Supreme Court actions have been entered as "test cases", and the Minister is attempting to have all the actions heard on September 15 when the first trial — "Mr P N Mzamka and 20 others versus the Minister" — is due to start.

The consolidation bid has been postponed *sine die*

The Mzamka claim arises from an attack by "witdoeke" from Old Crossroads allegedly supported by the South African Police, on the KTC camp between June 8 and 13 last year.

Similar attacks are alleged by applicants in the other three cases

"Mr A M Fadashe and six others" (attack on Nyanga Extension, Nyanga Bush and Portland Cement on May 18, 1986), "Mr Lawrence Lumphondo and three others" (Nyanga Bush and Nyanga Extension on May 19, 1986) and "the Methodist Church in Africa" (KTC on June 9, 1986).

Mr Matthew Walton, a LRC attorney, said in an affidavit that the balance of convenience did not favour consolidating the cases.

An attorney acting for the Minister, Mr Edmund Booth, said in an affidavit that the basis for the four actions was similar and it would save time, money and manpower to have them consolidated, instead of running them separately.

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Angus

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Diepkloof inquest told . . .

'Not police procedure to give a warning'

By Jo-Anne Collinge

Members of a riot unit on patrol in Soweto did not fire a warning shot before opening fire with shotguns on an aggressive crowd of youths because it was not in accordance with police standing orders to give such a warning.

This evidence was given by Lieutenant Adam Johannes Buytendag to a Johannesburg inquest concerning three Soweto children who died after an encounter between three riot policemen and a group of pupils in Diepkloof on July 18 1985.

The three children were Pakiso Seaka (12), Ephraim Diholo (12) and Clive Samson Nkosi (11), all of Orlando East

Lieutenant Buytendag explained that warning shots were not used partly because "it just serves to encourage (or incite) people"

CROWD ARMED WITH STONES

He said he and two constables from the Johannesburg riot unit had been called in to assist in patrolling Soweto. They were in Diepkloof, travelling in a police bus, when they were confronted by a crowd of young people near the Vula Mazibuko High School

Asked if the crowd was armed, he replied: "Yes, they had stones in their hands"

Lieutenant Buytendag said he and his colleagues were equipped with weapons, including shotguns (with number 5 and 9 shot), R-1 rifles, teargas and sub-machine guns

He said the crowd was about 15 to 20 paces away when he became aware of it and the police bus came to a standstill. He and his two colleagues jumped out because otherwise "such a vehicle becomes a death trap"

Explaining why he described the crowd as aggressive and riotous, he said "They scream and whistle and dance and jump in the air with their fists clenched"

Lieutenant Buytendag gave the order to shoot and fired three shots himself. He said his instructions were to shoot low

His third shot had been aimed at a specific person — "a large youth much larger than any of the deceased" — whom he described as an instigator. It hit him but he did not fall, the policeman testified

All three shots were necessary, Lieutenant Buytendag said, because the policemen's lives were in danger. He said the crowd continued to advance after the shooting began and only scattered after his third shot.

His colleagues fired a total of seven shots between them — all using shotguns

Lieutenant Buytendag said there was no time to warn the crowd verbally before shooting and that various factors — such as wind direction and the proximity of the crowd — made the use of teargas undesirable

The hearing continues today

CAPE TIMES 29/7/87

Police study AWB 'threats'

Own Correspondent

JOHANNESBURG. — Police yesterday studied recent statements by the Afrikaner Weerstandsbeweging about the Dakar-talks group and Idasa leader Dr Van Zyl Slabbert for evidence that they contained threats.

Brigadier Leon Mellet — liaison officer for the Minister of Law and Order, Mr Adriaan Vlok — confirmed this, adding there was no "concrete evidence" that the AWB or its leader Mr Eugene Terre-Blanche had threatened the group.

Police were now appealing to the public to come forward if they had evidence to back allegations the AWB had broken the law

The investigation began after recent newspaper editorials which said police should have, in terms of the law, taken action against the AWB.

The senior police officer who studied AWB statements was asked yesterday whether charges would be laid against AWB supporters, led by Mr Terre-Blanche, who demonstrated at Jan Smuts Airport last week.

He said police had no case, because "there was no confrontation". The AWB group could not be described as a meeting, as anyone was allowed at the airport, including people who met the Dakar group.

After studying two specific AWB statements, he said evidence against the AWB at this stage was "thin".

- Dakar debate ruled out, Page 4
- UCT meeting goes ahead, Page 11

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Policeman fined for death of two children

Political Staff

HOUSE OF ASSEMBLY. — A police sergeant whose patrol vehicle last year ran over and killed two children at a pedestrian crossing in Elsie's River near Cape Town has been found guilty of culpable homicide

The Minister of Law and Order, Mr Adriaan Vlok, said yesterday that the facts raised in the sergeant's trial were at present being perused "with the intention of taking possible departmental action".

Mr Vlok, who was replying to a question tabled in Parliament by Mr Peter Soal (PFP, Johannesburg North), said the sergeant was convicted of culpable homicide and sentenced to a fine of R400 or 12 months' imprisonment on July 23

The two children were killed on August 19 last year.

Mr Vlok said he wanted to point out that during the incident the police force member was "on his way to attend an emergency alarm, and that the court accepted this evidence as extenuating circumstances"

25
B/D

Vlok orders inquiry into 'hostages'

LAW and Order Minister Adriaan Vlok has ordered an investigation into allegations that police are holding hostages in the place of relatives who cannot be found

Responding to a recent open letter to Vlok by the Detainees' Parents Support Committee (DPSC) in which the allegation was made, he said in a letter of reply to the DPSC

DOMINIQUE GILBERT

he had no knowlege of the allegation and considered it "slanderous"

He said he regarded the allegation in "an extremely serious light"

A spokesman for Vlok said yesterday Vlok had, as yet, received no reply or evidence to substantiate the DPSC allegations

However, the DPSC had been contacted by a police officer who said he had been specifically appointed by Vlok to investigate the allegations, spokesman Max Coleman said

The DPSC had 'submitted' details of four cases to substantiate the allegations several weeks ago," he said

People were...
"What he is attempting to do cannot be a fair reflection of the will of the people of KwaNdebele."

places for blacks but a surplus exists in many white schools Sapa
Sept 7/14/85 30 F/187

'Konstabels beat pupils with shotguns'

at conferences arranged by interested groups.

By ANTHONY JOHNSON

THIRTY "kitskonstabels" recently engaged in a "brutal, indefensible act of barbarism" when they indiscriminately beat up "the entire school population" at I D Mkhize School in Claremont, Mr Jan van Eck (PFP) told Parliament yesterday.

During the attack the kitskonstabels:
● Used their shotguns and batons to indiscriminately beat up students inside and outside their classrooms.
● Dragged at least one female student from a classroom and then beat her up.

● "Used their boots to kick female students who had already been assaulted and were lying on the ground."

● "When teachers tried to intervene to restore calm and protect students they were threatened or accused of instigating anti-kitskonstabel sentiments."

Speaking in the National Education and Training, vote debate, Mr Van Eck — who heads the PFP's Unrest Monitoring and Action Committee — said the attack took place after "a few" students who were standing outside their classroom had made "some de-

rogatory remarks" about the kitskonstabels who were walking past the school.

"Without making any attempt to first go and see the principal or any of the teachers or act against these specific students, the 30 kitskonstabels merely charged into the school and into the classrooms where teachers were busy teaching and attacked the entire student population — whether guilty or not," he said.

"The result of this brutal, indefensible act of barbarism is that the community has now been pushed even further on the road towards justifying and

condoning the use of counter-violence against a government that is using such despicable methods against its young people."

Mr Van Eck said that unless the minister, Dr Gerrit Viljoen, persuaded the Minister of Law and Order "to keep these provocative policemen" off school grounds, "more and more of these youngsters will do what Ashley Kriel did — leave South Africa to train as a guerilla and come back to take revenge."

Replying to the debate, Dr Viljoen said he did not consider it "normal" for security forces to enter the school grounds

Smith

Four shot by 'kitscops'

30/7-5/8/87
South
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FOUR youths of Nyanga near Cape Town were injured this week after being shot by special constables

Andile Fukuthu, 11, a standard two pupil at Lwa Lower Primary was shot in the thigh; Welekazi Yekwa, 14, a standard three pupil was also shot in the thigh, Miriam Mpongwana, 17, a standard seven pupil at a New Crossroads high school sustained leg injuries and Khoni Gxowa, 17, a Sizamile High standard 6 pupil was also hit in the leg.

The incident happened as residents watched six

special constables trying to discipline a fellow "kitscop"

SOUTH reporter VUYO BAVUMA witnessed the incident

"Six armed kitscops dragging a man. Some of them were punching him

"The man was dressed in a blue, muddy overall. He could not walk properly and was obviously under the influence of alcohol

"I heard them ordering the man to accompany them to the Nyanga police station. One of the kitscops was reprimanding him for unnecessarily firing two shots and confis-

cated his service rifle

"The crowd cheered as the man repeatedly fell. Several kitscops stood by and watched as he was bitten by a stray dog. Later one of the other kitscops shot the dog in the leg.

"Later the crowd dispersed when two shots were fired by another of the kitscops. A police vehicle arrived and the drunken kitscop was put into the back of the van

Minutes later four wounded youths appeared from the crowd. They were then taken to hospital

A police spokesperson

confirmed that a man had been held regarding the shooting and a charge of attempted murder was being investigated

The parents of the youths expressed concern at the incident

"I was busy cooking waiting for Welekazi to return from the shop. We heard screams from outside and then we got out. We saw a group of people surrounding a Casspir. Some persons were getting into the back but we could not see them," Nomdlaliso said

She was shocked when she later heard her daughter had been shot.

Son shot in roadblock, cop sues

From MIKE LOEWE

GRAHAMSTOWN - A Queenstown policeman, Johnny Davids, is suing the Minister of Defence for more than R65 000 for the shooting of his 12-year-old son at an SADF roadblock

This follows the start of an inquest at the town into the death of the policeman's son, Sherlock Davids

In his summons, Davids accused the SADF of negligence because members of the force endangered motorists and failed to take the necessary precautions before shooting

Evidence presented to court so far include:

- Soldiers manning roadblocks wear no reflective gear and have little training and experience;
- Vehicles travelling at 60 kms an hour have only three seconds to stop before reaching the barrier;
- Soldiers are instructed in lectures to shoot if motorists do not stop.

The court was told that the policeman's wife, Mrs Daleen Davids, was shot in the arm and leg, that she saw a dim torchlight and could only recognise figures moving in the dark as their vehicle approached the roadblock on a feeder road near the town.

One of three shots was fired at point blank range into the right headlight

A police lieutenant who visited the scene after the incident found it was "possible but difficult" to identify SADF uniforms in the dark

In his evidence, Colonel Christiaan Boucher, officer commanding Group 39 in Queenstown, said the roadblocks were designed to ensure that there would be "little or no warning" of its presence

Although a vehicle was to be used as a barrier in "normal circumstances", this was left to the discretion of the "chap setting up the roadblock"

Rifleman Christopher Butler said that in theory there "is no effective way" other than to shoot to stop a vehicle travelling at 60 kilometres an hour

Corporal Randall Moore said when he saw Davids' vehicle would not stop he had shouted "stop that car"

Butler, standing 50 metres further down the road, said he had grabbed his rifle and fired a single shot into the headlight of the vehicle. He fired two more shots at the vehicle

Dr Joseph Kopowitz, a district surgeon, told the court Sherlock had died of a bullet or shrapnel wound in the chest



(251)

Smith 30/7 - 5/8/87

Court bid to restrain terror at 'geel huis'

SOUTH REPORTER

A MOBILE police unit known as the "Geel Huis" has become a symbol of terror for the 6 000 residents of Bhongoletu, the township outside Oudtshoorn

It is where, residents allege, they have been tortured and assaulted by 16 kitskonstabels, described as "de facto vigilantes who have been officially licensed to terrorise anyone whose views differ from their own".

Often these assaults had taken place in the presence of other policemen, according to evidence before the Supreme Court.

The Bhongoletu Civic Association (BHOCA), its chairman Bishop Elliot Maseti and five others, have asked for an urgent restraining order against the 16 kitskonstabels

Postponed

In an undertaking given to court last week, the Divisional Commissioner of Police for the South-Western Cape said he would instruct the police, and specifically the 16 kitskonstabels, not to unlawfully "arrest, detain, assault, seize possessions, enter into homes, threaten, insult, harass and intimidate" Bhonguletu residents.

The 16 kitskonstabels

gave an undertaking not to do anything unlawful

The application was postponed for hearing on the semi-urgent roll, some time in October

Maseti said the kitskonstabels appeared to be led by Bangi Saalman and Basie Mdewu. Saalman used to "vigorously execute and enforce pass laws" when he worked for the now defunct Bantu Affairs Administration Board

They appear to have teamed up with Bangi's brother, Zolile Saalman, who was driven out of the township in 1985.

Vengeance

"Zolile's house was burnt down and it would now seem as if he, Bangie and Basie have returned to the township with a vengeance"

The kitskonstabels had been operating in Bhongoletu since January this year, he said

Ethel Blom, a 31-year-old mother of five, said she was arrested by kitskonstabels outside her house on May 27 when she was seven months pregnant

She was accused of assaulting a kitskonstabel and taken to the "geel huis"

"A policeman called Tabane slapped me several times in the face I fought

back A white policeman who was nearby came to help Tabane He also slapped me in the face. I was also punched in the stomach," she said.

Punched

Later they took her to the Oudtshoorn police station where a charge of assault was laid against her.

Mzukizi Aubrey Masango said he was confronted by kitskonstabels Zolile Saalman and Samson Matseke on July 4 while walking home with his brother after watching TV at a friend's home

"The one called my name and said he wanted to see me at the 'geel huis' I decided to go with them as it would have been very dangerous for me to resist

"When we arrived at the 'geel huis', Zolile told a white policeman that I was the one who had burnt the house of his father-in-law in 1985. The white policeman came forward and without any provocation hit me with his full fist on my mouth

"Then the kitskonstabels made me stand with my back to them while they were beating me from behind While I was lying on the floor I was given a hard kick on my right thigh I was told to stand up and taken to the Oudtshoorn police station

UDF guys

"The same white policeman, asked Zolile whether he was sure it was I who had burnt down his father-in-law's house. At that stage Zolile did not seem too sure but he said I was one of the UDF guys and I was supposed to have burnt down the house

"The white policeman told Zolile his story did not have enough facts and that I should rather be charged with drunkenness I was locked up in the police cells and only released after my brother paid an admission of guilt fine of R30

"I am not a member of the UDF and have never been one," Masango said

A BHOCA executive member, Mbuelelo David Grootboom, said it was only a matter of time before the people reacted against the kitskonstabels in the same way as they reacted against the black policemen who lived in the township in 1985.

South
30/7-1987

Right-wing threats spark police action

By ANTHONY JOHNSON and CLARE HARPER

POLICE are investigating alleged contraventions of the Intimidation Act by Mr Eugene Terre'Blanche following threatening remarks by the AWB leader against Dr Van Zyl Slabbert's Dakar delegation and cabinet minister Mr Allan Hendrickse

With the targets of the AWB urging swift police action "before blood is spilled", the head of the CID, General Stan Schutte, announced yesterday that the police had opened two separate dockets on the militant ultra right-wing leader.

The police probe into the militaristic organization and its leader follows a series of remarks by Mr Terre'Blanche against what he terms "enemies of the boere volk".

The AWB leader warned Mr Hendrickse in Durban this week that if he tried to speak at the Skilpadsaal in Pretoria at the Labour Party's national congress at the end of the year, "you will have more than just your ankle broken".

He has also threatened to "get" Dr Slabbert and prevent members of Idasa from holding report back meetings on their West African ANC dialogue mission.

Both Mr Hendrickse and the executive director of Idasa, Dr Alex Boraine, said yesterday that they were "not prepared to succumb to intimidation".

'Bloody events'

And they were joined in the call for decisive action against the AWB by the PFP's law and order spokeswoman, Mrs Helen Suzman, who said the government could not "ignore the blatant intimidation and threatening action of the AWB a moment longer".

"Unless this highly dangerous and militant organization is stopped in its tracks I foresee some very bloody events in South Africa," she said.

Labour Party leader Mr Hendrickse said he would not be intimidated and that the LP was "going ahead with the necessary arrangements" to hold its annual congress in the Skilpadsaal.

Dr Boraine, addressing the first report-back meeting on the Dakar talks, at UCT yesterday, said he and Dr Slabbert would go ahead with planned meetings around the country "despite threats to prevent us".

Addressing more than 3 000 students with two other Dakar delegates, Mr Phillip Verster and Professor André du Toit, Dr Boraine said the UCT meeting, which was held under strict

security measures on the campus, was "a victory over the AWB".

Dr Boraine said the ANC was not an organization resident in Lusaka, New York or London but "as close to you as where you are sitting now".

"It would be foolish and ridiculous to ignore this majority force out there which is growing," he said.

Referring to the "horror and tragedy" of the torturing and killing of Border Idasa co-director Mr Mxolise Eric Mtonga, he said "the cost was very high".

Speaking to the Cape Times later Dr Boraine said "I challenge the authorities to take swift action against Mr Terre'Blanche before more blood is spilled in South Africa".

"If they should do this it would give the lie to the view that the authorities are afraid to act against him because so many in the police force are either members or supporters of the AWB".

Mrs Suzman said the government did not hesitate to act against the UDF, Cosatu or any organization that voices its dissent.

"The AWB makes no bones about the fact that it intends taking the law into its own hands, carries guns and other weapons and is certainly challenging the authority of the state".

She said that had the UDF arranged a "reception committee" for a returning cabinet minister at Jan Smuts Airport "I have no doubt that strong action would have been taken".

AWB detentions?

The LP MP for Addo, Mr Peter Hendrickse, has submitted a question to Mr Adriaan Vlok asking how many members of the UDF and AWB have been detained in terms of the emergency regulations since June 1988.

General Schutte said the dockets would be sent to the Attorney General once the intimidation probe had been completed and he appealed to "any person with first hand information or evidence" (of intimidation) to contact the CID in Brooklyn at (012) 436811.

In an interview with a high ranking officer who investigated the case our Johannesburg correspondent was told the case against the AWB was "thin". Police did not consider the AWB had broken the law when they demonstrated at Jan Smuts Airport, he said.

Sapa reports that the other Border co-director of Idasa, Mr Steve Fourie, received a death threat yesterday.

Mr Fourie said a man telephoned the Idasa offices in East London.

"The man" who spoke English and gave his name as Denzil, said he had killed Eric Mtonga. He said he was going to kill me and asked where the flowers should be sent.

Mr Fourie said he had not reported the matter to the police.

Leading article, page 10

Snoek bonanza!



BIG CATCH Four shimmering snoek flash in the sun as a fisherman unloads his catch at Hout Bay harbour where 16 000 snoek were landed yesterday. Report, page 3

Picture ALAN TAYLOR

Right-wing threats spark police action

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Picture ALAN TAYLOR

641 7015 30/7/77

Minister gets leave to appeal

THE Minister of Law and Order was yesterday granted leave to appeal against a Supreme Court judgment ordering the release from detention of Epping printer Mr Alie Parker.

Granting leave to appeal, Mr Justice L Rose-Innes remarked that although it was his view that it would be "a sorry day" if the judgment were overturned, this was "beside the point".

Mr Parker was released by order of Mr Justice Rose-Innes on July 3. He was arrested and detained on June 12 by Captain Ockert van Schalkwyk, who has since been removed from his post as head of the Bellville unrest unit.

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ARGUS 30/7/87

Watson brothers sue for R500 000

Argus Bureau

PORT ELIZABETH — Two of the Watson brothers, who were found not guilty of arson and attempted murder earlier this year, are suing the Minister of Law and Order for R500 000 — but it is likely to be about three years before the case is heard

Mr Dan "Cheeky" Watson and his brother Ronnie are suing for wrongful arrest, malicious prosecution and repayment of legal fees.

The family's legal representative, Mr Leon Schubart, said the total claimed was R500 000

FIRE AT FAMILY HOME

Earlier this year the two brothers were acquitted on charges of fraud, attempted murder and arson, arising from a fire at the family's home in Park Drive on October 19 1985

A third brother, Valence Watson, was sentenced to five years' imprisonment for arson and a further five years for fraud, with half of each sentence conditionally suspended and with the remaining 2½ years running concurrently

He was released on bail of R15 000 pending the outcome of an appeal to be heard on August 28.

Legal processes and a 30-month waiting list for trial at the Supreme Court meant that the case against the Minister would not come to court for about three years if it was not settled out of court, Mr Schubart said

The Eastern Province Division of the Supreme Court, loaded with the hearing of trials stemming from unrest, has a backlog of 91 cases involving mainly capital crimes, some involving incidents dating back to 1985.

The Attorney-General in Grahamstown, Dr J A D'Oliveira, said these cases would need at least 826 trial days to be heard

Detective constable jailed for six years

CME
Tukela 30/7/87

251

Court Reporter

A POLICEMAN was yesterday jailed for six years by a Wynberg magistrate for possessing 10,26kg of dagga and offering another policeman R3 000 as a bribe for not "charging him with dealing"

Alson Somciza, 33, of Guguletu, who was suspended from the police force pending the outcome of the case, held the rank of detective constable

He was sentenced to five years' imprisonment for possessing 164 packets of dagga with the intention of dealing

He was further sentenced to one year for offering Detective Sergeant Hector Lazarus R3 000 as a bribe not to charge him with dealing in dagga. His co-accused, Juju Tukela, 30, of

Guguletu, was sentenced to five years, of which three years were suspended for five years, for possessing the dagga with the intention of dealing

Sergeant Lazarus told the court he had stopped Somciza's vehicle and discovered the dagga in a sealed cardboard carton. Tukela was a passenger in the car

On the way to the police station, Somciza offered him the money and they drove to his girlfriend's house in Guguletu, where the money was handed to him.

They also discussed selling confiscated drugs.

The magistrate was Mr P D Theron. Mr M L Sher prosecuted. Mr A H Veldhuizen and Mr D J Uys, both instructed by Findlay and Tait, appeared for the two accused.

CAPE TIMES
3/17/87 251

R1,3m paid to shooting victims

Own Correspondent

PORT ELIZABETH — Just over R1,3 million is to be paid out by the State in the 51 civil claims arising out of the Langa shootings on March 21, 1985 — in which 20 people died as a result of police action, it was disclosed yesterday.

And reaction to the news yesterday was that the implications contained in the unconditional pay-outs are staggering.

An initial payment of R1,12 million made unconditionally in to court by the Minister of Law and Order on July 22 was rejected by the plaintiffs' legal representatives in respect of three claims.

Settlement was reached yesterday when the minister approved an increase in the payments in the three claims. The costs of the applications are also to be paid by the State.

The highest pay-out was R450 000 to paraplegic Mr Lawrence Gqubule, who is under medical care at Uitenhage Provincial Hospital.

The 15-year-old "boy on the bicycle" who achieved much prominence during the Kanne-meyer Commission of Inquiry into the shootings for the role he played on the day, Moses Bucwa, is to receive a damages payment of R17 000.

Largest claim

Professor of law and director of the Centre for Applied Legal Studies at the University of the Witwatersrand, Professor John Dugard, last night said the overall settlement was the largest claim of its kind awarded in South African legal history.

He said it was significant "because it amounts to an admission of liability on the part of the government in that it is an admission that the shootings were unlawful."

"And it seems strange that despite the fact that the government is prepared to pay such a large sum, no disciplinary action has been taken against the police."

3/17/87
28 B Day

Special votes are set aside

JENNY BOBERG

SIX Lenasia residents who said they were induced to cast special votes in a forthcoming House of Delegates by-election, had their votes set aside by the Rand Supreme Court yesterday.

Four separate applications to set the votes aside were brought against the returning officer and electoral officer for special votes for the electoral division of Lenasia Central.

Three of the applications, brought by Saras Naidoo, Nadarajah and Kokelambal Pillay, and Calbeen Pillay and Angela Singarem, were unopposed.

They said they were taken to the HNJ centre in Lenasia and directed to sign a form. None of the applicants realised this form was an application to cast a special vote. Had they realised this, they would not have signed them.

The fourth application was brought by a 78-year-old Lenasia woman, Beatrice Violet Ephraim.

Ephraim's special vote was set aside as she had signed the form with a thumb print, whereas the Electoral Act required a proper signature.

3/17/87
B Day

SAP to pay for municipal police

(251)
SOPHIE TEMA
MUNICIPAL police under the control of local authorities are to be paid by the SAP, and not by the local authorities.

This was announced by President of the Urban Councils' Association of SA Steve Kgame this week.

But, said Kgame, although the municipal police would receive their salaries from the same sources as the SAP, they would not be expected to execute the same duties and would remain the responsibility of the local authorities.

"They will carry out their normal duties in the townships as they have always been doing," Kgame said.

mbha comes on line

Langa shooting: Govt to pay victims R1,3-m

From PAT CANDIDO, Argus Bureau
PORT ELIZABETH — The Govern-
ment is to pay R1,3-million to the vic-
tims of the 1985 Langa shootings in
the largest settlement of its kind in
South African legal history.

Lawyers preparing test cases for
hearing in the Port Elizabeth Su-
preme Court next week were caught
unawares yesterday when the State
agreed to pay out R1,3-million for 51
civil claims

Twenty people died in Langa town-
ship in Uitenhage on March 21 1985
when police opened fire on a crowd of
mourners going to a funeral

The immediate reaction to the set-
tlement in legal circles was that it
was tantamount to admission of li-
ability and the implications of the un-
conditional payout were staggering

Last week, the plaintiffs' legal rep-
resentatives rejected an initial pay-
ment of R1,12-million made uncondi-
tionally in court by the Minister of
Law and Order.

Settlement was reached yesterday
when the Minister approved an in-
crease in the payment of three
claims. Costs are also to be paid by
the State

Two test cases were to be brought
before the Supreme Court in Port
Elizabeth on Monday Lawyers said
these claims would no longer go to
court.

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tlement was significant because it
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the part of the Government in that it
was an admission that the shootings
were unlawful.

It was strange the Government was
prepared to pay such a large sum
without any disciplinary action being
taken against the police, he said

The biggest payment goes to Mr
Lawrence Gqubule, a paraplegic un-
der medical care at Uitenhage Pro-
vincial Hospital.

Mr Gqubule, who was originally of-
fered R275 000, is to be paid R450 000.

Parents who lost children in the
shooting will be paid R500 to cover fu-
neral costs

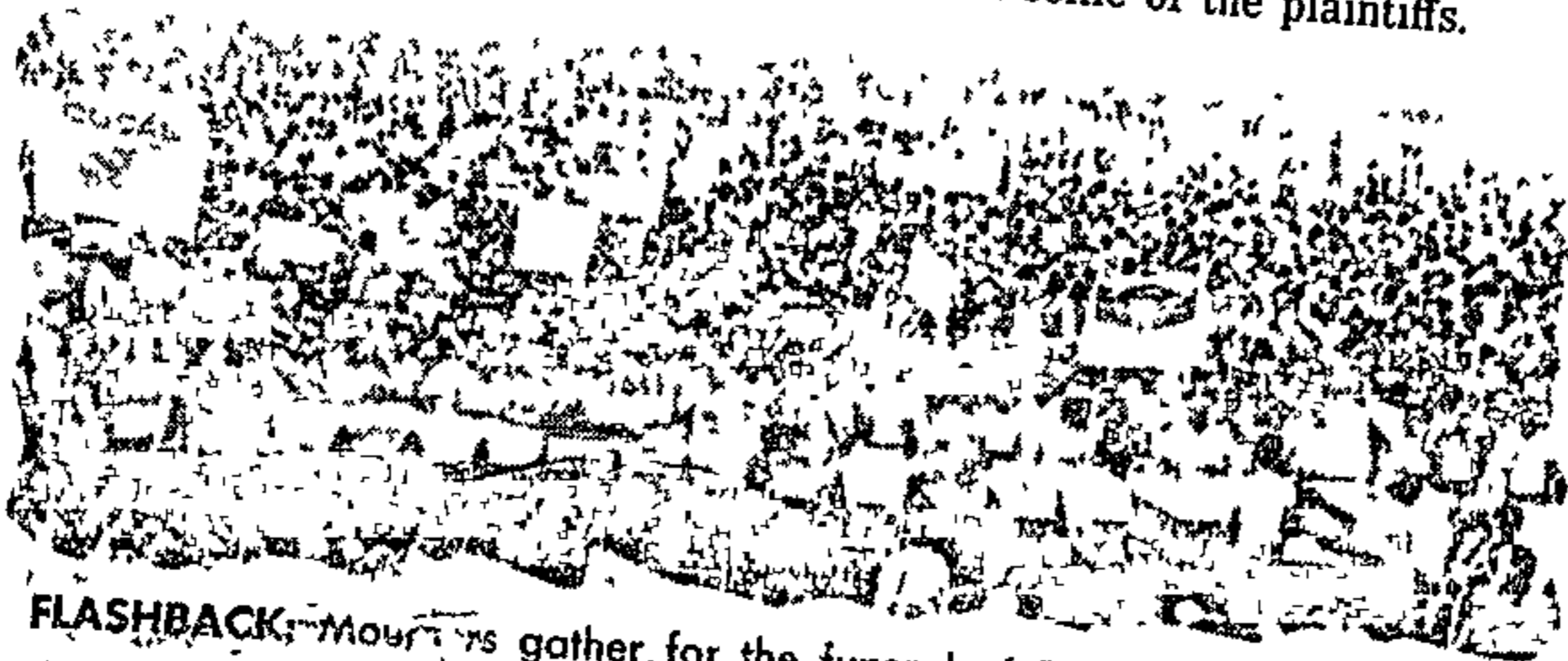
LOSS OF EARNINGS

The two test cases would have been
made on behalf of Mr Gqubule, who
was shot in the back, and Mrs Evelyn
Solomon whose husband, Mr Nicholas
Phakamile, was killed

Mrs Solomon will be paid R36 000
for the loss of earnings caused by her
husband's death

The 15-year-old "boy on the bicy-
cle", who featured prominently in evi-
dence to the Kannemeyer Commission
of Inquiry into the shootings, is to be
paid R17 000 and his bicycle is to be
returned to him

Mr Halton Cheadle, senior partner
in the firm of attorneys representing
the plaintiffs, said they were consider-
ing instituting private prosecution on
behalf of some of the plaintiffs.



FLASHBACK: Mourners gather for the funeral of Langa shooting victims

Muggers rob man of R4 000 in central city

'Street cleaners' trap stone-throwers

317-6/8/87 w/ Mail

By GAYE DAVIS
in Cape Town

POLICE in Cape Town used special constables disguised as street-cleaners to trap and arrest Bonteheuwel school pupils who were allegedly stoning passing vehicles this week.

The action, reminiscent of the controversial "Trojan Horse" incident last year in which youths stoning vehicles were ambushed and shot by police hiding in a railway truck, was confirmed by police in Cape Town.

The SAP public relations division in Pretoria, approached for further comment, however, said the action fell within the ambit of Emergency regulations.

Fifteen-year-old Leon Hayward, a Standard Six pupil at Modderdam High School received seven stitches in a wound in his forehead after he was struck by one of the special con-

stables during the incident on Monday.

He was one of four pupils arrested and held at Bishop Lavis police station before appearing in court on Wednesday on charges of public violence. They were released on bail of R200 each, lawyers confirmed.

Hayward told the *Weekly Mail* that when he came out of his classroom for a break at about 11am he saw a group of African men wearing off-white overalls sweeping the street outside. He found this strange "because they never sweep that road".

Standing near a gate, inside the school grounds, he watched as a bus

drove by and a group of pupils outside the school yard stoned it. The men continued sweeping. As the pupils moved back towards the gate the men closed it so they could not enter, Hayward said.

The pupils scattered. The men opened the gate and entered the school grounds, sending pupils running. He was caught by one of the men, who hit him with a broom, causing him to fall, momentarily stunned. Then the man "grabbed me behind my neck and loaded me into a van," Hayward said.

He and three others, who were not injured, were taken to Bishop Lavis police station and photographed. He was then taken to Tygerberg Hospital where his wound was stitched.

●To PAGE 3

'Street cleaners' trap

●From PAGE 1

On his return to the police station he watched as a plain-clothes policeman "paid the men". Hayward said the policeman wrote out cheques ("I saw him writing out the amount — either R100 or R1 000") and handed one to each of three special constables wearing off-white overalls and armed with revolvers.

A teacher at the school said he saw men in "cream-coloured" overalls chasing pupils across Modderdam Road. He saw some of them leap over a wall to enter the school grounds. Immediately afterwards police vehicles pulled up.

Another teacher said he saw a man in off-white overalls, revolver in hand, near the domestic science room "He looked like he was looking for someone."

Lieutenant Attie Laubscher of the SAP public relations division in Cape Town confirmed that the men were special constables. He said children were throwing stones at school buses and vehicles and that, because they

would run away when police tried to arrest them, special constables dressed in overalls to look like municipal workers were deployed to work in the road.

"They came with the purpose of arresting the children," Laubscher said.

Asked to comment on the suggestion that Hayward had seen the special constables being paid at the police station, Laubscher said this allegation was "laughable".

A spokesman for the SAP public relations division in Pretoria said "We do not comment on routine police duties."

Pupils at Bonteheuwel High School have meanwhile decided to re-name it the Ashley Kriel Senior Secondary School — or AK Senior Secondary for short — in honour of the former pupil and student leader who joined the African National Congress and was shot dead by police three weeks ago.

(25)

w/ Mail

317-6/8/87

Police admit liability for Langa massacre

By JO-ANN BEKKER

IN what amounts to an admission of liability, the Minister of Law and Order has paid out R1,3-million to 51 people injured or widowed in the "Uitenhage massacre" of March 21 1985.

The payment is accompanied by a rare concession notice which states the minister "unconditionally pays the sum of R1,3-million".

"It means the police have admitted they acted wrongfully and negligently and that this was the cause of the incident," a Johannesburg attorney said. "It means the police are open to charges of culpable homicide."

More than 21 people were shot dead — many in the back — when police opened fire on a crowd of funeral-goers on the anniversary of the Sharpeville shootings in Uitenhage's township of Langa. It was the first mass police killing in a year which was marked by other "massacres" in Queenstown, Mamelodi, Winterveld and Alexandra as spiralling unrest turned into bloody conflict.

The Uitenhage shootings evoked a national and international outcry, and the South African

government appointed a judicial commission of enquiry under Judge Donald Kannemeyer to investigate the circumstances surrounding March 21 1985.

Legal papers in the civil application which was due to come before the Port Elizabeth Supreme Court on Monday, recreated the fateful march down Meduna Road, Langa, and the contrasting versions of these events presented to the Kannemeyer Commission.

But while the settlement contradicts the police version presented to the commission, it does

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Police to pay out R1,3m to Langa victims

●From PAGE 1

not contradict Judge Kannemeyer's findings as such

Kannemeyer absolved the police unit, led by Lieutenant John Fouche, which opened fire on the crowd, from culpability for the deaths. But he found the banning of funerals on doubtful grounds and improper riot control equipment were the main factors which led to the Langa deaths.

Although by opting for an out of court settlement, the Minister of Law and Order has effectively admitted police culpability, it is not clear which group of policemen it admits was to blame.

The plaintiffs were represented by Johannesburg advocates WH Tregrove — who also represented Langa residents in the Kannemeyer inquiry — and Bob Nugent who were instructed by Johannesburg attorneys Cheadle, Thompson and Haysom. They claimed Fouche's men were not adequately equipped for riot patrol — instead they were equipped with R1 rifles, shotguns, 9mm sidearms, sharp ammunition and SSG cartridges.

The complainants contended the police had failed to disperse the crowd when it gathered at Meduna Square, but had instead provoked Langa residents. In addition, a police major had sown confusion by applying for and obtaining orders prohibiting four funerals planned for March 21.

21/7 - 6/8/87

In replying papers, the minister denied the police acted negligently and claimed they had opened fire — using a degree of force necessary in the circumstances — in “legitimate self-defence as well as in defence of the lives of the public of Uitenhage and in the protection of their property”.

The papers also denied the police major, who applied for an order prohibiting funerals, had acted negligently.

In a surprise move last week, however, attorneys representing the minister approached the plaintiff's lawyers and made offers of settlement for all the civil cases, which virtually amounted to the full sum claimed.

The largest single amount of R450 000 was paid to Lawrence Gqubule, 25, who has been paralysed from the waist down as a result of a bullet fired by police on March 21, which severed his spinal cord.

Gqubule's parents were among those forcibly removed from Langa to a squatter settlement called Tjoksville in Uitenhage's KwaNobuhle township in 1986. Living in conditions which were unhygienic, deprived of expensive personal and medical care and physiotherapy, Gqubule was admitted to Uitenhage hospital early this year with septic bedsores, stiffening joints and severe depression.

“His compensation will enable him to buy a house and obtain the necessary facilities and treatment — it could mean the difference between life and death,” his attorney commented.

One of the central figures to the Kannemeyer Commission, the boy-on-the-bicycle, Moses Kwanele Bucwa, received a pay-out of R17 000.

Affidavits collected by the Progressive Federal Party soon after the shooting contained graphic accounts of the bike-rider's death and his brains spilling over the road.

But early in the preparation for the Kannemeyer Commission, 15-year-old Bucwa came forward — with a bullet lodged in his head, but minus his bicycle which had been confiscated by the police. During the inquiry Bucwa scotched all doubts about his identity by describing the tiny intricacies of his bicycle.

Kannemeyer found the police version that the boy on the bicycle had arrived on the scene only once the crowd had dispersed to be “false”.

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3117-6/8/87 w/Mail
By GAYE DAVIS
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25
27
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w/Mail

3117-6/8/87

Riot methods questioned at inquest

POLICE riot control methods came under scrutiny at the inquest into the death of three children at the Johannesburg Magistrate's Court this week.

Pakiso Seaka, 12, Ephraim Diholo, 12, and Clive Samson Nkosi, 11, died on July 17 1985 during an unrest situation in Diepkloof, Soweto

A police officer heading a riot control unit testified that on July 17 he and three other policemen were travelling in a riot bus when they came across a crowd of people near the Vulamazibuko school in Diepkloof.

The crowd, which was singing and dancing and seemed aggressive, ad-

vanced towards them, according to the officer. He said their lives were in danger and they had no time to fire warning shots.

The crowd was armed with stones and was about 15 to 20 paces away when they became aware of it, the officer told the court. He gave the order to shoot and he and his two colleagues fired 10 bullets, three by him.

According to *post-mortem* reports two of the children had wounds on their sides while the third was shot in the back

The reason for the position of the wounds, Kennedy suggested, was that the children "were either danc-

ing, according to your evidence, or running away".

Kennedy put to him that the police standing orders stated it was prohibited to shoot at a crowd because it would spur them on.

A 14-year-old scholar said he and Clive Nkosi were going to the shop on July 17. On the way they met a crowd of stone-throwing youths. When a "mellow yellow" (riot bus) appeared and police alighted from it, the crowd ran away.

"Clive and I also ran away," said the 14-year-old. "I heard several shots from behind and I saw Clive hit by one of them."

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SAP 'killing rate' double that of American police

251 CAFE Times 1/8/87

By DON FOSTER and CLIFFORD LUYT

DON FOSTER is Associate Professor in the Department of Psychology, UCT.
CLIFFORD LUYT teaches law at the Peninsula Technikon

IN GENERAL the record of police conduct over recent decades in South Africa has been abysmal.

There is no denying the numerous deaths in detention, evidence of torture and abuses, and many instances of indiscriminate shootings.

The death toll attributed to security force action makes for a chilling reading. The image of the police both in the townships and in the international arena is — with considerable justification — quite appalling.

In recent weeks, the Cape Times, has given the question of police conduct (or misconduct) a good deal of airing. The following aspects in particular have been noted:

- The replacement of Captain O van Schalkwyk as head of the Bellville unrest unit following criticism of his conduct by two Supreme Court judges as being "unacceptable"

- A departmental investigation into Van Schalkwyk's actions has been ordered by the Divisional Commission of Police, Brigadier Van der Westhuizen
- Positive reporting on the Minister of Law and Order's belated decision to honour Colonel Terblanche, the policeman castigated for his role in the march by black protestors in 1980

- A strongly positive article in the "Top of the Times" on the Minister of Law and Order under the heading of "Vlok intent on police reform" (Cape Times, July 18)

- Demands for the dismissal of Major Dolf Odendaal of the riot squad following incidents in which police fired teargas at clergy and into a church at the peaceful funeral of ANC activist Mr Ashley Kriel (Cape Times, July 20)

- It may also be noted that many questions remain unanswered regarding details of the shooting of Mr Kriel

While the extent of such coverage on such an important topic must be applauded, there are a number of worrying aspects about the positive image being portrayed of current policing.

One particular concern is with Mr Jan van Eck's odd remarks claiming that the action against Captain Van Schalkwyk indicated a return to the "traditional law and order policeman" and signalled the whittling down of "Rambo-style" police.

A second worry concerns the Cape Times editorial (July 9) endorsing Mr Van Eck's remarks and claiming that in "the finest SAP tradition the policeman is the

Year	Police shooting		Police convictions and discharges			
	People killed by Police	People wounded by Police	Police Convicted previous convictions	Conviction with previous convictions	Police With previous convictions	Discharged Without previous convictions
1982	199	655	245	25	4	18
1983	211	368	248	31	8	29
1984	267	837	251	30	18	23
1985	786	2 571	282	44	19	43
1986	718	2 068	249	29	14	30



Mr Adriaan Vlok — a benign and reformist head of police?

friend and protector of law-abiding citizens — and is entitled to expect their wholehearted support? What if the laws themselves do not deserve the support of the citizenry?

A third concern is with the Cape Times's efforts to portray Mr Adriaan Vlok as a benign and reformist head of police — at a time when it is quite clear that, under emergency rule, the police have almost untrammelled powers.

In this respect it is noted that only 10 days after Mr Van Eck's heralding of the end of the "Rambo style" police era, the same MP for Claremont was required to label the efforts of Major Odendaal as the "most disgusting spectacle I've ever witnessed" and to call for the dismissal of the riot squad chief.

Are we at the end of the Rambo-style police era? Do we have a reformist head of police? Is there even any hope of "ordinary law and order" policing under the present current Draconian emergency laws? Does Mr Vlok have the influence (apart from the will) to effect better control over the police?

We suggest that some answers may be available by examining the police record of annual killing rates, police convictions and discharges.

What is the record of the police? The table (above, left) of persons killed and wounded by police over the past five years paints anything but a rosy picture of constrained, disciplined action.

To provide some comparative perspective, the average annual killing rate by police in three earlier five year periods was as follows: 1970-1974 84 killed per year, 1975-1979 170 killed per year, 1980-1984 210 killed per year.

These figures speak largely for themselves. Simply, they are deplorable and have become a great deal worse over the past two years. We may note in passing that even before the emergency period the South African Police killing rate has been more than twice that of the USA.

The record, over the past five years, of police convictions for violent crimes, and for police discharged from the force is given in table 2 (above, right). It should be noted that the conviction figure includes convictions for common assault, assault with intent to do grievous bodily harm, culpable homicide and murder.

Given this startling evidence of proven violent action on the part of the police, it is astonishing to find such a low rate of

dismissals. Nor is there any evidence to show action on the part of police authorities to have tightened up in this respect.

Quite apart from these terrible figures, the record in other respects in recent years makes well known reading, and includes:

- Evidence of unwarranted shooting in an unrest situation (e.g. Kannemeyer),
- Widespread evidence of assault and torture of detainees,
- Police being promoted after alleged or convicted assault,
- The high cost to taxpayers for settlement of actions due to police shootings or assault. Last year this cost was R1,2 million.

In seeking to establish whether a trend exists towards greater control over police conduct, it is important that Mr Vlok's brief period in office be examined critically.

We would suggest that the results of such an investigation are not encouraging.

It seems, for example, that the recent response by the Ministry of Law and Order to allegations of police abuses in detention, is no different to that of Mr Vlok's predecessors.

Last month he claimed that "dissidents" planned a campaign of "false unfounded and exaggerated" allegations of brutality by the police. At the same time, he rejected proposals by the Medical Association of South Africa on the treatment of children in detention, on the grounds that they were unnecessary.

Four days earlier, Mr Vlok's deputy, Mr Roelf Meyer, stated that "a calculated campaign" had been waged recently to portray the government as one which allowed children to be tortured (an allegation which the deputy minister denied).

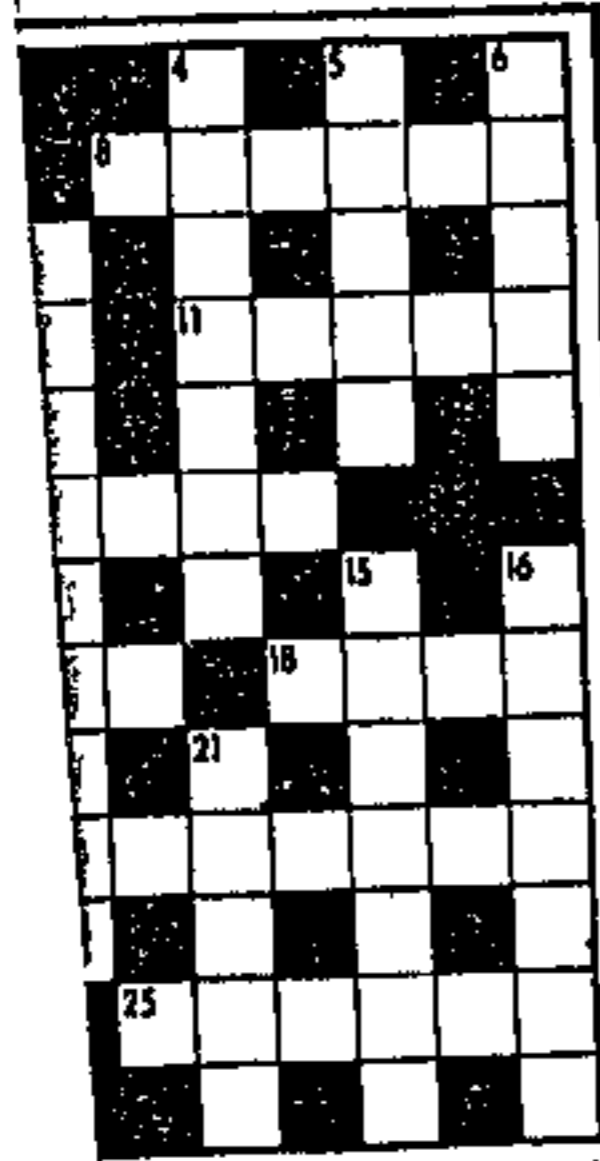
Yet, these reactions conveniently ignore medical evidence of abuses that can not be easily dismissed.

In 1985 Dr Wendy Orr and other applicants obtained an interim interdict restraining the police from assaulting existing and future detainees in Port Elizabeth and Uitenhage.

Dr Orr stated on oath that patients examined by her showed clinical signs consistent with their having been subjected to assault and torture. No final judgment was given in the matter, but the then Minister of Law and Order, Mr Louis le Grange, agreed to pay the applicants' legal costs.

In April of this year, a panel of doctors which treats released detainees in Johannesburg, stated that 72% of patients examined by the panel claimed that they had been physically assaulted in detention. Of these, 97% showed signs of physical abuse, including bruising, lacerations and eardrum perforations.

No. 17550



HOW many words of four letters or more can you make from the letters shown here? In making a word, each letter may be used only once. Each word must contain the white letter, and there must be at least one two-letter word in the list. No plurals, no foreign words, and no proper names.

TODAY'S TARGET 28 words, good, 37 words, very good 45 words, excellent. Solution on Monday

YESTERDAY'S SOLUTION
Been beer bone bone bore
borer born borne brose ebon
enrobe obese obscene rebec
reborn resorb RESORBENCE
robe snob sober sorb

USE
SLY
POP

DOWN
re extinguishers (7)
at you in the shade (7)
ea lacking beauty (5)
vanety act for floor-show (7)
winning of all the prizes in legal (5)
n
lash into one's writing (9)
pr to touch lightly on revolting (9)
ords about America (7)

Cape Times Fresh Air Fund	
Target for year ending March 31, 1988 — R80 000	
Previously acknowledged	10 858,14
In loving memory of our dear aunt, May Maskew from Boetie and Cynthia de Villiers	20,00
In memory of Arthur Peplow from Donald and Joan	25,00
In memory of Maud Christine, our beloved mother and ours from Norman, Phillip Marwana and Anton Abrahamse	25,00
In memory of Col Donald I Moodie from Alan and Gwen Moodie	20,00
Total	R10 948,14

Donations may be sent to the Fund at P O Box 56, Cape Town 8000 or handed in at the Cashier's Desk, Newspaper House, 122 St George's Street, Cape Town

R500 000 claim

TWO of the Watson brothers, Dan "Cheeky" and Ronnie, acquitted of arson, fraud and attempted murder earlier this year, are suing the Minister of Law and Order for R500 000.

A summons for detention, wrongful arrest, malicious prosecution and repayment of legal fees was issued against the Minister on Monday, said the family's legal representative, Leon Schubart.

The summons stems from the case in which they were acquitted of an incident on October 19, 1985, when the family's home in Park Drive, Port Elizabeth, was burnt to the ground.

The serving of the summons was delayed by the absence of Ronnie Watson, who was in Botswana for a trial - Sapa

Cheeky Watson

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C/P

Sawyer 3/8/87

COP TELLS OF CONFESSION

Statement read under lamppost

By MONK NKOMO

A SECURITY policeman who allegedly threatened an accused before he made a confession, read the accused's statement under a lamppost on a pavement shortly after it was made, a Pretoria Regional Court heard on Friday.

Captain Pieter du Plessis also conceded during cross-examination by defence counsel Mr Dikgang Moseneke and magistrate Mr J H Bekker that the accused, Mr Mabatu Enoch Zulu, could have been examined by Dr Johannes Steyn after he had made a statement in Klerksdorp on the night of April 23 last year.

Captain du Plessis, who admitted that there were a number of discrepancies including wrong entries in their daily occurrence book at the Stilfontein police station, later changed his evidence and said Mr Zulu was only seen by a doctor on April 24 and not April 23.

"I confused the dates," the policeman said.

Mr Moseneke told Captain du Plessis that he had already conceded more than twice that Mr Zulu was seen by a doctor on April 23. "You won't get away with that," Mr Moseneke said.

Mr Zulu has already testified that he was forced to make a statement by the police before being taken to a doctor on April 23.

Captain du Plessis was testifying in the trial of seven suspected members of the banned Pan Africanist Congress, including two members of Qibla, a Muslim organisation, who have pleaded not guilty to 24 counts of terrorism and defeating the ends of justice.

Captain du Plessis said Mr Zulu was handed to him by two policemen outside the magistrate's offices in Klerksdorp after he had made a statement at about 8 35pm on April 23. The two policemen also gave him Mr Zulu's statement which he read for about 20 minutes "on a pavement and under a lamppost near the magistrate's offices," the policemen told the court.

Asked by Mr Moseneke what was the urgency of reading the statement there and not in his office, Captain du Plessis replied "I am used to that I was anxious to read the statement and see if he had told the magistrate what he had told me."

Captain du Plessis also told the court that both Mr Zulu and another accused, Mr Ndoda Gcanga, could not have been examined by Dr Steyn on April 26 — as alleged by the district surgeon — because they were not booked out in the police register that day.

The trial has been postponed to November 2.

The seven accused are Mr Mabatu Enoch Zulu, Mr Ndoda Gcanga, Mr Vincent Mathunjwa, Mr Setsiba Mohohlo, the Rev Nkopodi, Mr Achmad Cassim and Mr Yusuf Patel.

liament in terms of section 72 of the Internal Security Act, 1982
(a) and (b) Fall away

Detainees, audio-/video tapes

*12 Mr S S VAN DER MERWE asked the Minister of Justice

Whether, with reference to his reply to Question No 6 on 26 May 1987, the audio and video tapes used to monitor the non-privileged visits of detainees held under emergency regulations are retained for any period of time after they have been checked by prison officials, if so, (a) why, (b) for what period, (c) where are they kept and (d) who has access to these tapes, if not, what happens to these tapes once they have been checked by officials?

†The MINISTER OF LAW AND ORDER (for the Minister of Justice)

The hon member will probably agree that I furnished full particulars in my reply to Question No 6 of 26 May 1987, as to the reasons for the monitoring of non-privileged visits to prisoners. I also went out of my way to confirm that all such visits have to take place within the sight and hearing of a member of the South African Prisons Service, for certain understandable reasons and according to internationally accepted practice. Therefore, staff are present for the duration of such visits and are responsible for and mindful of making observations. I also mentioned that under these circumstances modern technology is used where it is available, but also added that I do not consider it in the interests of security to furnish further particulars regarding the technology used. I did not say in my reply on 26 May 1987 that audio- and video tapes are used for monitoring purposes. The way in which the present question has been framed, makes it difficult for me to give a full reply, as I normally try to do.

Mixed couples

*13 Mr F J LE ROUX asked the Minister of Constitutional Development and Planning +

Whether applications for the issue of permits in terms of section 26 (1) of the Group Areas Act, No 36 of 1966, to couples who have entered into mixed marriages to reside permanently in White areas notwithstanding the provisions of the above-mentioned Act are considered on the basis of certain criteria, if so, what criteria are used for this purpose?

The DEPUTY MINISTER OF DEVELOPMENT PLANNING

Yes. Applications are considered by the various Provincial Administrations in terms of the criteria laid down in section 21 of the Group Areas Act, 1966.

State President: advertisements

*14 Mr F J LE ROUX asked the Minister of Foreign Affairs +

What was the total cost of advertisements published by the State President in this capacity in publications abroad from 4 September 1984 to 1 June 1987?

†The MINISTER OF FOREIGN AFFAIRS

No advertisement was placed by the Department of Foreign Affairs on behalf of the State President in this capacity in publications abroad between 4 September 1984 and 1 June 1987.

Children detained

*15 Mr R M BURROWS asked the Minister of Law and Order.

(1) Whether, with reference to his reply to Question No 31 on 23 June, 1987, any children as defined in the Child Care Act, No 74 of 1983, were being detained in the Republic as at 10 June 1987 without any charges having been brought against them, if so, how many children who were under the age of (a) 18 and (b) 16 were being detained as at the above date.

(2) whether these figures include children in the national states who were being detained without charges having been brought against them?

The MINISTER OF LAW AND ORDER

(1) and (2) A list of names of persons in terms of section 3 (4) of the Public Safety Act, 1953 (Act 3 of 1953) will be tabled in Parliament shortly.

NOTE: The list will include the names of persons detained in the national states.

Mr R M BURROWS: Arising out of the hon the Minister's reply, can he tell the House whether the listing will contain the ages of the persons detained?

The MINISTER: Mr Speaker, I am not sure, but as far as I know, the answer is no.

Police men at political meetings

*16 Mr K M ANDREW asked the Minister of Law and Order

Whether any policemen from the (a) Cape Town and (b) Wynberg police districts were present at any political meetings in the course of their duties during the 1987 general election campaign, if not, why not, if so, (i) at which meetings, (ii) (aa) where and (bb) when were they held, (iii) who were the speakers at these meetings and (iv) who requested that policemen be present?

†The MINISTER OF LAW AND ORDER

(a) and (b) Yes

(i) to (iii) At all meetings of the respective political parties in the police districts of Cape Town and Wynberg, which came to the notice of the South African Police and during which Ministers, Deputy Ministers and Members of Parliament acted as speakers. Because election campaigns were conducted in an intensive manner, compiling the particulars is an enormous and time-consuming task and this information is, therefore, not readily available.

(iv) The Divisional Commissioner of the Western Province directed personal requests to the various political parties that they inform the South African Police of political meetings, so that they could as far as possible maintain a police presence at all such meetings, as this is a normal police function.

In only a few instances were the requests adhered to. Where the South African Police, however, had knowledge of meetings, an unobtrusive presence was maintained with the sole intention of ensuring law and order.

The South African Police complied with all such requests that were received from the political parties.

Social pensions

*17 Mr K M ANDREW asked the Minister of Constitutional Development and Planning

- (1) Whether consideration is being given to paying social pensions to Black persons (a) on a monthly basis and (b) by way of transfers into savings accounts, if not, why not, if so,
 - (2) whether any progress has been made in implementing these changes, if so, (a) what progress and (b) when is it anticipated that these changes will be implemented, if not, (i) why not and (ii) what steps are to be taken in this regard,
 - (3) what is the most recent estimate of the number of Black persons in the Republic, excluding the national states, who are (a) of pensionable age and (b) being paid pensions by the State?
- The DEPUTY MINISTER OF DEVELOPMENT PLANNING
- (1) (a) Yes
 - (b) Yes
 - (2) Yes

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engine and pump as well as two storage tanks from which water is supplied

- (ii) A clinic service
- (iii) Refuse removal services
- (d) 25 June 1987
- (2) Yes

(a) As soon as the necessary services have been installed (it should be mentioned that forced removals are contrary to Government policy, the squatters will therefore have to be persuaded to move to the new site)

(b) The farm Wildebeestfontein

†Mr J H VAN DER MERWE Mr Speaker, arising out of the hon the Deputy Minister's reply, I should like to know, if the Government is not in favour of forced removals, and if squatters, as at this place, come and squat and do not want to move of their own accord, whether they will be permitted just to remain there?

†The DEPUTY MINISTER No, Mr Speaker, it is not our policy that the squatters should remain there. We have a policy that we apply and this includes the persuading that we do Together with that there is the provision of facilities and housing in which the people can settle

†Mr J H VAN DER MERWE Mr Speaker, further arising out of the hon the Deputy Minister's reply, if the persuading and encouragement which the Government is doing now does not work, is the Government simply going to leave the thousands of squatters there?

†The DEPUTY MINISTER No, Sir, it is very clear that we cannot permit conditions such as those developing at Wheelers' Farm—I was there personally—to continue *ad infinitum* We shall apply the various ordinances and regulations that exist We are therefore not in favour of conditions such as those existing at Wheelers' Farm

†Mr J H VAN DER MERWE Mr Speaker, further arising from the hon the Deputy Minister's reply, if the hon the Deputy Minister is not in favour of removals, I again

HOA

want to ask him specifically what they are going to do if the actions to encourage people do no work and 7 000 or 8 000 or 10 000 squatters remain and do not want to move What are they going to do then? Are they then going to compel them to move?

†The DEPUTY MINISTER I have such confidence in the persuading that I have to do, what I shall not even reply to the question

Mr C J DERBY-LEWIS Mr Speaker, further arising from the hon the Deputy Minister's reply, is this not a situation which was created as a result of the expectations created by the Government's policy of so-called orderly urbanisation? [Interjections]

Municipal police: identification

*8 Mrs H SUZMAN asked the Minister of Constitutional Development and Planning

(1) Whether members of municipal police forces in Black townships are required to (a) wear some visible form of identification and (b) produce their identification on demand by any member of the public, if so, what form of identification are they required to (i) wear and (ii) produce on demand, if not, why not,

(2) whether any action is to be taken regarding the wearing and production of identification by these policemen, if not, why not, if so, what action,

(3) whether these policemen are allowed to perform their duties in plain clothes, if so, under what circumstances,

(4) whether any complaints have been received regarding the actions of these municipal policemen, if so, (a) how many, (b) what was the nature of the complaints and (c) what action was taken as a result?

†The DEPUTY MINISTER OF DEVELOPMENT PLANNING

(1) (a) Yes

(b) Yes

(i) Besides the prescribed uniform

Howard
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form, badges are worn by the officers while on duty as prescribed by legislation

(ii) An appointment certificate issued when appointed

(2) No, falls away

(3) Yes, only in the Cape Province when the commanding officer deems it necessary when the officials execute their duties as peace officers

(4) Transvaal, Cape Province, Orange Free State and Natal No (a) to (c) Falls away

Cape Province Yes

(a) 195

(b) Murder, attempted murder and assault, culpable homicide, serious assault, negligent and reckless driving, unlawful arrest, pointing a firearm, theft of weapon, damage to property, and attempted rape

(c) The South African Police investigate all charges and on conviction those concerned are sentenced Thereafter departmental disciplinary steps are taken in accordance with staff regulations

Gompo Village, municipal police

*9 Mrs H SUZMAN asked the Minister of Law and Order

(1) Whether any complaints have been laid with the South African Police against members of the municipal police force of Gompo Township, previously known as Duncan Village, if so, (a) how many, (b) in respect of what dates were these complaints laid and (c) what was the nature of these complaints in each case,

(2) whether any persons have been arrested and charged in connection with these complaints, if not, (a) why not and (b) what action is being

taken by the Police in respect of these complaints, if so, (1) how many and (ii) what was the outcome in each case,

(3) whether the South African Police have approached the Gompo Town Council in connection with these complaints, if not why not, if so, (a) on what date, (b) to whom did they speak on this occasion and (c) what was the response of the Gompo Town Council?

THE MINISTER OF LAW AND ORDER

(1) Yes

(a) 63 complaints

(b) For the period 28 November 1986 until 26 June 1987

(c) Murder 1

Attempted murder 4

Assault with the intent to do grievous bodily harm 14

Assault (common) 42

Crimes Injuria 1

Pointing of a fire-arm 1

(2) Yes

(a) and (b) Fall away

(i) One person on a charge of murder

(ii) The person is awaiting trial

(3) No, but discussions about the matter were held on several occasions with the commander of the Municipal Police, who conducts lectures for members of the Municipal Police on a regular basis to restrain them from committing offences

(a) to (c) Fall away

Note I want to point out to the hon member that in addition to the charge mentioned in paragraph (2), three members of the Municipal Police are awaiting trial on charges of assault with the intent to do grievous bodily harm and one member on a charge of pointing a fire-arm In 27 cases the investigation has not yet been completed, while the perpetrators in 6 cases have not yet been apprehended and prosecution was declined in 25 cases

HOA

Howard
4/8/87

engine and pump as well as two storage tanks from which water is supplied

- (ii) A clinic service
(iii) Refuse removal services

(d) 25 June 1987

(2) Yes

- (a) As soon as the necessary services have been installed (it should be mentioned that forced removals are contrary to Government policy, the squatters will therefore have to be persuaded to move to the new site)
- (b) The farm Wildebeestfontein

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Crimen injuria 1

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Men shot at close range, say experts

Tygerberg Bureau

TWO experts have testified that some of the seven men who died in a shootout with police in Guguletu in March last year were shot at close range while lying on the ground.

The evidence was submitted yesterday during the trial of Cape Times reporter Tony Weaver, who is charged in the Parow Regional Court under Section 27b of the Police Act

The State alleges that Mr Weaver made untrue reports about police action in connection with the death of the seven men on March 3 last year

He allegedly said in an interview with the BBC that the men had been shot in cold blood and that police later planted weapons on their bodies.

Three charges against Mr Weaver have been dropped. He has pleaded not guilty to a fourth charge

Defence witness Dr Johan van der Spuy, a trauma expert, said the shots fired at Zamsile Zenith Mjobo, which police claimed were from about 6m away, must have been so close as to have been "in virtual body contact"

Similar evidence was submitted by Dr David Joseph Klatzow, a forensic consultant in private practice in Johannesburg and a specialist on firearms and medical biochemistry

Prone state

He said he ran ballistic tests with weapons and ammunition similar to those used by the police

One of Mr Mjobo's wounds could have been caused only by "a close-contact shot"

It had a very distinctive burn pattern similar to one he had duplicated at his test range on the head of a dead pig with an R1 rifle shot from about 10cm away.

He and Dr van der Spuy also testified that Mr Christopher Piet, allegedly shot various times by police from 6m or more, had an injury which seemed to indicate that he had been in a prone state and shot from much closer range

Defence counsel Mr J J Gauntlett said witnesses at the nearby Dairybelle Hostel told Mr Weaver they had seen a man lying on the ground being shot in the head by another man from only a few metres away.

Dr van der Spuy said the witnesses' account "could easily have been entirely correct"

Dr van der Spuy said wounds behind Mr Zambonke John Komile's right ear must have been the result of good shooting "to hit a running target behind the ear with both shots"

The trial continues today

Mr J M Lemmer is on the Bench and Mr S Shrock is appearing for the State. Mr Gauntlett is instructed by Findlay and Tait

Police shot guerillas at close range, court told

By YVETTE VAN BREDA
Court Reporter

SIX of seven alleged African National Congress guerillas killed by police in a shoot-out in Guguletu were shot at "very close range", the Parow Regional Court heard yesterday.

Dr Johan van der Spuy and Dr David Klatzow were giving evidence in the trial of the Cape Times deputy news editor, Mr Tony Weaver, who has pleaded not guilty to a charge of making false statements to the BBC in connection with the shoot-out on March 3 last year.

Dr Van der Spuy, a general, orthopaedic and neuro-surgeon, is head of the trauma unit at Groote Schuur and a senior lecturer in surgery at the UCT Medical School. Dr Klatzow is a forensic specialist.

Dr Van der Spuy said that on the medical evidence he found the accounts of three different sets of eye-witnesses to the killings of three of the men more credible than that of the police evidence delivered earlier.

Mr J Gauntlett, for Mr Weaver, said there had been evidence that Mr Godfrey Jabulani Miya was shot by Sergeant W Bellingham and Sergeant A Grobbelaar. They said he had a hand-grenade and that a number of policemen fired at him. He dropped under a tree and some policemen kept on firing at him.

Dr Van der Spuy said "Clearly there was a through and through shot of the left buttock. A fairly long elongated injury which to all intents and purposes looks like a burn, stretching over 15 to 20cm. The post mortem said it was a burn injury and not a bruise.

"It looks like a flash burn injury. When the blast escapes from the barrel, there is a blast of hot gases. That would burn tissue or material close to the barrel.

"As to the proximity of the barrel, I would say this was a contact or virtually a contact shot."

Dr Klatzow said he had experimented on pig's heads because their skin was similar to human skin and one did not have to remove fur. He fired at it from about 10cm away and the pig sustained a burn from the flash protector, a perforated sleeve covering the muzzle of the gun.

It was similar to the one sustained by Mr Miya and showed the same "tracks and greyish colour" expected from a flash protector at close range.

meet fellow teenagers from different geographical and social backgrounds" said she hoped to bring back and share the knowledge she gained

broadcast, newspapers said yesterday — Sapa- AP

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Mr Gauntlett said there was also evidence that Mr Christopher Piet was running through the intersection at NY 1 and NY 111 holding an AK-47

Warrant Officer J Sterrenberg said he fired seven shots at him at a distance of about 20 to 30 metres. The deceased did not turn around, he looked back once, but never turned "full face"

W/O Sterrenberg agreed that he probably inflicted a chin wound. There were no injuries on the left side, although he was being fired at from the left.

A witness would say he saw Mr Piet lying prone on the ground and that someone walked up to him with a "long gun" and fired at him from a close distance, Mr Gauntlett said.

Dr Van der Spuy said that according to the post mortem report, Mr Piet sustained 16 wounds. There were no indications of injuries on the left profile, the side he was presenting to W/O Sterrenberg.

"It is difficult to visualise how the left profile did not sustain any wounds. He had an injury on the right hand side of his temple and face.

"From the photos in the post mortem report I must assume that this was a more or less vertically directed injury to the temple and right cheek.

"If the policeman was standing upright, he would have to have been shooting up at a platform, or from below. I would have to reject that evidence.

Mr Gauntlett said: "There was no suggestion that the policemen were in trees or holes in the ground."

Dr Van der Spuy: "The only suggestion left is that he sustained this shot while lying down. His other injuries also seemed to have been vertical."

"I would find the eye witness account more probable than Sterrenberg's account because if at that stage the victim was lying on the ground, it tallies with the pictures and the post mortem report. The chin shot was not necessarily one that would put you down and keep you down. The shot to the

back of the head — definitely a fatal shot."

Mr Gauntlett said Sergeant W Bellingan had shot at Mr Zambonke Konile from two to four metres.

Two other witnesses in a bus said they saw a policeman stand over him and shoot.

Dr Van der Spuy said there was one shot behind the ear, exiting from the eye and one shot behind the right ear, into the base of the left brain.

"Either of these shots would have put him down and kept him there."

As Sgt Bellingan said he had not shot frontally the only possibility was that the man had turned his head very "grossly".

"Either of the shots could have been fatal in the short term, if not immediately so. Shot one was probably more fatal."

"I can find nothing of the witnesses Benting and Smith which would make their version improbable, it is totally possible, but I have difficulties with the evidence of Bellingan," said Dr Van der Spuy.

More acceptable

Mr Gauntlett said evidence was that Mr Themba Mfili had been fired at by Constable T Mbelo, who said he fired five shots at the man from the rear of a vehicle. Two witnesses said the man had his hands in the air, was shot at and then dropped. There was also a second shot.

Mr Mfili had a stomach wound entry exiting just below the head. He sustained a second shot through the left cheek exiting at the back of the head. Dr Van der Spuy: "One explanation could be that the (victim) was standing well above the shotist, or lying down and shot at from a few yards away."

"The (head) shot was a fatal shot, it would have pole-axed him and killed him. It would have been virtually instantaneously fatal."

He said it was more acceptable that Mr Mfili was shot at with a rifle but did not rule out the possibility of a 9mm pistol being used. It was probable that the head shot was the first shot and probably fatal.

"This is significant in that it means the second shot (to the stomach) was either just before or after death."

"The eye-witness accounts are certainly more compatible with the medical evidence than the police accounts."

Mr Gauntlett said further evidence was that Mr Zanusile Zenith Mjobo and Mr Mandla Simon Mxinwa had been shot at by W/O Barnard who said he chased the two men into the thick bush.

Mr Mjobo turned around and fired at W/O Barnard and he fired two shots with a shotgun from the hip. He was six to seven metres away.

Dr Van der Spuy said a felt wad was left in the brain which indicated that the shot was fired from a maximum distance of two metres into the jaw. The shot to the left side of the brain was absolutely fatal.

W/O Barnard also said Mr Mxinwa had swung around with a hand-grenade and that he had fired at him three times from about six metres away. He said Mr Mxinwa was in an erect position.

Dr Van der Spuy said Mr Mxinwa could have been on his knees or prone, but not erect to have received the wound to his shoulder. He could not visualise him sustaining such a shot if both people were standing upright on level ground.

Asked to comment on the fact that several of the men were shot behind the ears, Dr Van der Spuy, who is also a shotist, said: "This is remarkably good shooting on moving targets."

Asked by Mr S Shrook, for the State, if it was possible that Mr Mxinwa was running with his upper body hunched over and head tucked in firing an AK 47, Dr Van der Spuy replied: "This is on the outer borders of reality."

Major S Brits said shrapnel and bullets found in the seven victims could not be analysed by experts as they were destroyed by police after the inquest even though police knew of the charges Mr Weaver was facing.

The hearing continues today. Mr J M Lemmer was the magistrate. Mr Gauntlett was instructed by Findlay and Tait.

11 35: Evening Prayer Hev N Abre
11 40: Transmission Ends

TV2

4.50: Masidlale What happens to

5 00: Ikhave Labatwana Different plants produce them

5 10: Moving on Get Up and Go (En believe young clubs are for and are run by "high-and-tr

5 30: The Lone Ranger (simulca Ranger helps a father and da danger of being taken away

6 00: Transmission Ends

M-NE

6 00: Hawaii 5.0 Once Upon a Time she is healing McGarrett's si but he ails more and more investigate the healer

TV2

7 00: Public Affairs

7 28: News

7 57: Cotoza Mfana Traditional Ezemidlalo

8 14: Epilogue

8 57: Sport Rugby Sara v Stellala championships

TV4

9 04: Music Rewind Cat Stevens, hood of Man, Manhattans, Jennifer Rush, Madonna, Ballet, David Foster, A-Ha,

9 57: The Borrower The story o bank accountant with con funds "Borrowed" money

11.31: Mother-in-Law Who's Afraid enjoying an Elizabeth Taylor asks Roger whether, given date the glamorous movie

11 58: Transmission Ends

Editor keeps punn

LONDON — The British magazine for its satirical commentaries politics, yesterday announced 40, would replace Mr Alan (January, Mr Coren, 49, who h for 25 years and has been edit he was "tired of being famoi

Schoolboy on

9 04: Transmission Ends

AKG 43 5/8/87 (251) ~~200~~ ~~200~~

Bellville unrest death: Police not covered by indemnity, says State

Staff Reporter

INDEMNITIES granted to police under emergency regulations were a drastic infringement of normal public rights, counsel for the State said in the trial of two policemen charged with murder and attempted murder.

Mr H G Klem SC was arguing in the Supreme Court, Cape Town, yesterday against the incident out of which the

charges arose being covered by the indemnity

Constable Ernest Villet, 27, and Warrant Officer Paulus Kruger, 36, were not asked to plead pending the outcome of argument on whether they were indemnified

They are charged with murdering Miss Sarah van Wyk and attempting to murder three other schoolgirls during unrest in Bellville South on August 29 1985.

Mr Klem argued that they were not covered by the indemnity because the emergency regulations were in force only in 36 magisterial districts — excluding Bellville — at the time

LINE OF DUTY

To be indemnified, actions had to be carried out in the line of duty, the exercise of powers and the performance of official functions.

They had to be taken in terms of the regulations, in good faith and aimed at public safety and assuring public order

The indemnity applied only when all requirements were met.

Duty, powers and functions of officials were all of the same order and the law intended to restrict all three and not just one. It would be absurd to restrict only performance of functions, Mr Klem argued.

The State alleges that on August 29 the policemen fired on a crowd in Armada Crescent and killed Miss van Wyk and Miss Mercia Coetzee. Miss Cressenda Cupido and Miss Monica Daniels were injured Miss Daniels later lost her right arm.

Warrant Officer Kruger



Constable Ernest Villet

(Proceeding)

COURTS

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Man shot with 'long gun' at close range

Tygerberg Bureau

THREE witnesses to a shootout, in which seven alleged ANC members died in Guguletu on March 3 last year, told the Parow Regional Court how they saw shots fired at close range at unarmed men lying on the ground.

The evidence was given during the trial yesterday of Cape Times journalist Mr Tony Weaver who is charged under section 27b of the Police Act

The three men were residents of the Dairybelle Hostel near the intersection of NY1 and NY111 in Guguletu where the shooting took place soon after 7am on March 3 last year

Statement changed

Mr Bowers Vumazonke, 29, a cleaner at the hostels, described seeing a white man "in a grey uniform" shoot a black man who was lying prone on the ground with a "long gun"

The shot was fired from about 1m away, Mr Vumazonke said

During cross-examination by the State prosecutor, Mr S Shrock, Mr Vumazonke said he had made a truthful verbal statement to the police about two days after the shooting, but that the later typed version in Afrikaans of this verbal statement had been changed by the police and had been read back to him incorrectly

This typed statement had been read back to him in Xhosa by a translator as he could not read the Afrikaans version, he told the court

The second witness, Mr Cecil Msutu, 61, said he was awakened by shots that morning and went outside where a black man, with his hands in the air, was shot by a white man in police uniform

The shot man fell backwards on to the ground, with his hands spread above his head. He was then shot a second time by the same policeman with a "long gun" pointed downwards and at very close range to the victim's body

Mr Msutu said he had told police later that he had "seen nothing" as he feared being arrested and he also did not want to co-operate with police as he did not want to be used as a State witness

When the investigating officer, Major Stephanus Brits, approached him a second time for another written statement, Mr Msutu had refused any fur-

ther co-operation and told the major to arrest him instead

The third witness, Mr General Sebakha, 41, said he saw a white policeman in riot uniform approach a black man who had his hands in the air

The policeman took a handgun from this man's belt, and then another policeman shouted from the NY1-NY111 intersection "Skiet hom" (Shoot him). The black man was then forced down to the ground on his back and a policeman shot him three times with a "long gun" at close range

Mr Shrock accused all three witnesses of not having seen the shootings as they had described them

He pointed out that the evidence-in-chief of both Mr Vumazonke and Mr Msutu differed radically from their statements given to police a few days after the shooting

The defence counsel, Mr J J Gauntlett, closed his case yesterday

"In cold blood"

The State has alleged that Mr Weaver, in a BBC interview on March 4 last year, had reported that people killed in the incident at NY1 in Guguletu on March 3 had been shot by the police in cold blood and that weapons had been "planted" on them to justify the killings

Mr Weaver has denied that the statement made to the BBC was untrue. He told the court at a previous hearing that he had reported the opinions of parents and associates of two of the victims and had no reason to believe that their opinions and feelings had been untrue

Argument is expected to be heard today in the Cape Town Regional Court

Mr J M Lemmer is on the Bench, Mr S Shrock appears for the State and Mr J J Gauntlett, instructed by Findlay and Tait, appears for Mr Weaver

Suspended sentence for R457 dole fraud

Court Reporter

A TRAINEE slaughterer who drew unemployment benefits for three months after finding work has been given a six-month suspended sentence

Cape Times 5/10/87 (25)

Complaints against 195 Cape township cops

Political Staff

COMPLAINTS, including murder, attempted murder and serious assault, have been made against 195 municipal policemen in black townships in the Cape, the Deputy Minister of Development Planning, Mr Piet Badenhorst, said yesterday

He also said 63 complaints had been made against the municipal police

force of Gompo, the black township in East London which used to be known as Duncan Village.

Mr Badenhorst, who was answering questions which were tabled in Parliament by Mrs Helen Suzman (PFP, Houghton), said no complaints had been received against municipal police in black townships in the other three provinces

Police killing of 'ANC 7' described in court

By YVETTE VAN BREDA
Court Reporter

THREE men who saw a shootout in Guguletu from a hostel overlooking the scene told the Parow Regional Court yesterday that police shot a man on the ground and another who had his hands raised in surrender.

Mr Bowers Vumazonke, Mr General Sibaca and Mr Cecil Msutu were giving evidence in the trial of the deputy news editor of the Cape Times, Mr Tony Weaver, who is charged under section 27 (b) of the Police Act.

The charge arises from an interview he had with the BBC Africa Service on March 4 last year concerning the March 3 shootout in Guguletu when seven alleged ANC guerrillas were shot dead by police.

The state alleges that Mr Weaver unlawfully published untrue matter by claiming that the men had been shot in cold blood.

Mr Vumazonke, a cleaner at the

Dairybelle hostel, which overlooks the scene of the shooting, said he was working at the hostel when he heard a "noise which sounded like two cars colliding".

He looked out of the window and saw a person lying face down under a tree near the intersection of NY1 and NY111.

"I saw a policeman shoot him while he was lying there. He shot him with a long gun pointing down at the ground," said Mr Vumazonke.

He went outside and saw a minibus parked at the intersection and two other men lying in the road. While he stood there a policeman approached him and told him to leave the scene.

He later spoke to Cape Times reporter Mr Chris Bateman, and told him what he had seen. He said Mr Bateman spoke in fluent Zulu and he had no problem understanding him.

Page 2

P.T.O.

Cross-examined by the prosecutor, Mr S Shrook, Mr Vumazonke said he saw no weapons on the man on the ground who was lying still. He had not seen the man fire any shots.

He said he saw the profile of the policeman who fired once and then turned and walked away.

Two days later police took him to Bishop Lavis police station where he made a statement. The statement had been handwritten by a "white policeman" helped by a "black policeman", who interpreted.

The statement had later been typed in Afrikaans, which he could not read. When it was read to him yesterday, he said there were certain "additions" his original statement had

not contained

The only parts of the statement he was aware of were those the interpreter told him.

Mr Msutu, 61, an assistant mechanic who has been employed by Dairrybelle for 24 years, said he was sleeping in the hostel when he he was woken by shots.

He went outside and saw a man with his hands raised on either side of his head being shot by a policeman. The man had fallen on to his back after the shot was fired and the policeman had shot him again.

He said the policeman was about two metres from the man when the shot was fired. He then went back inside and from his window saw police drag a man from the bush with

He said he had also spoken to Mr Bateman

When police asked him to make a statement he had failed to tell them of the shooting.

"They said if I say anything about that they would take me into custody," he said.

"When they came to ask me for a second statement, I did not make one because those who were shot are my brothers and I decided they must arrest me rather than make me give another statement."

Cross-examined he agreed that he had lied to the police because he was afraid. He said he was not prepared to be a state witness. He explained that what he meant by "brothers" was "black people".

Mr Sibaca, who works at Dairrybelle as a packer, said he was preparing for work when he heard a noise "like two cars crashing".

Looking out of his ground-floor window he saw two minibuses at the intersection. He saw "black men running towards the bush. Police were shooting at them from the combi".

"The men running towards the bush were firing back and one of the bullets hit my window and broke it," he said. He went to tell the watchmen at the gate of the shooting and on returning to his room he saw one of the policemen call one of the black men.

The man came towards the policeman with his hands raised and the

policeman removed a gun from the man's belt.

Another policeman then grabbed the man by the back of the neck, kicked him in the small of his back and pulled him down causing him to land on his back on the ground.

"A policeman stationed in NY1 shouted 'shoot him' and then the policeman shot him with a long gun. He was pointing the gun downwards."

He said he had spoken to Mr Bateman and told him what he had seen. All three men said they had no reason to lie about what they had seen, they were not in trouble with the police and were not involved in politics. Previous evidence was that police had set up a

counter-attack after receiving information that a police vehicle which passed a certain corner in Gugulethu each day between 7pm and 7.30pm would be attacked.

Yesterday Dr Johan van der Spuy and Dr David Klatzow said six of seven killed were shot at "very close range".

Dr Van der Spuy said that on the medical evidence he found the accounts of three different sets of eyewitnesses to the killings more credible than that of the police evidence delivered earlier.

The hearing continues today in the Cape Town Regional Court.

Mr J M Lemmer was the magistrate. Mr J Gauntlett instructed by Findlay and Tait appeared for Mr Weaver.

ARGUS 5/8/87

251

ANC objectives legal — security police colonel

Supreme Court Reporter

A SECURITY police colonel called as a "knowledgeable witness" on the African National Congress and the South African Communist Party has told the Supreme Court that the ANC's aims and objectives are perfectly legal

Colonel Johannes Griebenauw, head of the Border security police, was giving evidence yesterday at the resumption of the trial of 13 men convicted under the Internal Security Act of terrorism or aiding terrorists

He said in cross-examination by Mr Denis Kuny, SC, for the defence that the methods used by the ANC in reaching these goals presented a problem

TEACHING ROLE

Colonel Griebenauw, who described himself as knowledgeable on ANC and SACP affairs and not an expert, said his knowledge was based on experience gained during many investigations and from studying newsletters and pamphlets apparently published and distributed by the organisations

He read into the record a 40-page history of the ANC he had prepared. A collection of books, pamphlets and magazines confiscated from Cecil Esau, one of the accused, was handed in as an exhibit

In reply to a question by Mr W Viljoen, for the State, Colonel Grieben-

auw said. "I would say that someone who had so much literature was probably teaching people about joining the ANC or SACP"

Mr Kuny A number of books were handed in. Have you read any of them?

Colonel Griebenauw. No I haven't read those before court, but I have read others which may be the same.

Colonel Griebenauw said he had not read *Why Revolutionaries Need Marxism, Lenin (on the Paris Commune)* or a book by Amilcar Cabral which were handed in as evidence

He demed a suggestion by Mr Kuny that he had earlier advised Mr Viljoen how to cross-examine Professor Colin Bundy, who gave evidence on the ANC for the defence

Mr Kuny Professor Bundy made the point that the ANC and SACP were totally separate organisations with different aims

Colonel Griebenauw. I would agree, but it is a general occurrence that there is dual membership of the organisations

Mr Kuny Is it possible to be a high-ranking member of the ANC and not be a member of the SACP?

Colonel Griebenauw Yes, I have admitted that

The hearing continues

Police claim emergency indemnity in killing

Supreme Court Reporter

TWO policemen accused of murdering a schoolgirl delayed pleas in the Supreme Court yesterday, claiming they were indemnified from prosecution by regulation 11 of the emergency regulations in force at the time of the killing

Constable Ernest Villet, 27, of Elsie's River and Warrant-Officer Paulus Kruger, 36, of Bellville sat side by side in the dock, dressed in almost identical grey suits, as their defence counsel argued the point with Deputy Attorney-General Mr H G Klem

The regulation they are relying on provides that no civil or criminal proceedings shall be brought in any court of law against state officials, including policemen, "by reason of any act in good faith" ordered or performed officially in terms of the regulations in an area where a state of emergency exists and aimed at ensuring public safety and order or, ending the state of emergency

The state alleges that on August 29, 1985, the two policemen, armed with shotguns, were positioned at a T-junction at the corner of Industry Road and Armada Crescent in Bellville-South from where "obstructions and burning objects" had been removed earlier

They were ordered to hide behind a fence and to arrest any "agitators" who returned, or to "act as they deemed fit under the circumstances".

About 7 15pm a group of people walked by "out of curiosity" and gathered at the T-junction with others already there.

Another policeman about 100 paces away from the two accused, "convinced" that the crowd was out to cause a riot, fired a teargas grenade in its direction

The crowd scattered, walking or running down Armada Crescent but was fired on by the accused, the state alleges

About seven shots were fired. One killed schoolgirl Miss Sarah van Wyk. Three other schoolgirls were hit. One lost her right arm

Constable Villet and W/O Kruger face three charges of attempted murder in addition to the murder charge.

Mr Klem argued yesterday that the two accused were not covered by the regulation 11 indemnity since they were not acting in terms of the regulations which were in force only in 36 magisterial districts — excluding Bellville — at the time

He said the regulation 11 indemnity differed from previous indemnity provisions — enacted after the Sharpeville massacre and after the 1976 Soweto uprising — in containing the condition that the indemnified official should be acting in terms of the regulations

The trial continues

Mr Justice C T Howie presided with Mr A J van Niekerk and Mr J P van Niekerk as assessors. Mr W Downer appeared with Mr Klem. Mr D Uys, instructed by Keith Hamblin and Co, appeared for Constable Villet. Mr A H Veldhuizen, instructed by the State Attorney, appeared for W/O Kruger



NSEL. . . Warrant-Officer Paulus Kruger (right) out in Court yesterday with his defence counsel Mr A H Uys and Mr D Uys, defence counsel for co-accused Constable Ernest Villet.

1 (251)

Greenflies make 'life a misery'

From EDYTH BULBRING JANSENVILLE. —

Poverty and repression are synonymous in this little Karoo town.

The repression was again highlighted last week with the inquest into the death of Themba Grootboom, who was allegedly shot and killed by municipal policemen, commonly known as "greenflies".

The inquest into the shooting has evoked keen interest

One by one residents were called into court to bear witness to the shooting which ended Grootboom's life. Others remained outside holding a silent vigil, lending support to Themba's mother, Nellie Magee.

Residents spoken to outside court and in the township said the greenflies were making their lives "a misery". The greenflies were accountable to no one. The township came under the jurisdiction of the administration board after the community council disbanded in 1985 when homes of councillors were burnt down.

The town, 200km northwest of Port Elizabeth, has a mere 6 000 residents. Blacks number 5 000 and live in a largely integrated African and "coloured" community in the Bricksfield, Holland and Draai locations.

Perched on top of a hill, the picturesque stone houses belie the poverty and hunger that are the daily experience of most residents.

In Bricksfield, there are only three outside taps for 70 houses and the monthly rent of R17,41 has put many in arrears. Daniel Grootboom, 70, a former community councillor who spent three months in detention last year, said employment opportunities in Jansenville were limited to government work and badly paid labour on surrounding sheep and goat farms.

Old men and women can be seen breaking rocks with pickaxes and manually removing the stones to prepare roads. They are paid 50c an hour. Grootboom said detentions under the state of emergency totalled over 120 members of the Jansenville Civic Organisation and the Jansenville Youth Congress (JYC). "When I came out of detention in September there were no more troops in the townships. They were replaced by the greenflies and so far they have done nothing but terronse people."

The township manager, Mr J Nel, who was present at the death of Themba Grootboom, said the greenflies were there "to keep law and order".

Sentu
6-12/8/87

Mother faints at inquest

(51 NR)

THE inquest into the death of Themba Grootboom ended abruptly this week when the mother of the deceased, Mrs Nellie Magee, fainted under cross-examination in the Jansenville Magistrate's Court.

In a statement read out to the court, Magee, 68, of Brickfield location, told how her son was shot dead by a municipal policeman at close range on October 11 last year.

She said Themba, 39, and some children were playing soccer in the road next to a church across the way from the Grootboom house.

A van driven by Mr Johan Nel, the township manager, with four municipal policemen inside, arrived at the scene. The players were told to remove the stones they were using as goal posts from the road.

The greenflies then attempted to drag Katie Heers, Grootboom's sister-in-law, into the house.

Otto Grootboom, 72, shouted for Themba to come into the house, which Themba attempted to do.

One of the greenflies, Norman Yantola, ran after him, grabbed a gun from a fellow policeman and shouted: "Ek skiet nou."

Themba turned around and was shot in the head.

Magee alleges that Yantola then held the gun to her head and said: "Ek skiet jou nou, ou vrou!"

Magee replied "Skiet, want jy het klaar geskiet."

Magee alleges that Yantola also threatened to shoot Otto Grootboom.

The body of Themba was loaded in the back of the van, Mrs Heers told the court, and Yantola and the other policemen accompanied by Nel drove off. According to evidence by Katie Heers, Kate Grootboom and Julia Maduna, among others, no stones were thrown and the onlookers on the street were not rowdy, as alleged by the greenflies.

Nellie Magee, a frail bird-like woman who has been looking after her son's five orphaned children since his death, became confused during cross-examination.

Swayed

The advocate for the Cape Provincial Administration, Mr C Jooste, asked her where she was standing when Yantola drew the gun and was it drawn from the left or right side.

Magee faltered and froze up. She then swayed and collapsed.

A Black Sash worker, Ms Shelagh Hurley, rushed to her aid.

The inquest has been postponed to August 27, when the evidence of the four municipal policemen will be heard. Advocate D Chetty, instructed by Vanessa Brereton, appeared for the family. Mr Henry Ferreira was on the Bench.



Jansenville residents do the only work available to them, breaking stones for road-building, for which they get paid 50c an hour

Police in R35 000 payout

A CROSSROADS family has been awarded R35 000 damages in an out of court settlement following the killing of a man by police nearly two years ago.

251 South 6-72/8/87
Mrs Dorothy Nematamsanqa Mitshili sued the Minister of Law and Order for herself and her children, Bulelwa, 6, and Luzuko, 3, for loss of support after Mr William Mbapantsi Mitshili was shot dead by police.

The police claimed that they were entitled to shoot him under the Police Act and Section 49 (2) of the Criminal Procedures Act.

REGUS 6/8/87 (251) 804 275 321

Major 'chose not to believe witness'

Court Reporter

ACTIONS of certain policemen during and after the killing of seven alleged terrorists in Guguletu in March should be referred to the Attorney-General, the Cape Town Regional Court was told

During legal argument yesterday in the trial of Cape Times journalist Tony Weaver, defence counsel Mr J J Gauntlett submitted that had the investigating officer, Major Fanie Brits, put the truth about the incident to the police information centre in Pretoria at

the time, the trial might not have been necessary

Mr Gauntlett submitted that Major Brits interviewed a witness who told a story he chose not to believe "because he was amazed to hear what his colleagues had done"

This, the fact that certain evidence was destroyed before the trial, that an addition was made to a police record after the trial started and the numerous contradictions in police evidence should be investigated by the Attorney-General, Mr Gauntlett said

Referring to the evidence of Warrant Officer H J Barnard,

Mr Gauntlett submitted that he had "grievously lied" from beginning to end

Mr Weaver has pleaded not guilty to a charge under section 27 (b) of the Police Act

The State alleges that in an interview with the BBC, he published untrue matter about police action by saying that weapons were "planted" on certain men shot dead by the police in Guguletu on March 3

Mr Gauntlett said the State had not proved beyond reasonable doubt that Mr Weaver had intended to give false information or that the facts were not possibly true

Approval by editor

"Mr Weaver was entitled to believe that Mr Chris Bate-man's (crime reporter) report was true. It had already been through all the checks and balances in his own newspaper and had the approval of his editor. What else could Mr Weaver have done?"

Earlier, Mr Selwyn Shrock, for the State, submitted that the State had proved beyond reasonable doubt that no weapons were planted or concealed on the bodies and that no man was "set up" to create the impression he was a terrorist.

The hearing was provisionally postponed to September 17 for judgment

Mr J M Lemmer was on the Bench. Mr Gauntlett was instructed by Findlay and Tait

Woman claims ²⁵¹ she was raped ^{CHIEF 7/10/87} sues ^{6/8/87}

Supreme Court Reporter

A WALVIS BAY woman is suing the Minister of Law and Order for damages of R16 500, claiming she was assaulted and raped by a policeman after being thrown into a police van around midnight.

The woman, who is 34 years old and married, says a plainclothes passenger in the police van grabbed her by the neck and pushed her into the back of the van in the middle of the night on March 29 last year.

A uniformed policeman drove the van to nearby salt-pans and remained in the van, adopting "a passive attitude", while his plainclothes passenger pulled the woman out by her shoulders, threw her to the ground and raped her, throwing sand into her bruised and exposed private parts when he was through.

The woman says the policemen then left her at the scene of the rape.

She had difficulty walking for several days afterwards and suffered intense shock.

She is the mother of four children, one of them dead.

The woman has named her assailants as Constable P H Mackenzie and "a certain J. G. Hayes", also a member of the police.

The minister has not set out a detailed plea. He simply denies that the rape took place and requires the woman to prove it.

The trial continues.

Mr Justice M R de Kock presided. Mr J Slabbert, instructed by Findlay and Tait, appeared for Mrs Haoses. Mr J A le Roux, instructed by the State Attorney, appeared for the minister.

GRT Times 6/8/87
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Police action in shooting questioned

By YVETTE VAN BREDA
Court Reporter

POLICE conduct and the validity of an inquest concerning a shoot-out in Guguletu, where seven alleged ANC guerillas were shot dead by police, should be brought to the attention of the Attorney-General, the Regional Court was told yesterday.

Mr J J Gauntlett, the advocate representing the Cape Times deputy news editor, Mr Tony Weaver, said this in his four-hour address to the court.

Mr Weaver is charged under section 27 (b) of the Police Act, arising from an interview he had with the BBC's Africa Service on March 4 last year concerning the March 3 shoot-out.

Mr Gauntlett said "It must be shown that (1) publication of (2) 'matter', (3) with intent, (4) which is untrue, took place"

The burden was on the state to establish all four elements, and onus itself was the normal criminal standard — beyond a reasonable doubt

"If this onus is discharged in all four respects by the state, the accused is put on his defence in relation to 'without reasonable grounds', at which stage it must be shown that the accused had reasonable grounds for believing in the truth of the published 'matter' "

In the recognized Press Law authority dealing with Section 27 (b) of the Police Act, it was expressly stated "where sources are being relied upon for the information, it must be made clear that the statements of persons relating to the 'alleged actions of the police are being reported' "

'Both sides of story'

Mr Gauntlett quoted from amendments to the minutes of the joint Newspaper Press Union and the SA Police Liaison Committee, held in July, 1983

He said that in the minutes it was stated by a Mr Gibson "that it was difficult to decide where the truth lay when covering township disturbances. This was particularly difficult for the press who had to publish as soon as possible. The press normally published both the allegation and the official reply thereto.

"He (the chairman) said that the minister had some years ago indicated to the NPU that the Police Act would not be applied where this was done, ie if both sides of the story were published "

Quoting further, he said. "Mr Gibson said that some of the reports referred to by the chairman in his discussion did in fact present both sides of the story

"Replying to a question from Mr Gibson, the chairman said that the minister's undertaking still stood

"Mr Gibson read an undertaking given by General Zietsman, in terms of which section 27 (b) of the Act would not be applied where a newspaper had contacted the SAP for comment, comment had been refused, and the

fact had been published with the news report in question "

In respect of "untrue matter" Mr Gauntlett submitted that there were three principal sources of evidence, the medico-forensic evidence, the evidence of police witnesses and the evidence of two sets of eyewitnesses who testified on behalf of the defence (the three people in the school bus and three hostel inhabitants)

Earlier forensic experts Dr Johan van der Spuy and Dr David Klatzow said six of the seven killed were shot "at very close range"

Dr Van der Spuy said that on the medical evidence he found the accounts of three different sets of eyewitnesses to the killings of three of the men more credible than that of the police evidence delivered earlier

Also in earlier evidence, Mr Bowers Vumazonke, Mr General Sibaca and Mr Cecil Msutu, who witnessed the shoot-out from the Dairybelle hostel overlooking the scene, claimed police shot a man on the ground and another who had his hands raised in surrender

Mr Gauntlett said Mr Weaver had no reason to doubt the accuracy of Cape Times reporter Mr Chris Bateman, who interviewed the men on the day of the shooting

Mr Bateman was a senior reporter and crime reporter at the time and Mr Weaver had granted the interview to the BBC based on what Mr Bateman had told him

Mr Weaver had said that it was the feelings of the mothers of the deceased that the police had "planted" the weapons on their sons and "set them up" Mr Weaver had also said that he had no proof of this and that police had denied it.

Reliable investigation

Also during earlier evidence, Major S Brits, investigating officer in the inquest of the deceased, told the court that shrapnel and bullets found in the seven victims could not be analysed by experts as they were destroyed by police after the inquest — though police knew of the charges Mr Weaver was facing

The prosecutor, Mr S Shrock, said the state had proved beyond a reasonable doubt that no weapons had been planted or concealed on the deceased

He said the source of Mr Bateman's report, the three witnesses, was unsatisfactory and Mr Bateman had done "very little to verify what he had been told"

He said Mr Weaver was dealing with "a very serious matter" to allege that the people had been shot and "set up" by the police, specially considering the political situation in this country.

He said if the magistrate, Mr J M Lemmer, acquitted Mr Weaver, he would have "to come to the conclusion that there was a conspiracy among the police to eliminate every terrorist"

The hearing was adjourned to September 17 for judgment.

Mr Gauntlett was instructed by Findlay and Tait.

Woman 'pleaded not to be raped'

Supreme Court Reporter

A 34-YEAR-OLD mother of three from Walvis Bay pleaded with a policeman not to rape her, the Supreme Court was told.

The woman is claiming R16 500 damages from the Minister of Law and Order for an alleged rape by Constable Peter Hugh McKenzie last year

Constable McKenzie denies raping her

She told the court she was arrested for drunkenness in

Kuisebmond township close to midnight

She said she was thrown into the back of a police van, driven around for a while and then raped

The woman described how a man in plain clothes had sex with her against her will

"He also indecently assaulted me with sand," she said

In court yesterday she pointed Constable McKenzie out

She said "Before he started, I pleaded with him I said please (don't), sir

"He told me to keep quiet"

The woman said a uniformed policeman, Constable J C Hayes, driver of the van, stood about a vehicle's width away drinking out of a container

"He could have heard what I said but he didn't lift a finger to help me

"When Constable McKenzie had finished, he wiped the sand

off his knees and pulled up his zip"

The woman said the policemen left her to walk to her brother's house in Kuisebmond for help

"It was very painful for me to walk and I didn't go to the police because it was dark and I feared being molested

"I slept outside my brother's house that night and I felt upset because if a policeman could do this to me, who could I complain to?"

"The pain was bad for about two weeks"

She admitted she might have been drunk enough to be arrested for drunkenness, but said she had not appeared in court for any such offence

(Proceeding)

Mr Justice M de Kock is on the Bench Mr J Slabbert, instructed by Findlay and Tait, appears for the woman Mr J le Roux, instructed by the State Attorney, appears for the Minister

Margo report soon?

Political Staff

PRESIDENT Botha is expected to announce the release date of the long-awaited Margo report on the tax system during his portfolio's parliamentary debate, which starts next Thursday

NRGUS 6/8/87

Policeman says he lied in violence trial

Staff Reporter

A POLICEMAN has told the Supreme Court that he perjured himself to try to secure a conviction in a public violence trial.

The trial followed a shooting incident in Bellville during the 1985 unrest in which a woman was killed and several others were injured

Constable Martiens van Wyk said yesterday that after the incident some of the injured were arrested and tried in the Parow Regional Court on charges of public violence

Although he knew it was not true, he gave evidence which tallied with what he was advised to say by Warrant Officer Paulus Kruger who, with Constable Ernest Villet, is on trial for the murder of the woman and the attempted murder of three others

The State alleges that they unlawfully shot and killed Miss Sa-

Bishop Sobukwe dies

ALICE — Bishop Ernest Sobukwe, brother of the late Pan Africanist Congress activist, Robert Sobukwe, has died at Alice. He served the Anglican Church first as a priest, then as assistant Bishop of George and later as Bishop suffragan of St John's, Umtata — Sapa

rah van Wyk, 21, and wounded three other women, one of whom lost her right arm

Constable van Wyk said that he, Warrant Officer Kruger and Constable Villet hid in the garden of a house at the corner of Industry Road and Armada Crescent after a day on unrest control under command of Captain Ockert van Schalkwyk of Bellville on August 29 1985

After they hid, small groups of people moved along Armada Crescent to the Industry Road intersection

He heard shots and people started running alongside the fence behind which they were concealed

Injured

Constable van Wyk said Warrant Officer Kruger and Constable Villet, who were armed with shotguns, fired on the people, first from the garden where they were hiding and then in the street

When he came out there were several injured people in the street and the dead woman

Some of the wounded were arrested and later charged with public violence

Constable van Wyk said there were no signs of unrest and it would have been relatively easy to arrest some of those running along the road

Later he was told by Warrant Officer Kruger that there was a

possible claim of R250 000 as a result of the incident and it was important that those charged with public violence be found guilty

He saw statements made by Warrant Officer Kruger and Constable Villet and, although he knew they were not true, gave evidence at the trial that corresponded with their statements

Warrant Officer Kruger had told him to say there were about 50 people, some of whom had made fires, shouted "amandla" and that stones were found at the scene of the shooting

He told the court yesterday that there were no fires, only about 20 people were present, there were no stones and the people who gathered were in a mood akin to people who had been to a game which their team had won

(Proceeding)

Langa youths damage vehicle

PRETORIA. — A private vehicle was damaged by youths in Langa, according to the police report on unrest

In Clermont near Pinetown a bus was damaged by stone-throwers

These were the only unrest-related incidents reported overnight — Sapa.

Cape Times 6/8/87

Pupils overturn car, cut tyres

Staff Report

POLICE last night warned that they would investigate "all illegal actions of pupils" following an incident yesterday when Langa Secondary School pupils overturned a vehicle belonging to a Department of Education and Training inspector and slashed its tyres.

In a statement, a police spokesman said the incident happened just before 11am, the second incident in the area within a week.

The spokesman said that information police received indicated no normal education had been taking place at the school over the past three days.

He said that on Monday pupils had held a mass meeting on the school grounds instead of attending classes, and on Tuesday they had boycotted classes again and "stood around on the school premises".

The spokesman said the "new form of intimidation, aimed at preventing officials from doing their duty", was an offence which was viewed seriously

Cape Times 6/8/87 251

Plain police complex to cost R12,5m

By BARRY STREEK
Political Staff

A R12,5-MILLION police building complex is to be built in Mitchells Plain, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday.

The complex, which is expected to go to tender during August 1991, will comprise a district head office, a police station and singles' quarters.

Mr Vlok, who was replying to a question tabled in the House of Representatives by Mr Ken Lategan (LP, Hanover Park), said the police were negotiating with the Cape Town City Council to acquire a site in Spine Road, Mitchells Plain.

However, the police did not intend building a police station at Strandfontein.

A comprehensive investigation had been undertaken, "taking into consideration, among other things, the needs

of the Strandfontein area, financial aspects, etcetera".

"The investigation was based on the incidence of crime, geographical location, possible future development, distribution of the population, etcetera."

As a result of the investigation, it had been provisionally decided to erect the police station in Mitchells Plain, which was approximately two kilometres from Strandfontein.

Mr Vlok said the situation in Strandfontein would be monitored continuously and should the need arise for an independent police station in the area, "the necessary steps will be taken without delay to satisfy the need".

In reply to another question by Mr Lategan, Mr Stoffel Botha, the Minister of Communications, said it was intended to establish a post office which was to be erected in Strandfontein shortly in hired accommodation, and the present indications were that it would be available in March 1988.

Pinelands mother kept brothel

Court Reporter

South 12/18/87
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No going back, says shooting victim

LAWRENCE GQUBULE, the Uitenhage man who received R450 000 from the Minister of Law and Order in an out of court settlement last week, says he plans to take his family away from faction-torn Langa township.

Gqubule, 26, who has spent over two years in hospitals, said: "I doubt very much that I will spend the R450 000 in

peace if I go back to Uitenhage."

Gqubule was one of those injured when police opened fire on a funeral procession in Langa on March 21 1985.

Officially, 21 people died in the action and scores were injured, but community-based organisations said 39 died. Two bullet wounds, one at the base of his spine and another

behind his knee, have rendered the lower part of his body useless.

This is the largest pay-out in a state settlement amounting to R1,3 million for 51 civil claims by victims of the Langa shooting and by their relatives.

When he leaves Uitenhage hospital Gqubule plans to buy a house in Port Elizabeth and to open a small business,

"probably a shebeen or a cafe". He emphasised that he did not want to return to Uitenhage.

"The situation there is bad. I am a cripple and will not be able to defend myself if attacked," he said.

The one-time goalkeeper for Uitenhage's Liverpool soccer club lay on his stomach during the interview. Sores on his legs and bedsores on his back have

confined him to lying on his stomach

"Although I am rich man now, I will never walk on these two feet again," he said

Gqubule's parents, brother and two sisters are now squatting in a one-roomed tin house in Tyoksville. There is no running water, the doors are too narrow to allow a wheelchair to pass through and there is no sewage system. — ECNA

R35 000 settlement for Crossroads widow

Cape Times

Supreme Court Reporter

A CROSSROADS widow has won R35 000 from the Minister of Law and Order in an out-of-court settlement of a damages claim brought after her husband was shot by police

Mrs Dorothy Mitshili, a mother of two young children who has survived on occasional char work, launched proceedings against the minister after

her 47-year-old husband was shot by police in October 1985

The suit was set down for hearing on Tuesday, but negotiations about a settlement began before it got to court and were finalized yesterday

The amount she had claimed was R50 000

She was represented by Mallinck, Ress, Richman and Cloenberg

6/13/87

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Cape Times 6/8/87

Policeman's 'death threat' described

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Supreme Court Reporter

A POLICE warrant-officer on trial for murder told a wounded woman who was moaning with pain "Lie still or I'll shoot you dead" the Supreme Court heard yesterday

This was the evidence of Constable Martiens van Wyk, who was testifying in the trial of Warrant-Officer Paulus Kruger, 36, of Bellville, and Constable Ernest Villet, 27, of Elsie's River

The two accused pleaded not guilty to charges of murder and attempted murder yesterday, after entering a special plea claiming that they were indemnified from prosecution by regulation 11 of the emergency regulations, in force in 36 magisterial districts at the time

Const Van Wyk said he was hiding behind a thick hedge near a T-junction at the corner of Industry Road and Armada Crescent in Bellville-South with the two accused on the evening of August 29, 1985

When he emerged from his hiding place he saw no fire, no obstructions in the road, no bricks or stones. A woman down the road screamed that her child's finger was off

Const Van Wyk felt the crowd of people gathered nearby was threatening and fired what he thought was teargas but turned out to be a rubber bullet. He reloaded his gun with a teargas canister and fired again

What happened next, it is alleged, is that the two accused then fired their shotguns seven times at the fleeing crowd, killing 21-year-old Miss Sarah van Wyk and wounding a 15-year-old schoolgirl and two young women, one

of whom lost her right arm as a result

Const Van Wyk said that after the shootings, Const Villet threw a fugitive to the ground and W/O Kruger ordered someone looking through a nearby window to close the curtains.

W/O Kruger then told one of the wounded women, who was moaning in pain, "Lie still or I'll shoot you dead", using the Afrikaans word applicable to animals — "vrek"

A Colonel Mans and Captain Ockert van Schalwyk arrived in a Casspir and the colonel said "Good work"

Const Van Wyk said he did not fire any shots because the crowd had not done anything. He said he could have arrested at least three people, but did not, for the same reason

He said three people were subsequently charged with public violence after the incident, but were acquitted.

He said W/O Kruger told him what to say at this trial, because if the three were found not guilty, there would be a R250 000 damages claim to pay. The day before the trial, W/O Kruger told him to say in evidence that there was a fire at the scene and a crowd chanting "Amandla"

Const Van Wyk said that W/O Kruger also told him what questions he had been asked during cross-examination — something witnesses are forbidden by law to do

The trial continues

Mr Justice C T Howie presided with Mr A J van Niekerk and Mr J P van Niekerk as assessors. Deputy Attorney-General Mr H G Klem appeared for the state with Mr W Downer. Mr D Uijts, instructed by Keith Hamblin and Co, appeared for Const Villet. Mr A H Veldhuizen, instructed by the State Attorney, appeared for W/O Kruger

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lative assembly have been detained
Weekly Mail sources named them
as Elias Masanga, a former inspector
of schools, Lucas Mthunye, a former
chairman of the public service com-

...out permission A general meeting is
likely to endorse his anti-
independence stand and thus thwart
Chief Minister Mahlangu's hopes of
demonstrating his popular backing
The conflict of will is complicated
by a "Catch 22" situation The chair-

...Don Brunette, has meanwhile decid-
ed not to prosecute Cornelius for al-
legedly holding a unlawful meeting
Shortly after he was released from
detention at the beginning of July, he
was immediately re-detained for al-
legedly holding a meeting.

...swearing police from interroga-
tion without a psychiatrist's per-
mission and wants Section 29 cover-
to the extent that he can receive
from his family
In a supporting affidavit, 17-
year-old widow said she went
hospital on July 14 in response
anonymous telephone call, for
her son under police guard. A
sister intervened with the guard-
was allowed to see him
He was lying on the bed "in
sack of salt", she said in the af-
On his chart she saw "4
(overdose) yet said her son has
ways been happy, with no sus-
tendencies
She believed his condition was
consequence of his detention and
he was being held contrary to es-
tablished provisions governing the
treatment of detainees.

Riot methods questioned at inquest

POLICE riot control methods came under scrutiny at the inquest into the death of three children at the Johannesburg Magistrate's Court this week
Pakiso Seaka, 12, Ephraim Diholo, 12, and Clive Samson Nkosi, 11, died on July 17 1985 during an unrest situation in Diepkloof, Soweto
A police officer heading a riot control unit testified that on July 17 he and three other policemen were travelling in a riot bus when they came across a crowd of people near the Vulamazibuko school in Diepkloof
The crowd, which was singing and dancing and seemed aggressive, ad-

vanced towards them, according to the officer He said their lives were in danger and they had no time to fire warning shots.
The crowd was armed with stones and was about 15 to 20 paces away when they became aware of it, the officer told the court He gave the order to shoot and he and his two colleagues fired 10 bullets, three by him
According to *post-mortem* reports two of the children had wounds on their sides while the third was shot in the back.
The reason for the position of the wounds, Kennedy suggested, was that the children "were either danc-

ing, according to your evidence, or running away"
Kennedy put to him that the police standing orders stated it was prohibited to shoot at a crowd because it would spur them on.
A 14-year-old scholar said he and Clive Nkosi were going to the shop on July 17. On the way they met a crowd of stone-throwing youths When a "mellow yellow" (riot bus) appeared and police alighted from it, the crowd ran away
"Clive and I also ran away," said the 14-year-old "I heard several shots from behind and I saw Clive hit by one of them.

Forbes, a former University of Western Cape physical education student, was detained on May 15 H one of 10 people being held under Section 29 in Cape Town at present

31/7-6/8/87 W/McCave

251

~~W/McCave~~



ARGUS 7/18/87

COURTS

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False evidence troubled me, says constable

Staff Reporter

A WITNESS told the Supreme Court his conscience troubled him for about two months before he decided to tell the truth about evidence he gave in a public violence trial

Constable Martiens van Wyk was giving evidence yesterday at the trial of Constable Ernest Villet and Warrant Officer Paulus Kruger, who are charged with murder and attempted murder

The charges against them arise from an incident in Bellville South during unrest in 1985 in which Miss Sarah van Wyk, 21, was shot and killed and three young women were wounded

The court heard that the three men, after a day of action during the unrest, hid behind a fence

Constable Villet and Warrant Offi-

cer Kruger fired on a group of people as they ran past

Some of the wounded were arrested and tried in Parow Regional Court for public violence

Constable van Wyk said that before the trial they held several discussions about their evidence because they wanted convictions

Those tried were acquitted, but Constable van Wyk's conscience troubled him because he gave false evidence, even though he knew one of the accused was not in the group fired on but arrived soon afterwards

Under cross-examination by Mr. D Uys, for Constable Villet, he denied he was adjusting his evidence to suit himself because it might harm his wife's fruit-and-vegetable business if he was seen to give evidence favouring the police

The trial continues

'Police kidnap' claim rejected

By JO-ANN BEKKER

SUPREME Court Judge H Daniels yesterday ruled that even if South African police had kidnapped senior ANC official Ebrahim Ismael Ebrahim from Swaziland, he could still be tried by a South African court.

The judge, sitting in the Piet Retief circuit court, dismissed outright Ebrahim's application contesting the court's jurisdiction to try him on the ground that his abduction by alleged South African agents was a clear violation of international law.

The judgement could have important implications for about 10 people — alleged members of the ANC's regional political military council in Swaziland — believed to be in South African prisons after similar abductions. The State is accusing Ebrahim of being the head of this council.

Judge Daniels found the police had properly denied any involvement in

Ebrahim's capture. He said the application had not made a case for the involvement of other state agents.

But, the judge added, even if Ebrahim "had been captured in violation of international law and the seizure was by the South African state or with its connivance, that would not impair the jurisdiction of the South African court" to try him.

Ebrahim's attorney, Priscilla Jana, said her client was considering appealing the judge's decision. He was also considering bringing another application.

Ebrahim, 50, who has served 15-years for sabotage on Robben Island, will now join three alleged ANC guerrillas in a major political trial due to begin in Piet Retief on Monday.

● See PAGE 9



W/Maul

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7-13/87

Full-time employees

167 Mr R M BURROWS asked the Minister of Transport Affairs

- (1) What was the total number of persons employed in a full-time capacity in the Department of Transport as at the latest specified date for which information is available,
- (2) (a) how many such persons were employed in each of the eight most senior post levels in this Department, (b) how many of these persons were (i) male and (ii) female and (c) to which population group did each of these persons belong,
- (3) (a) what will be the applicable salaries and/or salary scales of each of the eight most senior post levels in this Department with effect from 1 July 1987 and (b) what financial and other specified benefits will be applicable to each of these post levels as at 1 July 1987?

The MINISTER OF TRANSPORT AFFAIRS

(1) 3 516 specified date 15 May 1987

(2) (a) Post level

Number of persons employed

- 1 1
- 2 2
- 3 4
- 4 19
- 5 15
- 6 36
- 7 20
- 8 6

(b) (i) 103

(ii) Nil

(c) Whites 103
Coloureds Nil,
Indians Nil,
Blacks Nil

(3) (a) Post level Salary scale with effect from 1 July 1987

- 1 R119 136
- 2 R70 017
- 3 R62 199

HoA

The MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

based on an officer's grading

(1) 25 304 specified date 31 May 1987

(2) (a) Post level

Number of persons employed

- 1 1
- 2 3
- 3 66
- 4 109
- 5 310
- 6 117
- 7 160
- 8 1 386

(b) (i) 1 696

(ii) 456

(c) Whites 1 951
Coloureds 11,
Indians 96,
Blacks 94

(3) (a) Post level Salary scale with effect from 1 July 1987

- 1 R119 136
- 2 R70 017
- 3 R62 199
- 4 R54 954
- 5 R47 049 - 48 879
- 6 R43 389 x 1 830 - 47 049
- 7 R33 624 x 1 179 - 34 803
- 8 R25 371 x 1 179 - 30 087

(b) (i)

Annual Service bonus that amounts to 93% of one month's salary

(ii) Housing Subsidy on interest and capital redemption up to a maximum of a housing loan of R50 000,00, subject to the compliance with certain conditions

(iii) Car Financing Scheme for officers occupying posts in the management echelon (ie those officers who are in receipt of an annual salary of R54 954 fixed and higher) The amount payable varies for each level as it is

The MINISTER OF LAW AND ORDER

(1) 66 503 - specified date 8 June 1987

(2) (a) Post level

Number of persons employed

- 1 1
- 2 5
- 3 15
- 4 30
- 5 91
- 6 171
- 7 344
- 8 517

(b) (i) 1 166

(ii) 8

(c) Whites 1 149
Coloureds 6,
Indians 5,
Blacks 14

(3) (a) Post level Salary scale with effect from 1 July 1987

- 1 R119 136

HoA

Full-time employees

169 Mr R M BURROWS asked the Minister of National Health and Population Development

- (1) What was the total number of persons employed in a full-time capacity in his Department as at the latest specified date for which information is available,
- (2) (a) how many such persons were employed in each of the eight most senior post levels in his Department, (b) how many of these persons were (i) male and (ii) female and (c) to which population group did each of these persons belong,
- (3) (a) what will be the applicable salaries and/or salary scales of each of the eight most senior post levels in his Department with effect from 1 July 1987 and (b) what financial and other specified benefits will be applicable to each of these post levels as at 1 July 1987?

Full-time employees

169 Mr R M BURROWS asked the Minister of National Health and Population Development

- (1) What was the total number of persons employed in a full-time capacity in his Department as at the latest specified date for which information is available,
- (2) (a) how many such persons were employed in each of the eight most senior post levels in his Department, (b) how many of these persons were (i) male and (ii) female and (c) to which population group did each of these persons belong,
- (3) (a) what will be the applicable salaries and/or salary scales of each of the eight most senior post levels in his Department with effect from 1 July 1987 and (b) what financial and other specified benefits will be applicable to each of these post levels as at 1 July 1987?

Handwritten signature and date 7/8/87

Handwritten circled number 251

(3) (a) Post Salary Scale with effect level from 1 July 1987

- 2 R70 017
- 3 R62 199
- 4 R54 954
- 5 R48 879 x 1 830 - 50 709
- 6 R43 389 x 1 830 - 47 049
- 7 R34 803 x 1 431 - 37 665
- 8 R26 550 x 1 179 - 33 624

(b) Annual Service bonus that amounts to 93% of one month's salary

(ii) Housing Subsidy on interest and capital redemption up to a maximum of a housing loan of R50 000,00, subject to the compliance with certain conditions

(iii) Car Financing Scheme for officers occupying posts in the management echelon (ie those officers who are in receipt of an annual salary of R54 954 fixed and higher) The amount payable varies for each level as it is based on an officer's grading

eight most senior post levels in this Service with effect from 1 July 1987 and (b) what financial and other specified benefits will be applicable to each of these post levels as at 1 July 1987?

The MINISTER OF JUSTICE

(1) 20 086 specified date 1 June 1987

(2) (a) Post level Number of persons employed

- 1 1
- 2 3
- 3 6
- 4 4
- 5 28
- 6 82
- 7 112
- 8 1 057

(b) (i) 1 126

(ii) 167

(c) Whites 1 181, Coloureds 44, Indians 3, Blacks 65

(3) (a) Post Salary scale with effect level from 1 July 1987

- 1 R70 017
- 2 R70 017
- 3 R62 199
- 4 R62 199
- 5 R54 954
- 6 R43 389 - 47 049
- 7 R34 803 - 37 665
- 8 R19 857 - 24 192/23 013 - 30 087/26 550 - 33 624

(b) (i) Annual Service bonus that amounts to 93% of one month's salary

(ii) Housing Subsidy on interest and capital redemption up to a maximum of a housing loan of R50 000,00, subject to the compliance with certain conditions

(3) (a) what will be the applicable salaries and/or salary scales of each of the

(iii) Car Financing Scheme for officers occupying posts in the management echelon (ie those officers who are in receipt of an annual salary of R54 954 fixed and higher) The amount payable varies for each level as it is based on an officer's grading

Full-time employees

172 Mr R M BURROWS asked the Minister of Economic Affairs and Technology

(1) What was the total number of persons employed in a full-time capacity in the Department of Mineral and Energy Affairs as at the latest specified date for which information is available,

(2) (a) how many such persons were employed in each of the eight most senior post levels in this Department, (b) how many of these persons were (i) male and (ii) female and (c) to which population group did each of these persons belong,

(3) (a) what will be the applicable salaries and/or salary scales of each of the eight most senior post levels in this Department with effect from 1 July 1987 and (b) what financial and other specified benefits will be applicable to each of these post levels as at 1 July 1987?

The MINISTER OF ECONOMIC AFFAIRS AND TECHNOLOGY

(1) 802 specified date 8 June 1987

(2) (a) Post level Number of persons employed

- 1 1
- 2 2
- 3 7
- 4 25
- 5 71

(2) (a) Post level Number of persons employed

- 6 82
- 7 47
- 8 2

(b) (i) 237

(ii) Nil

(c) Whites 237, Coloureds Nil, Indians Nil, Blacks Nil

(3) (a) Post Salary scale with effect level from 1 July 1987

- 1 R119 136
- 2 R70 017
- 3 R62 199
- 4 R54 954
- 5 R43 389 x 1 830 - 47 049
- 6 R33 624 - 34 803 x 1 431 - 39 096
- 7 R33 624 - 34 803 x 1 431 - 37 665
- 8 R25 371 x 1 179 - 30 087/33 624 - 34 803 x 1 431 - 37 665

(b) (i) Annual Service bonus that amounts to 93% of one month's salary

(ii) Housing Subsidy on interest and capital redemption up to a maximum of a housing loan of R50 000,00, subject to the compliance with certain conditions

(iii) Car Financing Scheme for officers occupying posts in the management echelon (ie those officers who are in receipt of an annual salary of R54 954 fixed and higher) The amount payable varies for each level as it is based on an officer's grading

(3) (a) what will be the applicable salaries and/or salary scales of each of the

(Handwritten scribbles)
251

Claims of 'tampered records' at journalist's trial

THE trial in which *Cape Times* deputy news editor Tony Weaver is accused of contravening the Police Act could result in the police themselves entering the dock

The magistrate presiding over Weaver's case was this week asked to bring to the attention of the attorney general

● The conduct of police involved in the Guguletu shoot-out on March 3 last year around which the case revolves

● The fact that material evidence was destroyed and police records allegedly tampered with, and

● The possibility of re-opening the inquest into the deaths of the seven alleged African National guerrillas who died in the gun-battle.

The request came from defence counsel Jeremy Gauntlett SC at the close of his argument that Weaver should be acquitted of contravening section 27(b) of the Act.

The state alleges Weaver stated falsely in a BBC interview that some of the men were shot in cold blood and that police planted Russian-made weapons on their bodies to imply they were guerrillas.

Weaver has pleaded not guilty. Three similar charges against him, relating to *Cape Times* reports on the same incident, were withdrawn.

When the trial resumed this week, the court heard medico-legal evidence that six of the seven men were shot at close range. Trauma expert Dr Johan van der Spuy testified that accounts by witnesses brought by the defence were "more compatible" with the medical evidence than police accounts of what took place

One victim had no wounds on his left side, although a policeman who said he shot him testified this was the side the man presented as he ran. In addition, one of the man's wounds was vertical, indicating he was shot

By GAYE DAVIS, Cape Town

while lying on the ground. A witness said he saw the man shot with "a long gun" at close-range.

Another victim had a flash-burn, indicating a virtually point-blank shot, although police testified he was shot from some distance away

Two of the men were shot behind the ears, which Van der Spuy, himself a shooter, said was "remarkably good shooting on moving targets"

Prosecutor Selwyn Schrock maintained the wounds were consistent with the police account of what took place. Dismissing three witnesses as "unsatisfactory" he said if the magistrate accepted the accounts of other defence witnesses, "you would still have to come to the conclusion that there was a conspiracy between the police to eliminate every terrorist — and it's my contention that this in no way can be proved"

Weaver's BBC interview was partly based on information from another reporter, Chris Baleman, who interviewed witnesses for the *Cape Times*, and partly on interviews Weaver conducted with families of the dead men, who said they felt the weapons had been planted.

Schrock said Weaver had done nothing to establish the facts of Baleman's information and could not escape the Act by saying he had only conveyed the "feelings" of the family

Rebutting this, Gauntlett argued that section 27(b) was aimed at preventing the publication, as truth, of unsubstantiated allegations. Weaver made a clear distinction between fact and opinion in the interview. Gauntlett further argued that the state had failed to establish beyond reasonable doubt that the events did not happen as reported by Weaver. Arguing that the medical evidence

— unchallenged by the state — was "decisive", Gauntlett said "These people could not have been shot in the way police described. Whether it was done by men acting under high stress or in a conspiracy we'll never know. But something is happening on a large scale when six of the seven are shot in a way that is incompatible with the evidence."

Gauntlett said the explanation given for the destruction of shrapnel and bullets found in the men's bodies — destroyed by police after the inquest, even though they knew Weaver faced charges — was unsatisfactory

In addition, a police record referring to the bullets had been amended "at a later stage" by a different hand.

He asked that this, as well as the conduct of the police in the matter and the question of whether the inquest should be re-opened, be referred to the attorney general. Judgement is on September 17.

WHICH is the more serious crime high treason committed by an alleged ANC official, or his kidnapping from Swaziland by alleged South African agents?

This was a key question raised in an application brought by Ebrahim Ismail Ebrahim in a bid to prevent a South African court trying him following his illegal abduction from Swaziland last year.

Ebrahim, who has served 15 years on Robben Island for sabotage, has been charged with high treason. He was, according to the indictment, in charge of the ANC's Regional Political Military Committee, based in Swaziland, which co-ordinated the ANC's machinery in the Transvaal and Natal from 1984. This would make him the most senior ANC official to stand trial since Nelson Mandela and the other Rivonia trialists in the early 1960s.

According to the indictment, Ebra-

Is kidnap more serious than treason?

By JO-ANN BEKKER
in Piet Retief

him gave the instructions for ANC cadres operating in South Africa to plant landmines on farms in the Eastern Transvaal last year.

Ebrahim's advocate, Ismail Mahomed SC, argued that the law required a balance of public interests. "To break the bonds of international peace and good neighbourliness is far greater than the harm and prejudice to the community of a particular offender," he said.

Mahomed asserted that the court could not look at a particular accused and say in this case international obligations were peripheral. "The court must come to a scientific answer otherwise we will not have law but *ad hoc* justice."

However, Harry Prinsloo, who is appearing with Louza van der Walt

the captive country, the individual still has the right to complain.

He added that, had Swaziland complained, the matter would have been heard not before a Supreme Court but before an international tribunal.

The crucial distinction in legal precedents, Mahomed said, was that an individual kidnapped by private citizens in another country had no right to complain to a court. But the victim of a state sanctioned kidnapping had this right.

Arguing that Ebrahim's abduction was a clear case of the latter, Mahomed said "To compel an accused to undergo trial in circumstances where his appearance is preceded by the criminal act of kidnapping is to sanctify international delinquency

The court would be saying Kidnap ping has taken place but we condone it.

"If officials of the state were allowed to maraud the territory of other states, not only would the law be contravened, but it would have the gravest consequences for peace. What we do to our neighbours today, some of them may do to us tomorrow."

Prinsloo quoted legal precedents which effectively said "the alleged involvement of the South African government makes no difference. The applicant is before the court and he must be tried."

Mahomed argued that where there were contradictory interpretations of the same law, the court must abide by the one which favours the accused.

Mahomed was assisted by Shaun Naidoo and instructed by Priscilla Jana and Associates.

From a Swazi garden to the 'police museum'

EBRAHIM Ismail Ebrahim was called to the door by his gardener. Two people wanted to borrow a wheel spanner as their car had broken down. He fetched his keys and went to his car outside.

As he was about to open his boot the men drew firearms and threatened to kill him if he made a noise. They said they were the South African Police.

These events on Monday evening, December 15, 1986 were the opening episode in a tale of how the most senior African National Congress official to be brought to trial since the Rivonia trialists in 1964, came to appear before the Piet Retief Circuit Court this week.

Ebrahim's alleged illegal kidnapping by men he claims were South African police or agents of the South African state also formed the crux of his application for discharge on the grounds that the court has no jurisdiction to try him.

In his founding affidavit, Ebrahim says the two men tied his hands behind his back and searched his house in Pine Valley, in the district of Mbabane. They removed R4 500, a cassette player, a lady's handbag and other items. He was blindfolded, gagged, made to lie down on the back seat of his car and driven away.

Shortly before a border post he was taken out of the car, his blindfold was removed and he was made to cross three or four fences. "I could see the bright lights of the border post," Ebrahim said. "I was now on the South African side of the border against my will."

His abductor, who said he lived in Soweto, told him he would have nothing to fear "if I co-operated with the police and that they would even furnish me with a passport to go to Zambia as an agent of the South African Police."

He told Ebrahim he had picked up his trail the previous week when a number of raids had been made into Swaziland. Ebrahim recalled that a Swiss couple had been abducted in those raids, allegedly made by the South African Police, and later returned after the intervention of South Africa's Department of Foreign Affairs.

Several hours later, Ebrahim was led towards two cars parked a short distance from each other. "As we approached the cars, I saw some white men closing in on me and they were armed with rifles. As I got to the cars, one white person put leg irons on my legs, my hands were untied and I was then handcuffed."

The metal container with the items removed from his house was put in the boot of the car.

Ebrahim was forced into one of the cars and both vehicles then drove away. The car he was in had a built-in radio and the two vehicles were in constant radio communication with each other. "It appeared to be some kind of official car and a code was used between the occupants of the two cars in contacting each other," he said. "As we began to travel, dawn was breaking and my interrogation commenced. The persons in my car asked me about the ANC, about people in Maputo and other matters.

In a remote town, the treason trial of a man accused of being a senior ANC official began this week. But the question of treason was not yet the issue. The court had first to deliberate on the strange route Ebrahim Ismail Ebrahim took to the court house. JO-ANN BEKKER reports from Piet Retief.

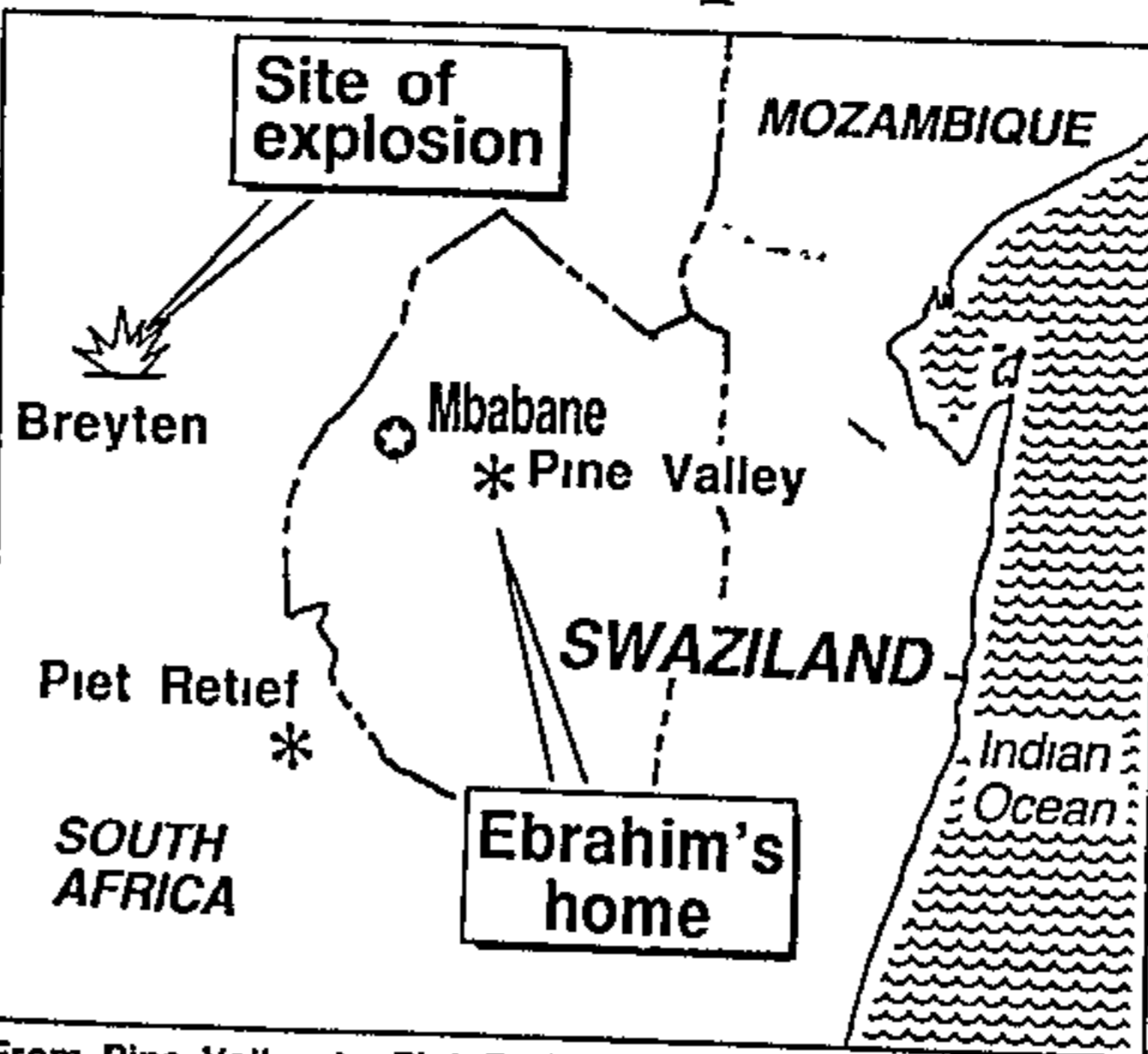
From the interrogation it appeared to me that these were security policemen."

When they approached an army roadblock, the escort car in front stopped at the roadblock and the car Ebrahim was in halted a short distance behind. "The driver of the escort car spoke to one of the soldiers. He then moved off and we were allowed to move through the roadblock without stopping. Nobody asked us a single question."

Ebrahim finally arrived in Pretoria. The white men radioed someone else and the vehicle parked beside a big building. A car then drew up behind them.

Ebrahim was transferred to this car, still in leg irons and handcuffs, and driven to a building in the city centre on which the words "Police Museum" were inscribed. "I have since discovered that these are the offices of the security police in Pretoria," he said.

He and his two escorts passed through strict security checks at the entrance of the building unhindered. He was then taken into a large office and introduced to a Brigadier Schoon and a Captain Britz.



From Pine Valley to Piet Retief. "an unbroken chain"

On the same evening of December 16, a Captain Naude and Warrant Officer Savage said they were going to be his interrogators. "I complained to the captain that I had been abducted from Swaziland. He stated that this was something that was allowed."

Ebrahim was informed he was being detained in terms of Section 29 of the Internal Security Act. Naude then brought in the metal container, asked Ebrahim to identify the contents and compiled a list of the items.

Ebrahim's lawyer, Ismail Mahomed SC, asserted there was "an unbroken chain leading Ebrahim from the border of Swaziland right inside the headquarters of the Security Police in Pretoria." He said either the South African Police or agents of the state

— acting within the scope of their professional duties — were responsible for the abduction.

The "circumstantial evidence suggesting official involvement throughout the journey in the form of facilitating passage through roadblocks, the use of radio links, the possession of rifles, the employment of leg irons and handcuffs and the suggestion that the abductors were interested in the type of information which would be the subject matter of police interrogation is also not disputed," Mahomed said.

Advocate Harry Prinsloo of the attorney general's office said police had refuted Ebrahim's specific allegations, as well as general allegations of police involvement which were

"blatant speculation"

The police version is that two unknown men who had no connection with the South African Police brought Ebrahim to the offices of the security police in Pretoria and handed him over.

Earlier this year, when Ebrahim's brother brought an application to have his detention under Section 29 declared unlawful, attorneys for the Minister of Law and Order and Commissioner of Police arrived at a settlement with Ebrahim's lawyers, whereby Ebrahim would be released from detention and formally charged with treason, and the respondents would pay costs.

The presiding judge, Justice van Zyl, found unacceptable that the police had not told the court who the two men who brought Ebrahim to them in Pretoria were. He also questioned how the police were able to unlock the handcuffs and leg irons placed on Ebrahim before he arrived at the police office. The police, however, subsequently claimed Ebrahim was not wearing the handcuffs when they saw him.

Prinsloo insisted Ebrahim's Section 29 detention and subsequent arrest on charges of treason and imprisonment as an awaiting trial prisoner were legal.

Mahomed, however, said once an illegal abduction had been committed by agents of the South African state, it was not possible for this act to be legally sanctified by the same agents.

Judge H Daniels questioned whether the application should have been served on the attorney general's office, if Ebrahim intended charging the state with involvement in his kidnapping through its highest decision-making body, the cabinet.

THE ROSEMARY SHOP

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UNIVERSITY OF CAPE TOWN

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All applicants are however advised to apply before 30 September

Application fees are
Until 30 September R20
Until 31 October R50
Until 15 January R100

Student Housing

UCT is able to offer accommodation (in residences flats and houses) to 20% of its students. Applicants who need accommodation in Cape Town must apply for this no later than 31 October 1987. Late applications for accommodation cannot be accepted.

Financial Assistance

Applicants who will not be able to meet the full costs of studying at UCT are strongly advised to apply for financial assistance from as many sources as possible. Further information is available on request.

The closing date for applications for UCT Scholarships Bursaries and Bursary/Loans for undergraduate study is 31 October 1987. Late applications for financial assistance cannot be accepted.

Application forms and further information should be obtained from Central Admissions Office, University of Cape Town, Private Bag Rondebosch, 7700 Telephone (021) 650-2128

MARTIN CHALLENOR

A municipal police force for Johannesburg is being seriously considered by the city council, but is still many months and millions of rands away.

In a rare show of unity, the council has directed the management committee to investigate the feasibility of establishing such a police force.

The move comes amid citizens' rising fear of murderers, rapists, robbers and muggers as the crime rate — especially attacks on elderly people — soars. Behind the move is newly-Independent councillor Mr Geoff Stark.

First of all the management committee's report has to be compiled. That could take months.

Costs, selection of recruits, time needed for training, and the establishment of the required support system are additional factors required in the launching of such a force.

Private security experts say minimum training — on observation drill, radio communications, self defence, law procedures and inter-personal relations — should take six months.

Barracks with fully equipped rooms would be needed, as would housekeepers, chefs and sport and recreation facilities which would include teaching equipment, such as overhead projectors, black boards, chairs, tables, books and films.

Instructors, without managerial tasks, would earn R1 500 a month. The men would have to be paid while training. To launch a police force of a few hundred would take tens of millions of rands.

PERSONAL WEAPON

"Each man must have a personal weapon and the cost of ammunition for training is tremendous. He would also need riot equipment, several sets of winter and summer uniforms and overcoats."

When the new policemen finally take to the streets, they will need an administrative staff and a police station, plus back-up people and vehicles. This means at least 20 people a shift to cover the central area properly. Generally, for every three officers on the beat there needs to be one backroom person.

What needs to be established is whether or not they could cover just Johannesburg or the whole Witwatersrand.

But what is not in doubt is that many people would welcome the extra protection.

"While canvassing in Yeoville," Mr Stark said, "people told me how scared they were to go out of doors because they might be attacked or mugged."

All councillors were receiving similar complaints. "We want to see people patrolling on foot in town and the parks, in constant radio communication. In the suburbs they will have to go around on bicycles and motor bikes. We want people who are highly visible. They would be a deterrent on muggers, bag snatchers and pick-pockets."

The costs of this will have to be borne by the people of Johannesburg and those who use its services.

HELD IN CHECK

The South African Police maintains crime is being held in check.

Its public relations division in Pretoria said: "There has been a decrease in the crime rate in the Johannesburg area in recent months. This can be attributed to an increase in the manpower situation, combined crime prevention operations with neighbouring divisions, the establishment of the robbery reaction unit and other regular crime prevention operations."

The Minister of Justice is considering investing all traffic officers with additional powers so that they will have the same powers as members of the SAP.

Mr John Pearce, head of the city's Traffic and Security Department, was in favour of a municipal police force, councillors said.

Mr Nigel Mandy, chairman of the Central Business District Association, said business people and property owners were prepared to pay a surcharge to get "bobbies-on-the-beat" in downtown Johannesburg.

Businessmen would not want to command the force, but would like a say in its budgeting, planning and how and where it operated.

The SAP said: "We welcome assistance from the public and encourage any person who is eager to be of assistance, to join the reserve police force."

City move on 'civic cops

But extra police force 'millions of rands away'

Stark
25/8/87

By TONY WEAVER

THE controversial special constables will be "reorganized and restructured", the Divisional Commissioner of Police said yesterday after a 4 000-strong protest march by Crossroads residents

Mainly women and children were in the crowd which marched on the Office for Community Services in Nyanga and demanded the immediate curbing of a group of special constables and of former vigilante leader Mr Prince Gobingca

The militant crowd were addressed at length by Brigadier Ronnie van der Westhuizen, who said he would "see what I can do"

Main complaint of the crowd was against former Crossroads witdoek leader Mr Gobingca, who they alleged had threatened to

Move out the Blue Lines demand 4 000

Cape Times 8/8/87
251
9/11/87

"destroy" Crossroads

Brigadier Van der Westhuizen confirmed to the Cape Times after the meeting he was investigating complaints against the special constables — described by him and the women as "Blue Lines" — and that "restructuring and reorganization" would take place

Mrs Tillicent Ngxobongwana, wife of Crossroads faction leader Mr Johnson

Ngxobongwana, complained to the Cape Times that "the Blue Lines are shooting the people during the night time, grabbing the money from the old ladies, they get drunk, we do not sleep during the night Every night it is the same"

She said "The ones from outside Crossroads are the problem, the ones who are inside are alright, they are

To page 3

In some other recent incidents involving the special constables, who now number over 3 000

Brigadier Van der Westhuizen gave the Supreme Court an undertaking he would instruct a group of 16 special constables in Bongoletu, Oudtshoorn, to refrain from unlawfully arresting, assaulting or threatening township residents

Legal Resources Centre slated by brigadier — page 5

From page 1

'Blues out'

our friends But we want our own police in Crossroads

"There are more than 30 Blue Lines who are causing the trouble, friends of this Prince Gobingca He is the main problem, the Blue Lines are the second problem"

Mrs Ngxobongwana addressed the crowd at length, as shouts of "pantsi Gobingca, pantsi" (down with Gobingca, down) echoed through the square

Brigadier Van der Westhuizen, who was accompanied by Brigadier Roy During, Divisional Inspector of Police, told the crowd "Tell them the only way we can act is if they get a court order against Gobingca We will try to help from our side"

In an interview with the Cape Times after the meeting, Brigadier Van der Westhuizen said "The people do not want Prince Gobingca in Crossroads What can we do? We cannot protect him in Crossroads"

"They also say they have problems with the Blue Lines, the special constables. We will look into this matter We are looking at a restructuring of the Blue Lines, but I cannot give details now on the restructuring"

Brigadier Van der Westhuizen added that "they do a very good service, we cannot just write them off. This place (Crossroads) is very peaceful, the special constables get attacked in the other areas like KTC, so they come to live here in Crossroads."

His assurances came against the backdrop of ongoing controversy surrounding the special constables — known variously as "Blue Lines", "kitskonstabels", "Blue Flies" and "Green Flies"

The Deputy Minister of Constitutional Development and Planning, Mr Piet Badenhorst, confirmed in Parliament this week that 195 complaints — including those of murder, attempted murder, assault, culpable homicide, attempted rape and weapon theft — have been lodged against them since their inception

8/18/87

2 Cape Times, Satu

Rape claim dropped 25/

Supreme Court Reporter

A WALVIS BAY woman yesterday withdrew her R16 500 damages suit against the Minister of Law and Order

The suit had been founded on a claim that a plainclothes policeman raped her while his uniformed colleague adopted a "passive attitude"

She claimed to have been "arrested" and taken to a saltpan near Walvis Bay

8/8/87

2 Cape Times, Satu

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Schoolgirl weeps at murder trial

Case 7/143
8/8/87

251
~~251~~

Supreme Court Reporter

A SCHOOLGIRL, giving evidence in the murder trial of two policemen, wept in the witness box yesterday when she was shown two photographs of herself lying in the road and covered in blood after being shot.

The two policemen — 36-year-old Warrant-Officer Paulus Kruger, of Bellville, and 27-year-old Constable Ernest Villet, of Elsie's River — have pleaded not guilty to murder and three charges of attempted murder.

Special plea

They earlier noted a special plea, claiming they were indemnified from prosecution by Regulation 11 of the emergency regulations in force in 36 magisterial districts on August 29, 1985 — the day 21-year-old Miss Sarah van Wyk was shot dead.

The 16-year-old schoolgirl said she was one of about 15 people gathered on the corner of Armada Crescent and Industry Road that evening when someone said: "Hey people! We must

go, because if those pigs come again then they'll shoot!"

The schoolgirl said she and Miss Van Wyk turned round and walked a few paces when she heard shots going off.

"As I turned to the deceased, Sarah van Wyk, I saw her fall. At the same time I felt a burning pain in my body — in my left shoulder and neck — and felt lame and couldn't go further.

"I fell. I screamed: 'Go and call my mother!' Then a torch was shone on me and someone said: 'Shut your trap or I'll shoot you dead!'

The schoolgirl said she remembered being put in an ambulance, but was unconscious when she got to Tygerberg Hospital. She was 14 years old at the time.

She showed the court scars and the lumps where shotgun pellets were still lodged under her skin.

The trial continues on Tuesday.

Mr Justice C T Howie presided, with Mr A J van Niekerk and Mr J P van Niekerk as assessors. Deputy Attorney-General Mr H G Klem appeared for the state with Mr W Downer. Mr D Uijss, instructed by Keith Hamblin and Co, appeared for Constable Villet. Mr A H Veldhuizen, instructed by the state attorney, appeared for W/O Kruger.

Appeal for calm



CROSSROADS ANGER .. Part of the crowd of almost 4 000 which marched on the Nyanga offices of the Office for Community Services yesterday to demand action against former vigilante leader Mr. Prince Gobingca and a group of special constables ABOVE Brigadier Ronnie van der Westhuizen calls for quiet from the crowd as Mrs Elsie Mkhumbuzi interprets "We will try to help from our side," he told the crowd
 Pictures TONY WEAVER



By TONY WEAVER
 A STINGING attack was launched yesterday on the Legal Resources Centre by the Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen, during a meeting with some 4 000 women who marched on the Nyanga offices of the Office for Community Services

But the LRC hit back last night and said in a statement the brigadier's comments appeared to be "confused and contain errors of fact"

Speaking to the Cape Times during the meeting with the women, Brigadier Van der Westhuizen blamed the "problems" in Crossroads on former vigilante leader Mr Prince Gobingca and the LRC

"This is a protest which we now have to defuse

"The Legal Resources Centre tried to get an interdict against these

Legal Resources Centre slated by brigadier

people, Gobingca ran to the LRC and begged them for finances

"These people want to stay here in peace, but Gobingca and the others run to the LRC Prince Gobingca does not pay a cent, the LRC does Where does the LRC get the money from? I don't know, I would like to know

"The LRC and Gobingca are busy stopping the progress of these people These people are angry because the money that they have for housing they have to use for court battles

"This court case will

cause big problems here These people in the crowd don't understand white man's law," said the brigadier

An LRC spokesman said the Centre was "somewhat perturbed by the allegations and remarks attributed to Brigadier Van der Westhuizen"

"They appear to be confused and contain errors of fact The LRC does not and has never acted for Mr Prince Gobingca"

Newspaper reports had it that Mr Gobingca obtained an interim order from the Supreme

Court against Crossroads leaders stopping them from making unlawful attacks on him

"A private firm of attorneys acted for him"

The LRC said the brigadier appeared to have confused that case with one in which the LRC's clients are challenging the validity of the appointment of the Crossroads committee and its right to allocate sites in cleared land at Crossroads

"We do not provide funds for legal action, and we invite Brigadier Van der Westhuizen to contact us so that we can explain to him that the function of the LRC is to provide legal representation to needy persons in deserving cases, and that we are funded by donations"

The spokesman said the LRC did not wish to comment on other remarks made by the brigadier

Vlok pays paraplegic R450 000

CP Correspondent

LAWRENCE Gqubule, the Uitenhage man who received R450 000 from the Minister of Law and Order, Adriaan Vlok, in an out of court settlement last week, says he is planning to take his family away from the faction-torn Uitenhage townships when he is released from hospital.

Gqubule, 26, who has spent over two years in hospitals in Cape Town and Uitenhage said: "I doubt very much that I will spend the R450 000 in peace if I go back to Uitenhage."

Gqubule was one of those injured when police opened fire on a funeral procession in Langa on March 21, 1985.

Officially, 21 people died in the action and scores were injured.

Community-based organisations said 39 people died.

Two bullet wounds, one at the base of his spine and another behind his knee, have rendered the lower part of his body useless.

Gqubule's immediate intention on leaving the Uitenhage Provincial Hospital is to buy a house in Port Elizabeth and open a small business, "probably a shebeen or a cafe".

"I must still discuss this with my family. It will definitely not be Uitenhage," Gqubule stressed.

"I am a cripple, I will not be able to defend myself if I'm attacked."

During the interview, the one-time goalkeeper for Uitenhage's Liverpool Soccer Club lay on his stomach.

Sores on his legs from his calipers and bedsores on his back have confined him to lying on his stomach.

His stomach is now starting to chafe and his torso is starting to stiffen.

"Although I am a rich man now, I will never walk on these two feet again," said Gqubule.

His parents and brothers and two sisters are now squatting in a one-roomed tin house with no running water, doors that are too narrow to allow a wheel chair to pass through and no proper sewerage system.

- Ecna



Adriaan Vlok



Helen Suzman

Gompo cops got lectures on restraint

251

THE COMMANDER of the municipal police force of Gompo township, East London, gave his men regular lectures, "to restrain them from committing offences," the Minister of Law and Order, Adriaan Vlok, said this week

Replying to a question from Helen Suzman (PFP, Houghton), he said a total of 63 complaints were laid with the SA Police against Gompo municipal policemen between November 28 last year and June 26 this year

There had been one complaint of murder, four of attempted murder, 14 of assault with intent to do grievous bodily harm, 42 of common assault, one of crimen injuria and one of pointing a fire-arm.

One member of the municipal police had been arrested on a charge of murder and was awaiting trial

Three were awaiting trial on charges of assault with intent to do grievous bodily harm and one on a charge of pointing a fire-arm.

Investigations into 27 of the complaints had not been completed, while the "perpetrators" in six cases had not yet been found

Prosecution was declined in 25 cases

Vlok said the SAP had held discussions about the complaints on several occasions with commanders of the municipal police

Replying to another question from Suzman, the Deputy Minister of Constitutional Development, Piet Badenhorst, said a total of 195 complaints had been received in the Cape Province about municipal policemen

The SA Police investigated all charges and, on conviction, those concerned were sentenced

No complaints had been received against municipal policemen in the Transvaal, OFS or Natal. - Sapa

Police told to stop assaults

CP Correspondent

THE Bisho Supreme Court has granted an interim order restraining Ciskei police from assaulting four Potsdam residents

The order follows an application brought against the Ciskei Minister of Justice, the Commissioner of Police and a vigilante leader

The final outcome of the application is still awaited

In affidavits supporting the application, Mondli Febana, Velile Dasi, Quntsu Leleki and Dennis Madole alleged they had suffered continued assaults by Ciskei police and vigilantes

Febana said he and other residents

had first moved to Postdam from nearby Blue Rock in 1983

Since then, he said, they had been indiscriminately assaulted by police

Finally, in February this year, several thousand residents fled Potsdam, hoping to find a new place to live in South Africa

They were sent back by South African authorities

Since then, Febana alleged that they had again suffered attacks by both Ciskei police and vigilantes

Several of the affidavits alleged that the vigilantes operated with the knowledge and support of the police

Pending the outcome of the application, the respondents have given an

undertaking to restrain members of the Ciskei police from assaulting, unlawfully interfering with or in any manner harassing the applicants

During the course of the hearing, allegations by the applicants were denied by the respondents

The district commander of the Ciskei police, Colonel Buyisile Ngobo, said in a responding affidavit that Potsdam was in a continuing unrest situation since 1985

Ngobo said a feud that had existed between old people and "young comrades" and the reluctance to pay Ciskei's development taxes, could have led the Potsdam residents to flee - Elnews

251

9/8/87

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Appr Trends (251)

New chief rates police image top priority

By JOHN VAN DER LINDEN
Crime Reporter

UPGRADING the image of the South African Police and motivating its members to provide a better service are the priorities of the new Commissioner of Police, Lieutenant-General Henne de Witt

Speaking at a press conference in Cape Town yesterday, General De Witt said he was aware that the image of the police had suffered badly, but that they could not afford to hire a public relations firm to correct this

He said the Minister of Law and Order, Mr. Adriaan Vlok, and the police hierarchy wanted an improved image, but that this would take time and would depend on the men being better motivated

Asked if attention would be given to the "special constables" who had often drawn negative criticism in the past, he said the police had been allowed to get back on the beat again

"We are the newsmakers because we work with the most important commodity in the world — people. However I do not

want to fight with the press as the pen is mightier than the sword, but I do feel we should talk to each other," he said

General De Witt added that the police were not asking for sympathy, only understanding, for their difficult task which involved working with different cultures

He conceded that he would not be able to effect major changes in the current operations because the police force was much like a big bus — once in motion it was difficult to change its course

He said attacks on the aged were a cause for concern and he was glad to see the public taking an interest in their own safety by forming neighbourhood watch committees

Asked why the police had on several occasions settled claims out of court, he said this had been done for humanitarian reasons "For an individual to take on the might of the State would be very costly," he said

The general praised the black members of the force, adding that their loyalty throughout the unrest showed that they

were indeed an integral part of the large close-knit police family

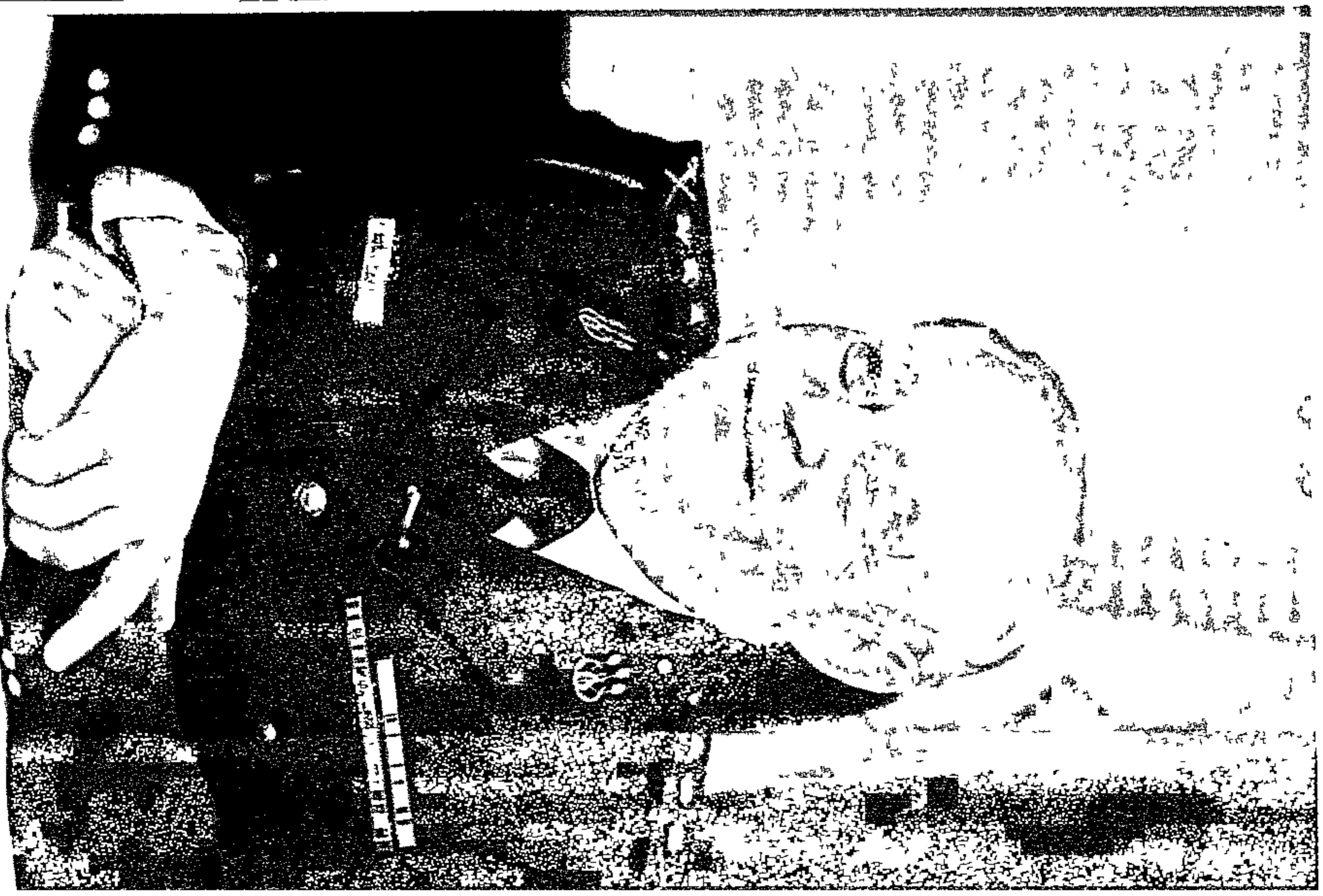
Although a "penpusher" for all but 12 years in the service, General De Witt, who took over from the man in the field, General Johann Coetzee, feels he is well equipped to head the force

But, grinning broadly, he admitted to having his own skeleton in the cupboard "I changed the date on my birth certificate from 1928 to 1926 to be able to join the police in 1945 when the minimum joining age was 19

"I eventually did set the records straight, but am relieved that the prescription date of 20 years has passed," he said

On the matter of police strength, General De Witt said the force, with a police-to-public ratio of 2,14 to 1 000, was in constant need of recruits

The training college was well attended, he said, but this barely made up for the number of men going on pension and leaving the force after the minimum four years' service



POLICE CHIEF . General Henne de Witt

Picture RICHARD BE

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The MINISTER OF EDUCATION AND CULTURE.

- (1) (a) Primary schools 18 1
 (b) Secondary schools 16 1

Information as on 31 December 1986

- (2) No (a) and (b) Fall away

Teacher/pupil ratio

52 Mr C J DERBY-LEWIS asked the Minister of Education and Culture

- (1) What teacher/pupil ratio was applicable in (a) primary and (b) secondary schools under his control in the Transvaal as at the latest specified date for which information is available
- (2) whether there is a difference in these ratios for 1980 and 1984, if so, what were the (a) ratios for (i) 1980 and (ii) 1984 and (b) main reasons for this difference?

The MINISTER OF EDUCATION AND CULTURE

- (1) (a) Primary schools 22,6 1
 (b) Secondary schools 17,1 1,
 Information as on the 10th day of school 1987

(2) yes, (a) primary secondary
 (i) 1980 24,7 1 17,7 1
 (ii) 1984 23,0 1 17,3 1

(b) since 1975 there has been a systematic move to common staff provision norms. In addition to this overall trend, variation in pupil numbers also affects these ratios

53 Mr K M ANDREW asked the Minister of Education and Culture

Books/subsidies/equipment

What amounts were spent on (a) school text-books, (b) library books, (c) hostel accommodation subsidies, (d) pupil transport subsidies, (e) school audio-visual equipment, (f) school buildings, (g) stationery and (h) school furniture in the 1986-87 financial year at schools falling (i) under his Department and (ii) under each provincial education department?

The MINISTER OF EDUCATION AND CULTURE

- (1) No schools still fall directly under the jurisdiction of the head office of the Department of Education and Culture. (i) (a)-(h) R0

(ii)	Transvaal	Cape	OFS	Natal
(a)	7 177 422	1 329 943	1 489 400	311 524
(b)	2 122 200	627 000	2 481 188	3 958 700
(c)	6 343 500	2 085 133	3 958 700	1 76 500
(d)	18 879 600	Ø 153 750	3 216	15 421 171
(e)	*	45 628 530	34 996 972	1 903 843
(f)	113 724 700	*	946 000	627 097
(g)	*	*	15 000	
(h)	*	*		

(Amounts in Rand)

* These amounts are included in amounts which the schools spend at their own discretion. Itemised information is consequently not available

Ø These amounts are not subsidies but discounts or allowances given on the basis of means tests

TUESDAY, 11 AUGUST 1987

1986/87 financial year amounted to R7,412 million

†Indicates translated version
 For oral reply
 General Affairs
 State President

Song "Together we'll build a brighter future"

*1 Mr P G SOAL asked the State President

- (1) Whether he will furnish information on the Cabinet committee that authorized the communication programme including the song "Together we'll build a brighter future" which was implemented by the Bureau for Information, if not, why not, if so, (a) who were the members of this committee, (b) from what source was the money for this programme made available and (c) what total amount was authorized by the Cabinet committee for this programme.
- (2) whether any members of the Cabinet committee objected to the authorization of this programme, if so, (a) who and (b) in what manner did they signify their objection?

The MINISTER IN THE STATE PRESIDENT'S OFFICE ENTRUSTED WITH ADMINISTRATION AND BROADCASTING SERVICES (for the State President)

- (1) It is not general practice to supply information about the composition and functioning of Cabinet Committees
- (a) Falls away
- (b) From savings by the Bureau for Information and additional funds allocated by the Treasury
- (c) The Cabinet approved R8,829 million for a comprehensive communication programme. The actual expenditure for the

- (2) Falls away

National states: police forces

*1 Mr P G SOAL asked the Minister of Law and Order

- (1) Whether the police forces of the national states are required to approach him or the South African Police for permission to (a) detain or arrest persons and (b) take any other official action on South African territory, if not, (i) why not and (ii) how are the actions of non-South African police forces on South African territory regulated, if so, what procedure is to be followed by non-South African police forces taking action on South African territory,
- (2) whether any restrictions are placed on the (a) arrest or detention by national state policemen of persons in South Africa and (b) removal of these persons to the national states, if not, why not, if so, (i) what restrictions and (ii) how are they enforced.
- (3) whether any persons were (a) detained in South Africa by persons other than members of the South African security forces and (b) removed by these persons from South African territory in 1985, 1986 and 1987, if so, (i) how many as at the latest specified date for which information is available and (b) by whom were they detained.
- (4) whether he will make a statement on the matter?

The MINISTER OF LAW AND ORDER

- (1) Yes
- (a) and (b) When it is necessary for a police force of a national state to take action on RSA territory, it is required of them to liaise with the Divisional Commissioner of the South African Police nearest to that national state or the Divi-

sional Commissioner of the area where they envisage such action

(1) and (ii) Fall away

- (2) (a) Yes
- (b) Yes

(1) and (ii) Legislation of the RSA which has not been repealed in a national state, stays in force in that national state

Permanent members of police forces of the national states have no jurisdiction in the RSA to arrest, detain or remove persons who have committed an offence, from the RSA to a national state, in terms of the said legislation in that national state. Such arrest, detention and removal must be performed according to the requirements in paragraph (1) above

Members of the South African Police who are seconded to a national state, retain their jurisdiction in the RSA. Thus, they have jurisdiction to arrest and detain persons who have committed an offence in the national state, both in the RSA and that national state and to remove such person to that national state. However, the requirements in paragraph (1) above must be adhered to

- (3) (a) Yes
- (b) Yes

(1) Two persons on 27 May 1987

(ii) By members of the South African Police, seconded to the KwaNdebele Police

(4) Yes Because members of the South African Police seconded to the KwaNdebele Police, did not take action

HoA

according to the prescribed requirements, the Commissioner of the South African Police discussed the matter personally and thoroughly with the Commissioner of the KwaNdebele Police. It was pointed out to him that the prescribed requirements should be strictly adhered to in future

Up to the present, police forces of other national states acted strictly according to the prescribed requirements. The matter and the serious implications of disregarding the prescribed requirements were, nevertheless, once more brought to the attention of Commissioners of police forces of the national states

Mr R M BURROWS Mr Speaker, arising out of the hon the Minister's reply, can he give us the assurance that the people who were—apparently illegally—taken into detention, were released from detention in KwaNdebele?

†The MINISTER Mr Speaker whether the persons were detained illegally or not is not for me to say, it is for a court to decide on that. I only told the hon member what arrangements are applicable in that regard, and what arrangements I have made to prevent a repetition thereof

Employees: extra employment

*2 Mr C J DERBY-LEWIS asked the Minister of Transport Affairs

(1) Whether employees of the South African Transport Services are permitted to (a) take on extra employment and (b) participate in any type of business of their own, if not, why not, if so,

(2) whether such employees are permitted to become directors of companies registered in (a) the Republic and (b) a foreign country, if not, why not,

(3) whether disciplinary action is taken by the Transport Services against staff members who are employed by or personally operate private com-

11/8/87 Howard

HoA

panies involved in the export/import business, if so, what action, whether he will make a statement on the matter?

The MINISTER OF TRANSPORT AFFAIRS

†The MINISTER OF TRANSPORT AFFAIRS

(1) and (2) Yes, subject to certain conditions

(3) Disciplinary action will only be instituted when circumstances justify such action. It is a basic principle to impose punishment commensurate with the seriousness of offences, regard being had to mitigating/aggravating circumstances

(4) No

Mr J A B Murray

*3 Mr C J DERBY-LEWIS asked the Minister of Transport Affairs

(1) Whether, with reference to his reply to Question No 37 on 17 February 1987, the South African Transport Services have received a certain memorandum, particulars of which have been furnished to the Transport Services for the purpose of the Minister's reply, concerning irregularities allegedly committed by the present incumbent of the post of South African Airways sales manager for the United Kingdom and Ireland, if so (a) on what date, (b) from whom, (c) what is the (1) name of the incumbent of this post and (ii) nature of the alleged irregularities,

(2) whether any amounts of money due to the Transport Services were written off as a result of these irregularities, if so, (a) what amounts, and (b) why, in each case,

(3) whether any action has been or is to be taken against this person; if not, why not, if so, (a) what action and (b) when,

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

(1) Yes

(a) 24 January 1987

(b) Mr A B Watkins

(c) (i) Mr J A B Murray

(ii) Alleged misconduct and abuse of departmental facilities and of the conditions of the official passports of the employee concerned and his wife

(2) Yes

(a) R3 510,10

(b) Amount was in respect of private telephone calls. During an investigation there was reason to believe that the employee concerned was not aware of extant instructions pertaining to private telephone calls

(3) No The alleged irregularities were investigated and apart from the incident in part (2) (b) of the reply the allegations proved to be unfounded

(4) No

11/8/87

Dairy Board: bad debts

*4 Mr D J N MALCOMESS asked the Minister of Agriculture

(1) Whether the Dairy Board lost any money through bad debts in respect of fresh-milk distributors in the 1985-86 financial year, if so, (a) what total amount was involved and (b) what are the names of the fresh-milk distributors who failed to pay these debts;

(2) whether he will furnish the names of the directors of these fresh-milk distributing concerns at the time, if not, why not, if so, what are their names,

(3) whether any action has been taken in respect of these bad debts, if so, (a) what action, (b) when and (c) who took the decision in this regard;

Howard 11/8/87

HoA

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

†The MINISTER OF AGRICULTURE

(1) Yes

(a) R2 067 574

(b) Creamline Dairies (Pty) Ltd

(2) Yes, J J Du Plessis (Chairman), T L Reynecke, C J Bester, R R Callanan, P W Dempsey, C P de Wit, D Osborne, P J Posthumus, F D P Reynecke, R B S Tucker, A C Vlok

(3) Yes

(a) Since the debtor was placed under provisional liquidation, a compromise in terms of section 311 of the Companies Act, 1973 (Act 61 of 1973), was agreed to

(b) 20 September 1985

(c) The Dairy Board and the other creditors

(4) No

Agricultural machinery/chemicals

*5 Mr A J W P S TERBLANCHE asked the Minister of Economic Affairs and Technology †

(1) Whether import restrictions and tariffs in respect of agricultural machinery and chemicals are reviewed from time to time, if not, why not, if so, on how many occasions have such tariffs been adjusted since 1 January 1982,

(2) whether the rand/dollar exchange rate is taken into account in the adjustment of such import tariffs, if so, (a) to what extent and (b) what other factors are taken into account in this regard,

(3) whether the body reviewing import tariffs includes a representative of the agricultural sector, if so, (a) (i) who is this person and (ii) by whom was he nominated and (b) what (i) are the names of the other persons serving on this body at present and (ii) is the name of this body, if not, why not,

(4) whether he will consider appointing a representative of the agricultural sector to this body?

The DEPUTY MINISTER OF ECONOMIC AFFAIRS AND TECHNOLOGY (Dr T G Alant)

(1) Yes Quantitative import restrictions are only applicable on certain types of agricultural machinery, including ploughs, harrows, cultivators, seed and fertiliser distributors and harvesting and threshing machines. Import permits are issued to cover the full reasonable requirements of importers. In the case of agricultural chemicals, the position is that fertilisers are exempted from quantitative import control. The importation of insecticides, fungicides, weed killers and rat poisons is only monitored and this is done at the request of the Department of Agricultural Economics and Marketing which is responsible for the administration of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 1947 (Act 36 of 1947) in terms of which the products referred to have to be registered before they may be marketed locally.

Import duties are being reviewed from time to time at the request of interested parties or on the initiative of the Board of Trade and Industry. With regard to agricultural chemicals, import duties have been revised in 12 cases since 1 January 1982. Comprehensive investigations are conducted at present into the possible revision of customs tariff protection on agricultural chemicals and machinery.

(2) Yes

(a) and (b) In the case of all applications for tariff protection the Board of Trade and Industry gives careful consideration to the effect of exchange rate fluctuations on the competitiveness of an industrial sector as well as on that sector's contribution to the economy. The cost of tariff protection is also carefully weighed

up against the benefits which the country will derive from such protection.

(3) No

(a) (i) and (ii) Fall away

(b) (i) and (ii) The body which advises the Government on customs tariff protection is the Board of Trade and Industry. The Board is composed as follows:

Full-time members

Dr L P McCrystal (Chairman)

Dr J Adendorff

Dr D L Bosman

Part-time members

Mr R J Ironside

Mr H J Terreblanche

Mr R Ramsay

Mr E Pavitt

The composition of the Board of Trade and Industry is laid down by law. In terms of section 5 (2) of the Board of Trade and Industry Act, 1986 the members of the Board are appointed by the State President by reason of their knowledge of and experience in commerce, industry and the economy. The members are, therefore, appointed in their personal capacity and do not represent specific sectors.

(4) As indicated already, members of the Board of Trade and Industry are not appointed from specific economic sectors, but exclusively by reason of the special knowledge and experience they may have. Anybody having that knowledge and experience is considered for appointment to the Board.

Members convicted of theft

*6 Mr J H VAN DER MERWE asked the Minister of Defence †

(1) Whether any members of the South African Defence Force who have been convicted of theft, are allowed to remain in the service of the Defence Force, if so, in what circumstances,

(2) whether the pension money of such members may be used to make good damage suffered as a result of theft, if not why not, if so, (a) in what circumstances and (b) in terms of what statutory provisions,

(3) what is the policy of the Defence Force in respect of members who are convicted of offences?

†The DEPUTY MINISTER OF DEFENCE

(1) Each case is considered on merit. The nature and seriousness of the offence and the sentence is taken into account to determine whether the member should be dismissed or not.

(2) Yes

(a) Losses sustained by the State may be deducted from the annuity or benefit payable to a member of the pension fund in a lump sum or in instalments such as determined by the Secretary of the Government Service Pension Fund.

(b) Section (2) (3) (c)—General Pension Act, (Act 29 of 1979)

(3) Each case is considered on merit to determine whether other additional administrative steps should be taken against the member. In addition to possible dismissal a member's promotion may be held back with the proviso that a member may not be penalised for more than two years for the same offence.

Railways/harbours/airports: policing

*7 Mr J H VAN DER MERWE asked the Minister of Law and Order †

(1) Whether the South African Police is responsible for the policing of (a) the railways, (b) the harbours, (c) the airports and (d) other specified branches and properties of the South African Transport Services, if not, (i) why not and (ii) what action is contemplated in this regard, if so, (aa) as from what date, (bb) what was the cost thereof to the South African

Police as from this date up to the latest specified date for which figures are available and (cc) from what vote was this cost financed.

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

THE MINISTER OF LAW AND ORDER

(1) (a) to (d) Yes

(i) and (ii) Fall away

(aa) 1 October 1986

(bb) R143 924 613 until 7 August 1987

(cc) South African Police Vote

(2) No

Policing services

*8 Mr J H VAN DER MERWE asked the Minister of Transport Affairs †

(1) Whether the South African Transport Services are responsible for (a) certain policing services and (b) the financing thereof, if so, (i) why, (ii) for what policing services and (iii) what total amount was spent on these services in the latest specified period of 12 months for which figures are available,

(2) whether it is the intention to take any action in respect of these services, if so, (a) what action and (b) when?

†THE MINISTER OF TRANSPORT AFFAIRS

(1), (a), (b) and (2) No

*9 Dr M S BARNARD—Transport Affairs [Withdrawn]

*10 Dr M S BARNARD—Transport Affairs [Withdrawn]

KTC squatter camp

*11 Mr S S VAN DER MERWE asked the Minister of Law and Order:

(1) Whether the South African Police took any action in the KTC squatter camp on or about 25 June 1987, if so, (a) what was the purpose of this ac-

tion, (b) how many persons were involved, (c) what action was taken and (d) what were the results,

(2) whether any persons were arrested on this occasion, if so, (a) how many and (b) for what alleged offence in each case?

THE MINISTER OF LAW AND ORDER

(1) Yes

(a) To combat crime and trace suspect criminals and terrorists

(b) Sufficient members of the Force to execute the specific task

(c) Premises and vehicles were searched for stolen property, uncensored arms and ammunition, drugs, prohibited literature, suspect criminals and terrorists

(d) A large quantity of suspected stolen property, drugs and ammunition was confiscated. Several suspect persons were detained for questioning and a number of arrests were made

(2) Yes

(a) 13 persons

(b) 3 persons for being in possession of dagga, 7 persons for public violence, 2 persons for theft of vehicles, 1 person for the illegal possession of ammunition

Hillbrow: investigation

*12 Mr S S VAN DER MERWE asked the Minister of Constitutional Development and Planning.

(1) Whether the Group Areas Board or any committee of this board has carried out any investigation in Hillbrow, if so, (a) when and (b) what was the purpose of the investigation, (2) whether this investigation has been completed, if not, when is it anticipated that it will be completed, if so, (a) what were the findings and (b) what action is to be taken as a result?

†THE MINISTER OF TRANSPORT AFFAIRS (for the Minister of Constitutional Development and Planning)

(1) No (a) and (b) Fall away

(2) (a) and (b) Fall away

Durban Prison, Westville: court case

*13 Mr R M BURROWS asked the Minister of Justice

(1) Whether, with reference to his reply to Question No 11 on 26 May 1987, the court case connected with the incident at Durban Prison in Westville on or about 5 May 1987 has been completed, if not, when is it anticipated that it will be completed, if so, (a) when, (b) what was the nature of the incident in question, (c) on what date did it occur, (d) how many persons were involved, (e) what was the cause of the incident and (f) what were the findings of the court,

(2) whether, in dealing with this incident, the prison authorities resorted to the use of (a) tear-gas, (b) batons and (c) fire-arms, if so, why in each case,

(3) whether any detainees were injured in this incident, if so, (a) what was the nature of the injuries, (b) how many persons were injured and (c) to which hospitals were the injured detainees taken,

(4) whether any medical treatment was given at the prison, if so, (a) what treatment and (b) to whom,

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

THE MINISTER OF LAW AND ORDER (for the Minister of Justice)

(1) No Upon the request of the legal representative of one of the applicants, the proceedings were postponed to 1 September 1987

(a), (b), (c), (d), (e) and (f) Fall away

(2), (3), (4) and (5) Fall away as the circumstances outlined in my reply to Question No 11 on 26 May 1987, still apply

*14 Mr S S VAN DER MERWE—Law and Order [Reply standing over]

RSA/KwaNdebele: negotiations

*15 Mr P G SOAL asked the Minister of Constitutional Development and Planning

(1) Whether, with reference to his reply to Question No 12 on 2 June 1987, any negotiations have taken place between the Governments of the Republic and KwaNdebele for the holding of a referendum for residents of this self-governing territory regarding independence, if so, (a) when, (b) what was the nature of the discussions and (c) what was the decision reached, if not, why not,

(2) whether any negotiations in this regard are due to take place, if not, why not, if so, when?

THE MINISTER OF TRANSPORT AFFAIRS (for the Minister of Constitutional Development and Planning)

(1) Negotiations for independence took place on 9 June 1987. The hon member's attention is drawn to my answer on Question 189 of 23 June 1987

(2) Further negotiations for independence will take place as soon as the KwaNdebele Government has indicated that the requirements, as laid down by the State President, have been complied with

*16 Mrs H SUZMAN—Justice [Reply standing over]

Toll gates

*17 Mr A GERBER asked the Minister of Transport Affairs †

Whether it is the intention to erect more toll gates on freeways; if so, (a) how many and (b) (i) where, and (ii) when, in each case?

THE MINISTER OF TRANSPORT AFFAIRS

Yes

(a) At this stage the National Transport Commission has approved three fur-

Police as from this date up to the latest specified date for which figures are available and (cc) from what vote was this cost financed.

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

THE MINISTER OF LAW AND ORDER

(1) (a) to (d) Yes

(i) and (ii) Fall away

(aa) 1 October 1986

(bb) R143 924 613 until 7 August 1987

(cc) South African Police Vote

(2) No

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(2) whether it is the intention to take any action in respect of these services, if so, (a) what action and (b) when?

†THE MINISTER OF TRANSPORT AFFAIRS

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THE MINISTER OF LAW AND ORDER

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(2) Yes

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†THE MINISTER OF TRANSPORT AFFAIRS (for the Minister of Constitutional Development and Planning)

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(2) (a) and (b) Fall away

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(3) whether any detainees were injured in this incident, if so, (a) what was the nature of the injuries, (b) how many persons were injured and (c) to which hospitals were the injured detainees taken,

(4) whether any medical treatment was given at the prison, if so, (a) what treatment and (b) to whom,

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THE MINISTER OF LAW AND ORDER (for the Minister of Justice)

(1) No Upon the request of the legal representative of one of the applicants, the proceedings were postponed to 1 September 1987

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(2) whether any negotiations in this regard are due to take place, if not, why not, if so, when?

THE MINISTER OF TRANSPORT AFFAIRS (for the Minister of Constitutional Development and Planning)

(1) Negotiations for independence took place on 9 June 1987. The hon member's attention is drawn to my answer on Question 189 of 23 June 1987

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THE MINISTER OF TRANSPORT AFFAIRS

Yes

(a) At this stage the National Transport Commission has approved three fur-

ENE Times 13/8/87

Intuition warned of tragedy court hears

Supreme Court Reporter
A YOUNG woman giving evidence in the murder trial of two policemen told the Supreme Court yesterday she had "a strange feeling, almost as if something was going to happen" moments before she was shot.

Ms Mercea Coetzee, 26, of Bellville South, said she was at the corner of Industry Road and Armada Crescent at twilight on August 29, 1985 when "everything was quiet" after earlier unrest and police activity.

She wasn't there long when she "got a strange feeling" and "said to the girls, 'Let's go home because something's going to happen'".

"I heard people laugh behind me. As I turned round to walk up Armada Crescent I heard the footfalls of others walking with me and then a loud shot.

"I saw Susan van Wyk fly into the air. It looked as if something lifted her into the air. At the same time my feet were lifted from the ground and I can't remember anything further," she said.

What happened, the State alleges, is that Warrant-Officer Paulus Kruger and Constable Ernest Villet fired their shotguns seven times, killing 21-year-old Ms Van Wyk and wounding Ms Coetzee and two others, one of whom lost her right arm as a result.

The two policemen have pleaded not guilty to murder and three charges of attempted murder after earlier noting a special plea to indemnity from prosecution in terms of the emergency regulations in force in 36 magisterial districts at the time.

Ms Coetzee said she regained consciousness in hospital where doctors told her attempts to remove shotgun pellets from her back, neck and lung would kill her.

Injuries to her tongue prevented her from speaking or eating solids for two months.

She still suffered pain in her shoulders and could not stand or sit for long periods, she said.

The two accused are at large on their own recognizances.

Mr Justice C T Howie presided with Mr A J van Niekerk and Mr J P van Niekerk as assessors. Deputy A-G Mr H G Klem SC appeared for the State with Mr W Downer. Mr D Uys, instructed by Keith Hamblin and Co, appeared for Const Villet. Mr A H Veldhuizen, instructed by the State Attorney, appeared for W/O Kruger.

Sum 15-11/8/01

COURTS

Called a kaffir, then hit by policeman — ex-cop tells court

A FORMER policeman is suing the Minister of Law and Order for R5 000 for an alleged assault that happened more than three years ago

The civil action in the Wynberg Magistrate's Court this week follows a parking incident of a minibus and is the third in a series of court cases

Stanford Singiswa, 52, of Guguletu, a former policeman, told the court how he was allegedly assaulted by Constable J P Clements, 23, of the Mowbray police station on January 22 1984

Singiswa said he had been in a hurry to get to a telephone to tell his wife as he was going to be late to fetch her from work

He parked on a demarcated line reserved for police vehicles Clements had shouted at him from the window to remove his vehicle

"I said sorry my friend and removed my kombi immediately," he said

Parked on pavement

He then went to park his kombi on the pavement He was on his way once again to the phone booth when Clements allegedly said to him "Come here kaffir, I'll show you", and dragged him into the charge office

Singiswa claimed Clements struck him on the left cheek with a clenched fist, breaking a tooth

Clements claimed Singiswa had assaulted and insulted him and walked out of the charge office before he could write out a summons for parking on the pavement.

He said he could not spell Singiswa's name and asked him several times to spell it

When he still could not spell his name, he asked him to write it on paper, but claimed it was illegible

Singiswa allegedly said he was wasting his time and asked him "Did you not go to school", implying that he could not read or write

He said Singiswa barged out of the charge office and he had to bring him back

"I caught up with him and put my hand on his shoulder He pushed my hand off and a tussle took place.

During the tussle three of my buttons came off my tunic. I pushed him against the wall, my hand slipped on Singiswa's shirt and I accidentally hit him on his right cheek "

Injured tooth

Clements told the court Singiswa had complained about a sore tooth, and he immediately arranged for him to go to the district surgeon who could not find anything wrong with the tooth or any visible swellings on his cheek

A dentist, Dr John Stanfield, testified that Singiswa's tooth was, in fact, injured He said there was a clean break and the nerve was visible through the dentyne

He said he had to restore two surfaces and insert two pins to keep the tooth together

Advocate D Kawalsky put it to Clements that he had assaulted Singiswa.

"It's not dignified for a young white man, especially in the employ of the State, to have a go at an old black man. All that remains of this incident is your conscience."

Clements and Singiswa had previously appeared in separate cases charged with assault Both were acquitted.

The matter was postponed to October 6 for argument and judgment

13-19/8/87
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Angry mayor lashes out:

'WITTHORAW GOPPS'

THE Ateridgeville Town Council — angered by the recent killing of a student by a "special policeman" — has called for the immediate withdrawal of these policemen.

In a statement issued yesterday, mayor Mr Mathews Mahlangu said the "special policemen" roamed the streets with long rifles as if the township was at war.

Residents, he added, are no longer safe in the presence of these policemen.

The call follows the death of basketball player, Vincent Mlambo, of Mamelodi, who was shot by a "special policeman" during a basketball tournament in Ateridgeville on Saturday.

Mr Mahlangu said he was not even informed by the Government about the presence of these policemen in the township.

Brigadier J Stenment, Divisional Commissioner of Police in the Northern Transvaal, who is in charge of these "special policemen" could not be reached for comment yesterday.

"I don't want them here. We have peace only going to cause chaos in our township. I want them withdrawn immediately," said Mr Mahlangu.

Mr Mahlangu said Ateridgeville did not need these "special policemen" because there were presently both the South African Police and the city council police operating in the townships.

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Mr Mahlangu said he was not even informed by the Government about the presence of these policemen in the township. "I don't want them here. We have peace only going to cause chaos in our township. I want them withdrawn immediately," said Mr Mahlangu.

ice episodes 'too violent'

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ly one third of all programmes contained a violent scene of some sort. He said the BBC had a policy of not showing programmes which contained gratuitous violence.

A team from Aston University's Department of Applied Psychology, led by Dr Guy Cumberbatch, concluded in its survey that there was more violence in ITV programmes than BBC ones, but that aggression on television was presented in a more "sanitized" version in the 1980s than in the 1970s.

Feature films like James Bond and American serials such as Miami Vice were the main culprits, with programmes imported from across the Atlantic three times more violent than home-made material.

Petition for teachers' release

Education Reporter
A PETITION to the Minister of Law and Order, Mr Adriaan Vlok, calling for the release of two teachers from Paarl's Simon Hebe High School, has been signed by 669 parents, teachers and pupils.

An attorney representing geography teacher Mr Bram Mhlom, 35, and mathematics and physics teacher Mr Sidima Kabonyane, 31, who have been held for 14 months in Paarl's Victor Verster Prison in terms of the emergency regulations, said the petition was delivered to Mr Vlok on Thursday.

The school's headmaster, Mr Timothy Ndzuzo, said the entire school had been boycotting classes since Wednesday in support of the teachers.

90% support SAP — Mellet

PRETORIA — A spokesman for the Department of Law and Order yesterday said the SAP had up to 90% support from all the people of South Africa in its daily task to protect and serve.

Brigadier Leon Mellet told SABC radio news the remaining 10% comprised radicals and mainly criminals.

He said people were now becoming aware of the need to maintain law and order and showed much goodwill towards the police.

One of the biggest problems now facing the police was the question of intimidation, and over the past three years it had become increasingly clear that this tactic was on the increase, he said — Sapa

Ex-cops fined for R8 000 theft

CAN 7/15 15/8/87
251
Court Reporter

FORMER policemen Charles Louw and Anthony Charles were fined and given suspended jail sentences by a Wynberg Regional Court magistrate yesterday for stealing clothing and other goods worth R8 000 by pretending to be on duty.

Two accomplices, Achmat Fortune and Riedwaan Williams, were also fined and sentenced to suspended jail terms.

The men were found guilty of stealing goods including a microwave oven, TV, video cassette recorder, and 30 pairs of ladies shoes and dresses from a clothing dealer, Mrs Dureya Abdulla, on December 27 last year.

Louw, 25, of Sherwood Park, who was a constable at the time the crime was committed, was fined R200 (or 100 days) for theft, and Charles, 23, of Tafelsig, Mitchells Plain, R150 (or 75 days).

Achmat Fortune, 51, of Rocklands, Mitchells Plain, was fined R500 (or 250 days) and Williams, 30, of Eastridge, Mitchells Plain, R200 (or 100 days).

All were also sentenced to 18 months' imprisonment, suspended for five years.

At an earlier hearing Charles said that on December 27 the four had gone to Mrs Abdullah's house where he and Louw had gone inside while Fortune and Williams had driven off.

Louw, who was wearing a police uniform, told Mrs Abdullah he was Sergeant Gedallie of Fish Hoek and searched the house Charles thought he was doing his duty as a policeman.

Later Williams and Fortune returned to the house in a bakkie. When they entered Louw asked them if "they were the people bringing stolen goods to this house", Charles said.

Charles overheard Mrs Abdullah offer Louw and Fortune R2 000 "for the goods". Louw said "We don't work like that." They then loaded goods into the bakkie, some from Mrs Abdulla's car.

Lieutenant A C van Schalkwyk, investigating officer in the matter, said it was possible Mrs Abdulla had bought stolen goods.

Louw said he had gone to the house after Fortune had told him that Mrs Abdulla had goods belonging to him. He did not think it was illegal.

Mr P Mostert prosecuted. Mr M Parker, Mr J Yekiso, Ms M Wiehahn and Mr H Theunissen appeared for the men.

'Eliminate the guilty ones,' policeman told

By PETER DENNEHY

A POLICEMAN charged with murder was ordered to "eliminate the guilty ones" at riots, defence counsel told the Supreme Court yesterday

Mr A Veldhuizen was questioning police reservist Warrant Officer O R Parrott in the trial of W O Paulus Kruger, 36, and Constable Ernest Villet, 27, both charged with the murder of 21-year-old Ms Susan van Wyk in Bellville South on August 29, 1985

The state alleges they were ordered to hide and wait for any "agitators" who returned to the corner of Armada Crescent and Industry Road, where police had earlier found burning objects in the road

Mr Veldhuizen, for W O Kruger, told the court about the alleged order to "eliminate" people after he had called W O Parrott

W O Parrot, who had been on the Casspir from which the three men alighted and waited, said in evidence that his impression of the order was that it was to "take some men and capture some people"

"I heard Captain (Ockert) van Schalkwyk say (to W O Kruger) 'Take some men and try to capture some people' I can't remember the exact words," he said

Captain Van Schalkwyk might have dismounted from the Casspir and spoken to the men, he said
Captain Van Schalkwyk and Colonel M G Mans had been in command of the Casspir, he said There had been "a lot of action" that day, and the captain had issued several warnings to disperse

W O Parrott could not recall if any warning had been issued that firearms would be used

Mr Dirk Uys, counsel for Constable Villet, asked W O Parrott how many times he had been on patrol when people had been shot W O Parrot replied there had been about five such cases

Asked by Mr Justice C T Howie whether he had heard the word "eliminate" on another occasion, W O Parrott replied that in a briefing he and others had been told to eliminate anyone who approached with a petrol bomb

"It (the word 'eliminate') was not used that night It's a hard word to use for a person burning tyres or setting up barricades," W O Parrott said

The assessors were Messrs A J and J P van Niekerk. Deputy Attorney-General Mr H G Klem SC, with Mr W G Downer, appeared for the state Mr Dirk Uys, instructed by Keith Hamblin and Co, appeared for Const Villet Mr A Veldhuizen, instructed by the State Attorney, appeared for W O Kruger



GOOD NEWS

IF YOU live in the country, in Swaziland, Botswana or Lesotho, here is the good news! From Wednesday, August 19, you will get your copy of the *Sowetan* on the day it is published.

This means that people living in these areas, including the Cape, will no longer get the *Sowetan* the day after it is published.

This has been made possible by improvements in our distribution system.

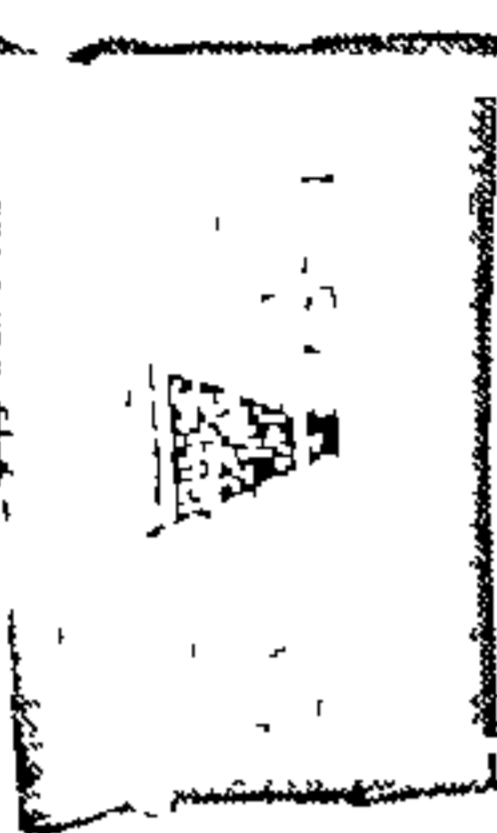
And getting the *Sowetan* on the day it is published will be a first for our readers in the rural areas. It also means that readers in non-metropolitan areas will be able to enjoy an even better, up to the minute news service.

So, if you live outside the PWV area you will, from August 19, be able to buy your *Sowetan* on the way to work. We promise you, it will make the world of difference to your day!

HAWKERS!

S 17165

MAKE MONEY SELLING OUR NEW RANGE OF READY-TO-HANG KITCHEN, BATHROOM AND TOILET CURTAINS Also now in stock



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TRAVELLER HARASSSED

A SOWETO woman yesterday described how she and her parents were stripped naked and searched at a police post as they travelled to Botswana a week ago.

BY SOWETAN REPORTER

The woman, Ms Ouma Tsagae (29), of Dube Village, said that in 1983 she refused to become a police informer. Her brother, Muckey Tsagae, was also in the leadership of the Soweto Students' Representative Council (SSRC) and fled the country in December 1976.

On Friday a week ago, she and her family were on a visit to Botswana when they were held up at the Tlokweng border post from 9am to 3pm.

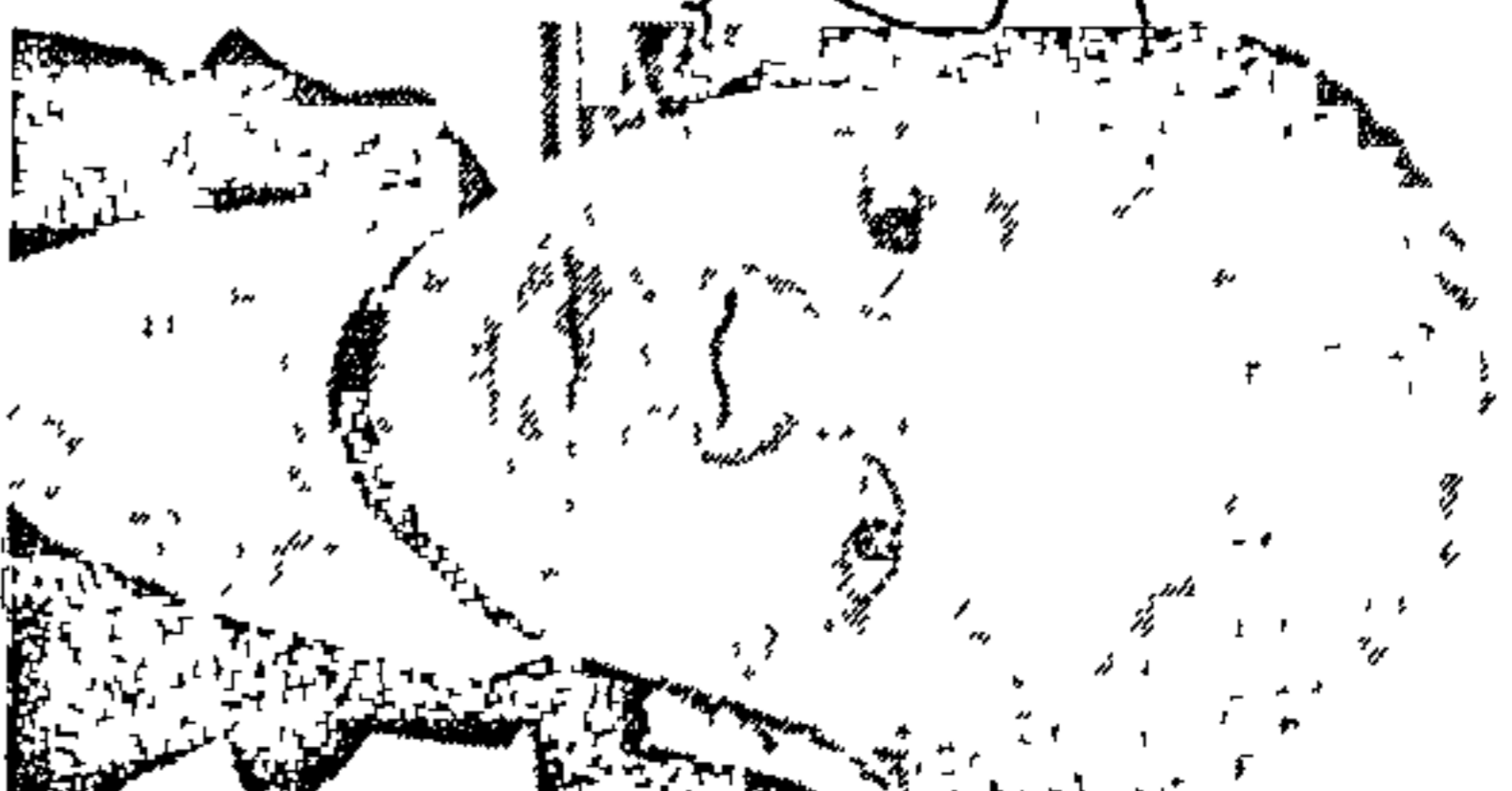
"We were questioned about Mickey. While I was being questioned I was asked to give a specimen signature on a piece of paper. I was told the officers wanted to compare it with my signature on the pass-

port," she said. Miss Tsagae alleged that an official then wrote above her signature that she had received R600 in exchange for information. She said this was a blatant fabrication and an attempt to compromise her by the officer who wrote the words above her signature. "I will never sell my brother or

anybody else to the police," she said. Responding to an inquiry from the *Sowetan* the police unit for public relations said, "We deny that the SAP harass people. If, however, Miss Tsagae is of the opinion that any member of the force has acted incorrectly, she can lodge her complaint through any one of the existing recognised channels and the matter will be investigated."

Border

When at the border on August 7 she was with her father, Mr Meshack Tsagae (58), her mother, Elizabeth (52), a sister, Lovey (20), a brother, Lebo (16), and a nephew, Thato (2), they were kept for several hours at the border post, from 9am until 3pm. During this time, Miss



STRIPPED NAKED: Ouma Tsagae claims harassment by the police. The SAP has denied this.

Tsagae and Mr Tsagae were questioned and the family ultimately searched. They were on a family visit to Botswana. This story was confirmed by Mr Tsagae senior.

Makope still missing

A GROUP of armed men who abducted one of the two Mamelodi businessmen last month, remarked that they had at last found "this dog", the *Sowetan*

they had long been looking for. She added that Miss X told them that a group of men, who included whites and who claimed

The car he was travelling in, a white Trebia with registration number KMY 898 T, is also missing after being driven away from the Makope said the incident has been reported to the police who have promised to launch an investigation. Mrs Makope, who is

SHOCK VERDICT

THE verdict handed down by the Seshego Magistrate's Court on the death of United Democratic Front president Peter Nchabeleng, is the second inquest finding in two months which implicates the Lebowa police in the death of a detainee.

In June this year Magistrate Mr M B Mabuza found that 12 policemen based at the Mahwelereng Police Station were responsible for the death of journalist Makompo Lucky Kutumela, a member of both the Azanian People's Organisation (Azapo) and the Media Worker's Association of South Africa (Mwasa).

For the second time in two months a court has found that a detainee has died at the hands of Lebowa police.

Mr Kutumela died of loss of blood and internal brain haemorrhage. Evidence led at the inquest was that seven people, all Azapo members, were detained by police at the Mahwelereng police station on the night of April 4. Some of them, including Mr Kutumela, were severely assaulted during the night. Mr Kutumela died the following morning.

The inquest also heard that a command "to hunt and kill comrades" had been issued to the police

on the day the arrest and the assault took place.

Mr Nchabeleng died six days after Mr Kutumela at a police station about 100 km away. Evidence led was that he had been taken to a garage at the Sekhukhune police station where he was interrogated.

Screams

Witnesses who were at the police station at the time said they heard screams and sounds of beatings emanating from the garage during the time Mr Nchabeleng was

interrogated. A magistrate who took down a "confession" and saw Mr Nchabeleng two hours before he died, testified that the deceased "looked sick and did not concentrate. He kept falling asleep", he said.

There are at least five other inquests of people who allegedly died at the hands of Lebowa police members still pending. One, resulting from the fatal shooting of Mr Moss Magae on March 7 last year, is due to resume today at the Mokopane Magistrates Court.

Still pending are inquests into the deaths of

- Isaac Mafokwane, who died of bullet wounds after clashing with police at the University of the North on June 16, 1985,
- Ngwako Ramelepe who died at Kgapane, near Duiwelskloof, on October 18, 1985 following alleged police beatings,
- Mavis Malatji who died of bullet wounds at Namagale, Phalaborwa, when police allegedly disrupted a Sharpeville commemoration service on March 23 last year, and
- Lawrence Kodi Tseka who died of bullet wounds in May last year at Gamasemola in Sekhukhuneland.

Handwritten notes at the bottom of the page, including "Mokopane" and "Mokopane Magistrates Court".

HOW UDF MAN DIED

25

18/8/87

Save

FORMER Northern Transvaal president of the United Democratic Front, Mr Peter Nchabeleng, died of severe injuries inflicted by members of the Lebowa riot unit, an inquest magistrate found yesterday.

Mr C N Nkweonyane made the

By **MATHATHA TSEDU**

finding at the Seshégo Magistrate's Court. Mr Nchabeleng died at the Sekhukhune Police Station on April 11 last year — less than 13 hours after he was arrested by riot unit members

● To Page 2

P.T.O

How Peter Nchabeleng died

• From Page 1

Earlier yesterday the Chief State Pathologist, Professor Johan David Laubser, presented his post-mortem findings in which he stated:

- Mr Nchabeleng was assaulted by "at least two" different instruments,
- If one of the

instruments was a sjambok, then it was used in an inverted position — with the tip used as a handle,

- There were "at least 35" bruises on his body,
- The "cumulative effect" of the beatings had caused bleeding under the skin leading to shock which induced unconsciousness, and

- Mr Nchabeleng had vomitted when he was unconscious and had inhaled his own vomit which then blocked his respiratory system

Professor Laubser said the effect of the beatings could have killed a younger man Mr Nchabeleng was 59

Mr J A Wessels, for the police, said it was "common cause that the injuries that caused the death were inflicted while the deceased was in the hands of the riot unit" He said it was difficult to pinpoint which members of the riot unit were actually responsible "We know that Sergeant Marokane was in charge and that he interrogated the deceased," he said

Sergeant Morokane died last year

Counsel for the Nchabeleng family, Mr Bob Nugent, said there was an attempt "at a very high level" by the police to conceal the perpetrators "No inquiry was made until three months after the death and no explanation was given

for this.

"The investigating officer, Warrant Officer Molapo, only investigated the riot units after receiving the post-mortem report showing that there were severe assaults But all the statements he took do not mention any assaults or interrogation," added Mr Nugent

In his findings Mr Nkweonyane said "the post-mortem report states that the deceased died as a result of assault We know that the deceased was a healthy man with no injuries when he was arrested"

"We know that most of the time he was in the hands of the riot unit with Sergeant Marokane in charge The injuries were therefore inflicted while he was in the hands of Sergeant Marokane and the riot unit.

My findings therefore is that Sergeant Marokane and other members of the riot unit assaulted the deceased," he concluded

- See Page 4

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(scribble)

(scribble)

18/8/87 Sheriff

Weather

THE Weather Bureau's forecast summary for today:

Transvaal: Fine and mild but cold overnight with frost over the southern half.

Orange Free State: Fine and cold overnight with severe frost becoming somewhat warmer later in the day.

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 S 17573

Lucky

TUESDAY, AUGUST 10, 1987

The Bureau wishes to apologise to Parliament and the hon the State President for supplying incomplete figures in this regard. We do not hesitate to put things right when we discover a mistake.

Females detained

*4 Mrs H SUZMAN asked the Minister of Justice

Whether any females were being detained in terms of section 28 of the Internal Security Act, No 74 of 1982 as at 31 July 1987, if so, how many?

The MINISTER OF JUSTICE

No

Females detained

*5 Mrs H SUZMAN asked the Minister of Law and Order

Whether any females were being detained in terms of section 29 of the Internal Security Act, No 74 of 1982 as at 31 July 1987 if so how many?

The MINISTER OF LAW AND ORDER

Yes—22 females

British Consulate, Johannesburg: alleged arrest

*6 Mr P G SOAL asked the Minister of Law and Order

(1) Whether, with reference to his reply to Question No 9 on 23 June 1987, the South African Police have established who was responsible for the alleged arrest outside the British Consulate in Johannesburg in May 1987 of a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply,

(2) whether the South African Police have received any reports that this person was abducted, if so, (a) when, (b) from whom, (c) what action was taken as a result and (d) what is the name of this person;

(3) whether this person has been found;

if so, (a) where, (b) when, (c) what were the circumstances surrounding his disappearance and (d) who was responsible for his abduction, if not, what action is being taken in this regard?

The MINISTER OF LAW AND ORDER

(1) Yes

(2) No

(a) to (d) Fall away

(3) Fall away

Note I refer the hon member to my oral reply to Question No 1 on 11 August 1987

*7 Mr S S VAN DER MERWE—Law and Order [Reply standing over]

*8 Mr S S VAN DER MERWE—Law and Order [Reply standing over]

Promotion of adult education

*9 Mr R M BURROWS asked the Minister of Education and Development Aid

(1) Whether his Department has (a) developed and (b) implemented any programmes to promote adult education, if not why not, if so, (i) (aa) when and (bb) in which areas were they implemented and (ii) what have been the results to date,

(2) whether he will make a statement regarding adult education for Black persons in the Republic and the self-governing territories?

The DEPUTY MINISTER OF EDUCATION

(1) (a) Yes

(b) Yes Programmes have been implemented to promote literacy, to help in-service teachers to obtain a Std 10 certificate, to help all Black adults who want to study (from post-literacy to Std 10) in their studies and to promote personal enrichment (e.g. A Practical Course for Housewives and Domestic, Prepare your child for school, etc.)

(i) (aa) Since 1975

(bb) In altogether 410 centres in schools and technical colleges in all 59 circuits of the seven regions of the Department of Education and Training and 161 centres at industries where programmes of this Department are utilised

(ii) An average of 8 000 literacy certificates are issued every year

The number of teachers without a Std 10 certificate has already been reduced from 73,6% in 1983 to 56,10% in 1986

Private candidates for the National Senior Certificate entered by departmental centres for Adult Education obtained 31 269 subject successes in the November 1986 examinations

The personal enrichment courses are very popular

The literacy courses developed by the Department are also used by the private sector

(2) No

United Democratic Front

*10 Mr J M BEYERS asked the Minister of Justice

(1) Whether consideration has been given to declaring the United Democratic Front an unlawful organisation, if not, why not, if so, (a) when, (b) by whom and (c) with what result, (2) whether a decision has been taken in this connection, if not, why not, if so, (a) what decision, (b) by whom, (c) when and (d) in terms of what statutory provisions,

(3) whether this decision has been made known, if so, (a) when and (b) in what manner, if not, why not, (4) whether he will make a statement on the matter?

The MINISTER OF JUSTICE

The circumstances in which an organisation may be declared an unlawful organisation on matters related thereto are set out fully in the Internal Security Act, 1982 (Act 74 of 1982). Section 4 6, 7, 8, 9 and 10 are particularly relevant. In section 4 it is stated, *inter alia*, that the declaration of an organisation as unlawful takes place by notice in the *Government Gazette*. Such declaration can therefore not take place without public notice. The considerations which can give rise to such declaration are set out in section 4 (1) (a) to (d). The government institutions and functionaries which are concerned with security matters, are constantly monitoring organisations and persons who are or may be active in that sphere. Should their activities have an effect on the security of the State or maintenance of public order, a wide variety of *modi operandi* are considered. Although it may be found that a particular organisation's activities render it liable to be declared an unlawful organisation, it is, of course, not to say that declaration as an unlawful organisation is the most suitable *modus operandi* or that it is part of the most suitable *modus operandi*.

Against this background it will be impossible for me to obtain, and to furnish comprehensive details which can cover a long-continued period to the hon member. In addition hereto the hon member will understand when I tell him, as I am now doing, that it will not be in the interests of effective handling of such cases to furnish the type of information which he requests in respect of specific organisations. I, however, point out the United Democratic Front was declared an affected organisation on 9 October 1986 by public notice. I would also like to point out that should any member have a *bona fide* interest in security matters, I would be pleased to discuss it with him confidentially.

TUESDAY, 18 AUGUST 1987

(a) I do not consider it to be in the interest of the persons to furnish their names

†Indicates translated version
For oral reply

General Affairs

Questions standing over from Tuesday, 11 August 1987

Jan Smuts Airport: AWB

*14 Mr S S VAN DER MERWE asked the Minister of Law and Order

(1) Whether the South African Police arrested or detained any persons at Jan Smuts Airport on 21 July 1987, if so, (a) what are their names and (b) for what alleged offences in each case,

(2) whether the Police took any special precautions at Jan Smuts Airport on the above date, if so, (a) what special precautions and (b) why,

(3) whether the Police had been informed (a) that members of the AWB would be at Jan Smuts Airport on the above date and (b) of the purpose of their presence, if so, (i) by whom, (ii) on what date and (iii) what action was taken as a result,

(4) whether the Police warned any persons present at Jan Smuts Airport that it was illegal for them to assemble there, if so, (a) how was the warning issued and (b) what was the result,

(5) whether the Police instructed or requested two persons, whose names have been furnished to the South African Police for the purpose of the Minister's reply, to take any action on this occasion, if so (a) what are the names of these persons, (b) what was each of them told by the Police and (c) why were they so instructed or requested?

Handwritten signature

Handwritten initials

Handwritten initials

(b) 15 persons were charged with the contravention of Regulation 2 (1) and 4 (1) of the Media regulations as promulgated by Proclamation R97 in Government Gazette 10772 of 11 June 1987

3 Persons were charged with the contravention of Regulation 42 (1) of the State Airport Regulations as promulgated in Government Gazette R1974 of 20 December 1963

The Attorney-General declined to institute prosecution against the persons involved and the charges were withdrawn after the accused had, through their attorney, advised the Attorney-General that they, and I quote "unreservedly give him and the authorities the assurance that if they have committed an offence they certainly had no deliberate intention of doing so and give the Attorney-General and authorities the assurance that they do and always will do everything in their power to observe the laws of the land"

The Attorney-General also indicated that it would be a bad mistake were this exercise of his discretion to be construed as a sign of weakness. It should rather be taken as a serious warning that in future and in appropriate cases he would not hesitate to institute prosecution against erring journalists, TV operators and others of the like

(2) Yes
(a) and (b) The South African Police made sufficient arrangements to prevent a possible confrontation between groups of people with different political views. In so doing they fulfilled

The MINISTER OF LAW AND ORDER

(1) Yes

their statutory responsibility to maintain law and order

- (3) (a) and (b) No but as a result of reports in the media the Police took note of the expected presence of leftist and rightist radicals and consequently took the necessary preventative measures
- (1) to (iii) Fall away

(4) Yes

(a) An officer of the South African Police directed a warning with a megaphone to the persons in English and Afrikaans in terms of section 72 (c) of the Internal Security Act

(b) The persons dispersed peacefully

(5) Yes, a request was directed to the persons

(a) Mr Eugene Terre'Blanche and Dr Alex Borraime

(b) and (c) The request which was directed at the two persons, was intended to promote the statutory responsibility of the South African Police, namely to maintain law and order

Mr D J N MALCOMNESS Mr Speaker, answering out of the answer of the hon the Minister can he perhaps tell us at what stage this warning to disperse was given and how long after the warning had been given the AWB members vacated the airport premises, where they were gathered in fairly considerable numbers?

The MINISTER Mr Speaker, I would suggest that the hon member formulates in a question the further particulars he requires and have it placed on the Question Paper. I will then go into the matter of the specific times etcetera which he requires, and give him my reply

Remission/parole

*16 Mrs H SUZMAN asked the Minister of Justice

Whether persons convicted of offences in terms of the Internal Security Act, No 74 of 1962 are entitled to (a) remission and (b) parole, if not why not if so, how many persons (i) had applied for and (ii) had been refused (aa) remission and (bb) parole as at the latest specified date for which information is available?

The MINISTER OF JUSTICE

(a) and (b) (i) (aa) and (bb) as well as (ii) (aa) and (bb) The Prisons Act 1959 (Act No 8 of 1959), and the Regulations promulgated thereunder do not establish a right for any prisoner to be released prior to the expiration of his or her sentence

The statistics as required cannot be kept due to the fact that one prisoner's possible conditional release on parole or probation can be considered and/or reconsidered and recommended by the Institutional Committee or the Release Board on more than one occasion

For the hon member's information however it can again be mentioned that 153 security prisoners were released since May 1982 prior to the expiration of their sentences. The hon member is also referred to the hon the State President's speech in which he dealt comprehensively with related matters

New Questions

Alexandra serviceman shot

*1 Mr P G SOAL asked the Minister of Law and Order

Whether, with reference to his reply to Question No 430 on 22 February 1987, the investigation into the shooting of a national serviceman in Alexandra Township on 1 January 1987 has been completed, if not, (a) what progress has been made in this investigation and (b) when is it anticipated that it will be completed, if so, (1) what were the findings and (ii) what action has been taken as a result?

The MINISTER OF LAW AND ORDER

No

(a) The suspect(s) in the case have not yet been identified or traced

(b) All possible endeavours have been made to trace the suspect(s) but no indication can be given of when the investigation will be finalized

(1) and (ii) Fall away

Guguletu death of ANC terrorists

*2 Mr S S VAN DER MERWE asked the Minister of Law and Order

(1) Whether with reference to his reply to Question No 43 on 20 February 1987, the investigation into the deaths of suspected ANC terrorists in Guguletu on 3 March 1986 has been completed, if not, (a) what matters remain to be completed and (b) when is it anticipated that the investigation will be completed, if so

(2) whether a copy of the post-mortem report on C Piet has been made available to his family since the date of the reply referred to above, if not why not if so on what date,

(3) whether any further requests for copies of the post-mortem reports have been received, if so, (a) from whom (b) when and (c) what was the response thereto,

(4) whether the investigation into the escape of any person or persons during the confrontation with the Police on 3 March 1986 has been completed, if so, what were the findings,

(5) whether any persons have been arrested as a result of this investigation, if so, what are their names?

The MINISTER OF LAW AND ORDER

(1) Yes

(a) and (b) Fall away

(2) No I wish to point out to the hon member that if the family of a deceased wished to obtain a copy of such a report, they can apply for one to the clerk of the court where the inquest was held. The South African Police has no jurisdiction to furnish documents of this nature to interested parties or their representatives

(3) No
(a) to (c) Fall away

(4) No, the investigation is continuing

(5) No

Communication programme total cost

*3 Mr P G SOAL asked the Deputy Minister of Information

(1) (a) What was the total cost of the communication programme including the song 'Together we'll build a brighter future' and (b) what specified items are included in this total,

(2) whether this programme is continuing, if not (a) when and (b) why was it stopped if so what aspects of the programme are still in progress?

The DEPUTY MINISTER OF INFORMATION

(1) (a) R8 718 797 for the financial year 1986/87 which includes R4 373 652 expenditure on the 'Together we will build a brighter future' project and, an expenditure of R4 345 145 on the Rent and Services' project

R3 007 319 for the financial year 1987/88 for outdoor advertisements for both campaigns

(b) TV commercials
Radio commercials
Press advertisements
Outdoor advertisements
Posters

(2) Yes The outdoor advertising campaign will continue until the end of the 1987/88 financial year

(a) and (b) Fall away

Note It will be noted that the figure as in 1 (a) above (R8 718 797) differs from the figure as supplied by the hon the State President in reply to oral Question 1 of August 11, 1987, for R7 412 000

Expenditure on outdoor advertisement of R1 306 852 for the 1986/87 financial year was inadvertently not included in calculating the total costs of the communication project

Claremont's Pick 'n Pay centre this

CAPE TOWN 19/8/87
Death: Police blamed

PIETERSBURG. — Nine Lebowa riot squad policemen have been found responsible for the death of the United Democratic Front Northern Transvaal regional president, Mr Peter Nchabeleng.

The finding, which will be handed over to the Transvaal Attorney-General, who will instruct on a prosecution, was handed down yesterday at Seshego Magistrate's Court by Mr C Mkoenyane.

The nine policemen are Sergeant Mokheudi Marokane, who died in November last year after being "necklaced", and Constables Mashilo Maifo, Alfred Chiloane, Lesetja Ramaoka, Abraham Radale, Segotola Modiba, Malose Seemane, Abel Maboke and Molebogi Cheoeu.

Professor H D Loubser, a pathologist, testified at the inquest that Mr Nchabeleng died as a result of assault.

Mr Nchabeleng died on April 11 last year, 12 hours after being detained by Lebowa police at the Schoonoord police station in Sekhukhuneland.

Earlier during the hearing Mr Nchabeleng's brother, Chief Moloke Richard Nchabeleng, told the court that his brother died after being interrogated by police.

Chief Nchabeleng said his brother looked fit when he first saw him on the morning of his detention, between 7am and 8am.

"About two hours later I saw him again in the company of policemen. He did not look well, walking as if drunk." — Sapa

Red Indians to promote holidays

A-G to decide on ~~charge~~ Nchabeleng charge

By Jo-Anne Collinge

The Transvaal Attorney-General will be asked to decide whether Lebowa police officials responsible for investigating the death of United Democratic Front leader Mr Peter Nchabeleng should be charged for defeating the ends of justice or as accessories to his fatal beating.

This decision, to be acted on by the Nchabeleng family's lawyers, came the day after a Seshego inquest magistrate declared nine Lebowa riot policemen responsible for the fatal assault on Mr Nchabeleng (59).

Blows lead to his death

He died at the Sekhukhune Police Station within 12 hours of his arrest in April 1986. Severe blood loss caused by multiple blows led to his death.

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19/8/87
Attorney Mr Nicholas Haysom believes that policemen beyond the nine found directly responsible for the beating may have been involved in criminal acts related to the death.

"It is our view that the inquest and its finding revealed that the investigation by the Lebowa police into the conduct of the Lebowa police strongly suggests a cover-up," said Mr Haysom.

"In particular the investigating officer undertook a so-called investigation which can hardly be called an investigation."

Mr Haysom said he would submit information regarding these matters to the Attorney-General.

● The Detainees' Parents Support Committee said the finding in the Nchabeleng inquest "confirms what we have been saying all along — that security laws give the police unlimited power and that abuse of these powers by the police has led to the death of detainees and is bound to lead to more deaths"

Cosatu, minister settle on costs

CMS - 19/887

251

JOHANNESBURG. — The Congress of South African Trade Unions (Cosatu) and the Minister of Law and Order have reached an out-of-court settlement regarding costs following a recent urgent application by Cosatu against the minister.

The application, launched by Cosatu in the Rand Supreme Court on April 28, was postponed till yesterday to determine the issue of costs of the application. Both parties have now agreed to pay their own costs of the application, as initially proposed by Cosatu.

The urgent application was launched after Cosatu House was raided by the South African Police on April 22 this year.

Cosatu sought a court order restraining the police from disrupting or interfering with the lawful activities of Cosatu and its affiliates at Cosatu House.

The application was postponed till May 19 and police undertook to comply with the conditions.

On May 7 an explosion occurred at Cosatu House seriously damaging the building and making it uninhabitable for at least a year.

Four days later, the police served their answering affidavit of more than 600 pages on Cosatu.

At a further hearing on May 19 in the Rand Supreme Court, Cosatu advised the court that it no longer wanted to continue with the application since the major part related to Cosatu House, which had been rendered uninhabitable. — Sapa

'Cops with total power'

251
19/8/87
Sawefan

SECURITY laws gave the police unlimited powers, and abuse of these powers led to the death of detainees and was bound to lead to more deaths, a spokesman for the Detainee Parents' Support Committee said in Johannesburg yesterday.

[Handwritten scribble]

She was commenting on the verdict of an inquest court that police were responsible for the death of UDF leader Peter Nchabeleng.

"It is no good for the South African Government to claim that it is not responsible for Nchabeleng's death because it happened in Lebowa.

"It is that type of attitude which gives police in the bantustans total licence and leads, in the final instance, to the death of fine South Africans such as Peter Nchabeleng and (journalist) Lucky Kutumela," the spokesman said. - Sapa.

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LAWYER WILL BE PAID R4 000

19/8/87
251
Sawetun

THE Minister of Law and Order, Mr Adriaan Vlok, was yesterday ordered by the Pretoria Supreme Court to pay R4 000 damages to an attorney who was assaulted by policemen in Mamelodi, Pretoria last year.

Mr Aubrey Ledwaba, who is employed by J M Weiman and Partners, said a white policeman hit him with clenched fists and kicked him with booted feet about 7 20pm on March 3 last year.

He suffered a swollen eye, cut lips and tongue

By
MONK NKOMO

and lacerations on the body as a result of the assault

"I think the only reason I was assaulted was because my driver flicked his lights at the policemen," Mr Ledwaba submitted

Rifle

He and a colleague, Mr Lolo Tshaka, were sitting in a car along a street in Mamelodi when they saw two vehicles about 20 paces away from them. The headlights of these vehicles were on. One of

the vehicles drove towards them the court heard

Mr Ledwaba said he became frightened when he saw a policeman in uniform pointing a rifle at the windscreen of their car

He got out of the car to explain

"Before I could say anything, a white policeman in uniform hit me with his fists on the face. Another policeman, also white, picked me up bodily and threw me to the ground

"Two or more policemen kicked me many times on my body," said Mr Ledwaba

Mr Justice Henk van Dyk found that Mr Ledwaba, "a relatively young and educated officer of this court," had overwhelmingly proved that his assailants were policemen.

Esteem

The judge said he had no doubt that Mr Ledwaba, held in high esteem by residents in Mamelodi, was humiliated by "this unprovoked attack"

He ordered the Minister to pay Mr Ledwaba R4 000 damages, interest of 15 percent per year on the amount starting from yesterday as well as legal costs

Mr Ledwaba had initially claimed R8 000



MINISTER Adriaan Vlok . . . ruling against his department.

Special constables: 'Like slaves'

By CHRIS STEYN

SHOCK disclosures about the working conditions of special constables came to light yesterday after two of them made a desperate plea to the Cape Times to convey their grievances to the Minister of Law and Order.

The constables said that though they loved their work, they were "used just like slaves" by the South African Police. "We are all unhappy," said special constables Graham Tondolo and Walter Tengen.

Constable Tondolo, who has a family of seven to support, said "We don't want to strike, because we like the job and we protect many people, but we just want them to make everything right."

But law and order press spokesman Brigadier Leon Mellet said "In view of the fact that the special constables are not in the full-time employ of the South African Police, they are unfortunately not entitled to the same benefits."

Pay 'up and down'

The grievances of special constables, discussed with the Cape Time yesterday, include

- The special constables' monthly pay goes "up and down." They said they were promised a monthly salary of R400 on graduating from Koeberg, but their salaries vary every month. Many months their salaries ranged from only R250 to R330.
- No pay slips, detailing deductions, are issued with their salaries. In fact they queue up to get cash hand-outs from envelopes.
- Special constables are not entitled to a pension scheme, medical and or any other fringe benefits.
- No sick leave is paid to special constables — not even when they produce doctors' certificates or go to hospital. Medical expenses are covered only when they suffer injuries during the course of their duties.

Six-day week

- They do not get paid annual leave.
- They work a six-day week, including shifts, and
- Special constables are not issued with adequate clothing for the outdoor conditions in which they operate all the time. They said they were issued with one pair of boots, two overalls, one raincoat and two jerseys — but no shirts or warm coats.

Brigadier Mellet confirmed that the income of special constables "fluctuates", but said this was because they were employed on a temporary basis and were paid only for the number of days worked.

He also confirmed that they were paid in cash, but said this was what the special constables "preferred". According to him, monthly pay packets



NOT SO SPECIAL . . . Special constables Graham Tondolo (left) and Walter Tengen, who appealed to the Cape Times yesterday to convey their grievances to the Minister of Law and Order. Picture CHRIS STEYN

He said every special constable signed for his remuneration, and a record was available for perusal at the pay table at any time.

Brigadier Mellet also confirmed that the special constables did not qualify for pension and medical benefits, but said they were fully covered for medical expenses should they be injured while on duty.

He said the special constables received eight paid "rest days" a month which could be accumulated up to a maximum of 21 days. They worked "normal standard" shifts in a work

issued with standard police uniforms, but with specially designed kits which were both "durable and comfortable" and which identified them as special constables.

Brigadier Mellet said the kit included a raincoat, a jersey, a warm coat, four pairs of socks and two overalls, all of which were regularly replaced.

He said the special constables who complained to the Cape Times were not representatives of the majority of special constables "who would certainly disagree with these viewpoints."

regarding conditions of their employment were set out.

"None of the special constables are forced to enrol. And while one or two may incorrectly claim that they are 'used like slaves', there are thousands of others waiting to be enrolled if given the opportunity.

"If the special constables who approached the Cape Times do not wish to adhere to the conditions of employment, they are free to tender their resignations," Brigadier Mellet said.

□ Mrs Helen Suzman, Pro-

be re-examined and said she intended raising the matter in Parliament during the police vote next month.

She said the government should be aiming at creating a police force of people who were properly trained, properly equipped, properly remunerated and secure in their jobs.

"Only then will we get a police force which is likely to carry out its duties responsibly."

Mrs Suzman, who has previously objected to the short period of training for special

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Kitskop 'slavery'

TWO special constables yesterday made a desperate plea through the Cape Times to the Minister of Law and Order over their service conditions, claiming they were used "just like slaves" in the SAP

But a Law and Order spokesman said special constables were not employed full-time by the SAP, and were thus "not entitled to the same benefits"

● See Page 11.

251 (218) (227)

Court refuses to discharge policemen on murder charge

Staff Reporter

AN application for the discharge of two policemen charged with murder and attempted murder during unrest in Bellville in 1985 has been refused by the Supreme Court

The application was made yesterday after the State closed its case in the trial of Warrant Officer Paulus Kruger and Constable Ernest Villet

The policemen fired on a crowd of people from a garden on the corner of Industry Road and Armada Crescent. Miss Sarah van Wyk, 21, died and three women, one of whom lost her right arm, were wounded.

ORDER TO SHOOT

Mr Justice Howie said there was prima facie evidence that Warrant Officer Kruger had decided to shoot before pin-pointing the troublemakers

The two had run out shooting "as it were, blindly and recklessly"

"Even if the order was given to shoot the troublemakers, in the present circumstances a reasonable man would not

have thought shooting such as this was necessary," the judge said

Earlier, defence counsel submitted that the two fired on the crowd lawfully

Constable Villet was merely carrying out lawful orders, said his advocate, Mr D Uys, describing the shooting as "another Trojan Horse". This was a reference to a decoy truck from which police fired during unrest in Athlone

If Constable Villet had shot towards a crowd in carrying out orders and an innocent person was hit, that could not diminish the legality of the action, said Mr Uys

The police had been acting in a "military situation", said Mr D Veldhuizen for Warrant Officer Kruger

"It is not for the person receiving an order to question it. That can be done later"

"Serious unrest" had been taking place. If a policeman was prevented from shooting because of the risk of hitting somebody accidentally, "when would they be allowed to shoot?" he asked

"The question is, were they allowed to shoot or not?"

Opposing the application, Mr H G Klem SC said the State's view was that the two had acted jointly on the initiative of Warrant Officer Kruger

"Overwhelming" evidence pointed to the orders he had given being unlawful

No unrest was occurring at the time.

OFFENCE COMMITTED

"There was no action by members of the public that would make it necessary for (police) to shoot," he said.

"And assuming that an offence was/being committed, was the action they took in accordance with the crime?"

"Can the police just open fire if they see somebody just lighting a fire in the street?"

Earlier the defence asked the court to call as witnesses the accuseds' commanding officers Captain Ockert van Schalkwyk and a Colonel Mans. This was turned down

(Proceeding)

explosion which failed to
a railway line at Manen-

By ANDRE KOOPMAN

ACCORDING to prima facie evidence before the court, two policemen charged with killing a Bellville woman with shotguns had acted "blindly and irresponsibly" and had not fired with the intention to arrest, a Supreme Court judge said yesterday.

Mr Justice CT Howie said that based on the evidence a reasonable man would not have thought it necessary to shoot.

The judge rejected an application for discharge by Mr D Uijs and Mr A H Veldhuizen, counsel for the two policemen, who argued that the state had failed to show that their clients had acted unlawfully.

The policemen on trial, Warrant-Officer Paulus Kruger, 36, of Bellville, and Constable Ernest Villet, 27, of Elsie's River, had both pleaded not guilty to charges of murder and attempted murder.

Evidence was that the two men had

CW. Times 20/8/87 (251) 7:15
Cops 'acted blindly'
in shooting — judge

allegedly fired their shotguns seven times at a fleeing crowd, killing 21-year-old Miss Sarah van Wyk and wounding a 15-year-old schoolgirl and two young women, one of whom had lost her right arm as a result.

Mr Veldhuizen, for W O Kruger, said his client had been given orders by Captain Van Schalkwyk to "eliminate" the ringleaders involved in the continuing unrest that day. His client had been involved in a quasi-military situation, had been compelled to carry out his orders and could only question them later.

The hearing continues today.

Mr Justice Howie presided, with Mr A J van Niekerk and Mr J P van Niekerk as assessors. Mr H Klem SC, assisted by Mr W Downer, appeared for the state. Mr D Uijs, instructed by Keith Hamblin and Co, appeared for Const Villet. Mr Veldhuizen was instructed by the state attorney.



SPECIAL CONSTABLES... A group of special constables yesterday asked for a meeting with the Minister of Law and Order, Mr Adriaan Vlok, and PFP MP Mrs Helen Suzman.

Special constables demand to see Vlok

CAPE TIMES 20/8/87 251

By CHRIS STEYN

A LARGE GROUP of disgruntled special constables yesterday demanded a meeting with the Minister of Law and Order, Mr Adriaan Vlok, and MP Mrs Helen Suzman to discuss "appalling" working conditions, "unfair" dismissals and the "racist" behaviour of their superiors

The Cape Times interviewed 24 special constables and three former special constables in Crossroads yesterday after two of them approached the Cape Times this week, claiming that they were used "just like slaves" by the police

The special constables also told the Cape Times of "apartheid practices" in their service units, claiming that certain white officers (whose names have been handed to the police) still called them "kaffirs" and often assaulted them without any provocation

"When we came from Koeberg training college they treated us well. Now that the riots have been quelled, they treat us like dogs," said one constable

A spokesman for the Ministry of Law and Order,

Brigadier Leon Mellet, said yesterday that legitimate complaints would be investigated, provided the special constables directed their grievances through proper channels

One of the cases which will be investigated is that of Constable Charlie Tabayi, who told the Cape Times yesterday that he had not received a salary since being shot and wounded while patrolling KTC on May 28.

He was discharged from hospital on July 28, he said, but is still receiving treatment. When he complained that he had not been paid at the end of May, he added he had been told that his pay would resume only when he started working again

No food

"The children don't get food. The children have to go to school," he said

Commenting on his complaint, Brigadier Mellet said "While I have no detailed knowledge of his case, this is one grievance which will certainly be looked into."

Four special constables — Mr David Sihlali, Mr Nelson Sijobo, Mr Rogers Mnyameni and Mr Witbooi Msaro — yesterday said they were arrested for the attempted murder

of a prominent Crossroads leader. They said three of them had been assaulted and kept in custody at Guguletu police station — but they were not charged and their case never came to court

Two of them had to seek medical treatment for injuries received in the alleged assaults. But today they are still operating as special constables

Constable Msaro said police came to his home shortly before the arrest and held a gun to his pregnant wife, demanding to know where he was. "But we are still working and still in poverty," he said

Commenting on the allegations, Brigadier Mellet said "I think it is unfair to expect the police to debate their cases in public. Those of them who feel exploited, should lay complaints

"We are certainly not unsympathetic to their grievances and we will take up legitimate cases and look into them"

All the special constables interviewed by the Cape Times said they liked their jobs, but could not longer cope with the appalling working conditions and continual unfair dismissals

"We work 24 hours a day,



INJURED... Constable Charlie Tabayi who claims he has not been paid since he was wounded during a patrol in KTC in May. Police said his complaint would be investigated.

24 days a month. We risk our lives among people who don't like us, to protect others who need us. Yet we can think of only about five special constables who are happy. The rest are all unhappy," said Constable Graham Dondolo

"We want our problems to go to Pretoria," he added

251
200 307
Police man

tells of 'unrest 'surprise'

By ANDRE KOOPMAN

A POLICE warrant officer yesterday told the Supreme Court that he had been told by Captain Ockert van Schalkwyk, former head of the Bellville riot police unit, to form a hidden "surprise party" and "eliminate" people who had been causing "chaos" during the student unrest in Bellville last year.

This was the evidence of WO Paulus Kruger, who, with Constable Ernest Villet, has pleaded not guilty to murdering Miss Sarah van Wyk and three other Bellville South residents on August 29 last year.

WO Kruger said he, Constable Villet and a Wyk had been a "surprise party" at the intersection of Armada Crescent and Industry Road, Bellville South.

"People stood further down Armada Crescent dancing and jumping around with their fists in the air. They threw stones in our direction and if the Constable Villet and I told me to take two men and hide and if the people came to the corner again, we were to eliminate them.

"I understood this to mean that we were to do all in our power to arrest the people and even to shoot in the process of arresting them.

"I definitely did not understand that I should kill them indiscriminately," said WO Kruger.

The two, together with Constable Van Wyk, hid in the pathway of a house.

WO Kruger said he watched a noisy 50-strong group start to build a barricade in the road. Later the group started running past the gate.

He then "acted instinctively" and fired at them but it was not his intention to kill or seriously injure anybody. "It was only when I went outside to chase the group that I saw people lying in the road. I saw a lot of blood."

Mr Justice CT Howie presided.

Mr van Niekerk and Mr Klem, SC, for the State, were assisted by Mr W. Downer, Mr D. van Niekerk, Mr H. Hambrook, Mr A. H. Veldhuizen, for WO Kruger, was instructed by the State Attorney.

What we'll do with our cash — Langa

AFTER two-and-a-half years, the first in the batch of payments awarded by the state to 51 victims of the 1985 Langa shootings were made at Uitenhage's Jubilee Hotel this week.

The bulk of the money — R1,3-million — was handed over on Wednesday to the victims and their families by the firm of attorneys acting on their behalf.

Moses Kwanele, 18, the "boy on the bicycle" told the *Weekly Mail* he was going to spend his R17 000 on a house for his family in Uitenhage's Kwanabuhle township. His mother, two sisters and a brother were removed from Langa township last year and are living in the shanty town of Tyoksville.

He relived the events on March 21 1985 which cost 21 people their lives and the state R1,3-million. "I was on my way to work on my bicycle and turned the corner into Maduna Road when I saw some police and army vehicles and a crowd of people. I heard some gunfire and then I don't know what happened next."

He spent four days in Uitenhage

By EDYTH BULBRING, Port Elizabeth

hospital and then he was arrested and spent four days in the Uitenhage police station.

"When I came out, the police came to my house and I ran to Molly's house (Molly Blackburn) and I stayed there for two months." He said he was still waiting for his bicycle "It's too small for me now, but it's the right size for my brother, George."

Bucwa, who was 15 at the time of the shooting, worked for an egg farmer as a delivery assistant. He has been unemployed since the shooting and says he wants to go back to school "First I am going to get away from this place and then next year I want to go to school."

Bucwa, a shy and gentle person, said he had never been politically active. A mischievous look crossed his face and he said "Tell the people I am a gangster, that I belong to the Mongrels." He burst out laughing and then said seriously, "In Uitenhage the walls have ears. I cannot say

what I am here. This place is full of apartheid. I have been hungry and jobless for so long and when you speak to white people in Uitenhage you have to say, 'Missies, ek is honger, (I am hungry) or 'Missies ek soek werk', (I am looking for work). That's the way it is here."

The 51 claimants received the money in the form of open accounts with a local bank Halton Chedale, one of the lawyers, said they could withdraw the full amount the next day if they wished.

Each person was advised to consult one of the financial advisers present and Chedale warned them against "vultures and people who never cared about you when you were poor, but will now flock around".

Although the handing out of the bank books proceeded slowly, Joyce Lamani, 21, who was shot in the jaw and the leg, said she could wait for her R10 000 all day. She said she was going to buy a car and a bedroom unit.

Mthehelezi Menziwe, 17, said he was going to spend the money on ter-

tiary education at the technikon. He will receive R10 000 and was shot in the neck and the head. Baba Mathambo, 22, who was shot in the head, said she was going to put her R21 000 towards a social work degree at the University of Fort Hare.

For others, the money will not last for ever and the daily struggles still exist. "Do you know where I can get a job?" asked Mimus Peter who was shot in the back and is receiving R11 000.

Laurence Gqubule, who was paralysed from the waist down, will receive the largest payout — R450 000. His mother, Margaret Gqubule, said she had come to fetch the money because her son was still unable to move from his bed.

Helen Seady, another lawyer for the claimants, said not only was R1,3-million being pumped into a poor community, but it was a boost for people's morale.

As one claimant put it "Die polisie, hulle wou mos, nou leer hulle" (The police, they wanted to do it, now they must learn) — Ecna

18665 21/8/87

Bellville area was like 'a small war', unrest trial told

Supreme Court Reporter

THE corner in Bellville South where Sarah van Wyk was shot dead on August 29 1985 was the focal point of unrest in an area which was experiencing "a small war", the Supreme Court has been told.

Warrant Officer Paulus Kruger, who with Constable Ernest Villet is charged with murdering Miss van Wyk and attempting to murder three other women, was giving evidence in his own defence yesterday

He said "There was chaos — there were fires on almost every corner and people were throwing stones at private cars"

Warrant Officer Kruger said the constant level of unrest in the area had picked up towards evening but police had been unable to make any arrests

"About 7pm our Casspir went

to the corner of Armada Crescent and Industry Road where a fire was put out," he said

"Captain (Ockert) van Schalkwyk warned people that there would be shooting if they did not go indoors but they danced and jumped around with their fists in the air They threw stones in our direction

"Captain van Schalkwyk told me to take two men and conceal ourselves If the people came to the corner again we were to 'eliminate' them

"I understood this to mean that we were to do all in our power to arrest the people and even to shoot in the process of arresting them

"I definitely did not understand it to mean that I should kill them indiscriminately."

He said that he, Constable Villet and a Constable van Wyk hid in the garden of a house in Armada Crescent for about 15

minutes until they heard a "noisy" group of between 40 and 50 people approaching

"I was tense I straightened up and as the group began passing the gate in front of me I fired at them, acting instinctively

"It was only when I went outside to chase them that I saw people lying in the road I saw a lot of blood

"I went into a nearby house to call for assistance"

In reply to questions by Mr D Uys, for Constable Villet, Warrant Officer Kruger said that shooting was the only way to restore law and order that day because all other methods had failed

Under cross-examination by Mr H Klem SC, for the State, Warrant Officer Kruger said "I did not give a warning before shooting because I felt that Captain van Schalkwyk's earlier warning had been sufficient"

Mr Klem You didn't try to arrest anybody?

No 5 birdshot

Warrant Officer Kruger Had I stood up the people would have already passed the gate

Warrant Officer Kruger said it had not mattered who in the group he shot at because he was using No 5 birdshot — and he did not expect it to have serious consequences.

Mr Klem You said that in previous police actions people were shot at but you could not arrest them because they ran away What was different about this time? Why did you shoot?

Warrant Officer Kruger I took the decision to shoot in a fraction of a second I would have approached them from behind but they jumped up and ran It would not have been possible to run among the people and arrest them

(Proceeding)

Man jailed for 15 years for shooting policeman

Supreme Court Reporter

A MAN convicted of murdering a policeman investigating a robbery will serve an effective 15 years in jail for murder, conspiracy to commit a robbery and illegally possessing a gun and ammunition.

Constable Henry October was shot dead on June 26 last year at the One Stop Supermarket in Bonteheuwel.

Alfonso Swain, 23, was sentenced to 12 years' imprisonment for murder, five for conspiracy and one for illegal possession. Part of the sentences will run concurrently.

Swain is already serving five years for robbery.

Neville Mahinda, 26, convicted of murder and conspiracy, will serve four of a total of 12 years imposed on him yester-

day by Mr Acting-Justice Thring.

He was sentenced to eight years for murder and four for conspiracy.

Half the conspiracy sentence will run concurrently and six of the remaining 10 years will run concurrently with a 12-year sentence Malinda is already serving for rape, robbery and assault.

Brian Roman, 24, Paul Sampson, 19, and Deon du Toit, 19, were sentenced to three years each for conspiracy to commit a robbery.

Half Roman's sentence, 32 months of Sampson's and all Du Toit's were conditionally suspended for five years

Mr Acting-Justice Thring sat with Dr G G Visagie and Mr J Shapiro as assessors

PW's tiff with Hendrickse could lead to a Labour split

THE government's constitutional reforms are in jeopardy after this week's bitter clash between President PW Botha and leading members of the Labour Party.

The position of Labour leader Allan Hendrickse in the cabinet has become virtually untenable since he has publicly clashed with Botha on an increasing number of issues, including the Dakar talks with the ANC. So far, neither Hendrickse nor Botha has made a decisive move — and their differences so far have been verbal — but in parliamentary circles it is believed it is only a matter of time before action is taken.

One possible scenario is that the Labour Party will split, with a majority of coloured MPs regrouping under someone like David Curry, the minister of local government, housing and agriculture, or Chris Aprri, the minister of health services and welfare. It is believed Hendrickse has the firm support of about 10 members of his caucus — leaving about 60 House of

Representative MPs who could form the nucleus of a new ruling group in the coloured house

There is certainly much speculation in political circles about the future of Hendrickse as chairman of the Ministers' Council in the House of Representatives

But Botha's angry attack on Labour Party MPs may well have been sparked off by Aprri, who is regarded as one of the more conservative Labour Party MPs and who has known Botha for some time from their days in George, the president's former constituency

There could be no peace while the majority of South Africans were sec-

WEEKLY MAIL REPORTER, Cape Town

ond class citizens, Aprri said before Botha launched his attack.

Reform had begun with a flourish and in 1978 "everyone was filled with hope". But reform had "since slowed down tremendously".

Aprri said he had visited 225 towns and urban areas in South Africa over the past year and the people there "can't tighten their belts because they don't have belts. They are concerned with survival. It does not matter whether it is a capitalist or communist government.

"If someone comes along and says a communist government will be bet-

ter, they will go for it
"Their situation is so precarious, yet I face so many problems when I try to get funds," he said.

It was not the message Botha wanted to hear, particularly from someone he regarded as a friend.

Botha slammed what he called the lack of any positive note in the House of Representatives and warned the MPs they would "lose one of their best friends" if they dared repeat such a performance

"If you want to drive me away from the attitude I have adopted over the last few years, you can't do any better than you did this afternoon," Botha thundered

Nobody had got more protection from the Group Areas Act than the coloured people, and it was "scandalous" that the Afrikaner should be attacked by people who should be thanking them and the government for their community's progress over the years

Judging by the reception he had received in the House, "I feel more welcome among the black communities than I do among the coloureds," Botha said

However, as with many of his other statements during the five-day debate on his vote in all three houses of parliament, the president restricted himself to threats of tough action

It seems unlikely, at this stage, that the Labour Party leadership would accept his challenge to move a vote of no confidence in the government and thereby force a coloured election

It does seem likely that the House of Representatives will refuse to support the amendment of the constitution to permit the delay of a white election until 1992 — and that clause of the constitution cannot be amended unless it is supported by a two-thirds majority of all three houses and it cannot be referred to the President's Council if there is a dispute

It is possible that the Labour leadership will back down and adopt a more "positive" approach, but after this week's heated clashes, this seems unlikely. So it is not yet clear exactly where the conflict is heading

But what is clear is that the government's carefully constructed tricameral parliamentary system is in trouble. The talk about "consensus" government is patently nonsense in current circumstances

The government will still probably try to make the system work, but the chances of any success are remote

And that will compound the political problems for the increasingly isolated Botha. Indeed, the Conservative Party and opponents of apartheid must have been delighted by this week's events.

Mellet's assistant sets sights on 'co-operation'

41E Top
22/1/87
25/1

By CHRIS STEYN

THE first coloured press officer at the Ministry of Law and Order started work in the office of Minister Adriaan Vlok this month

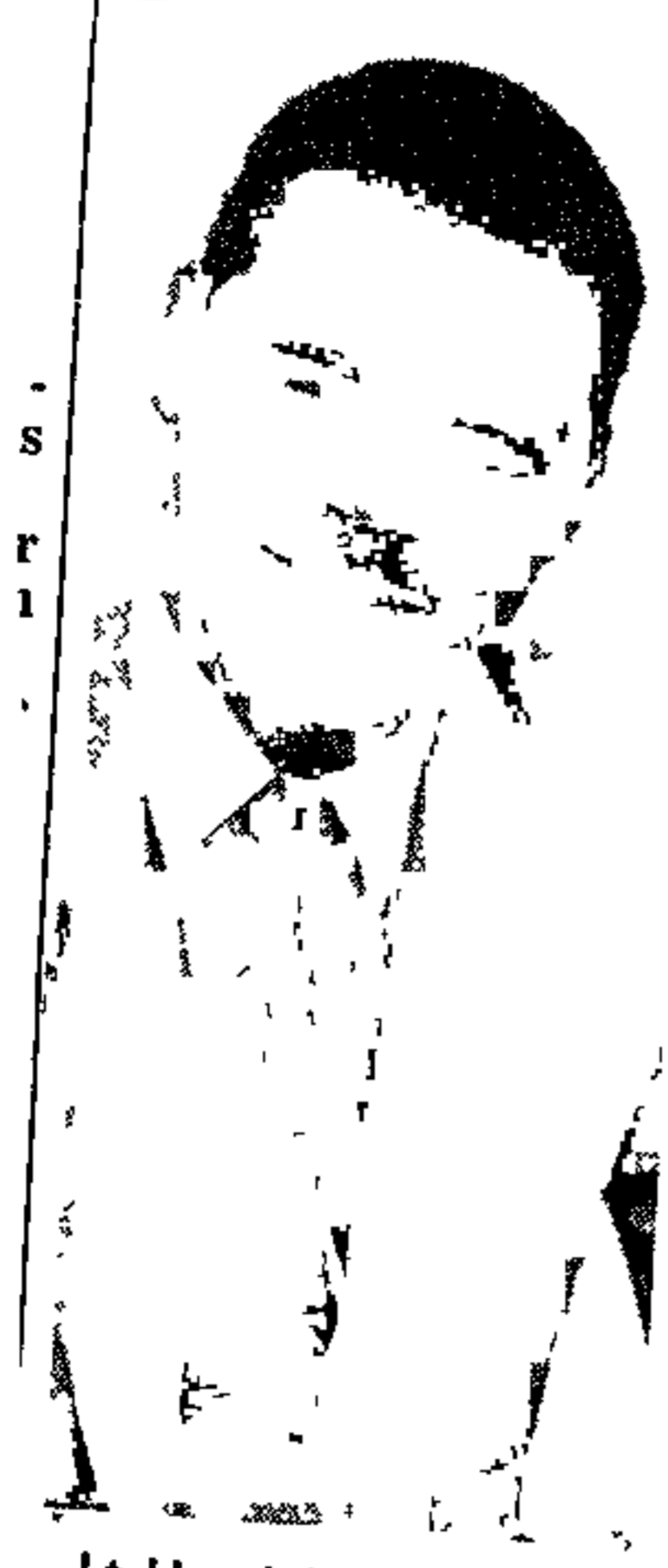
He is Lieutenant Hendrik Opperman, aged 35, who yesterday said he hoped to establish good co-operation with the coloured community. His duties include liaison with the House of Delegates.

Lt Opperman is one of two officers appointed by the Minister of Law and Order to assist his chief spokesman, Brigadier Leon Mellet.

The other officer is a former SABC employee and security policeman, Lt Peet Bothma. He is best known for presenting the Crime Prevention programme on SABC's "Good Morning South Africa".

Lt Opperman — who joined the South African Police 16 years ago — was with the Dog Unit in Pretoria in 1973 before being transferred to Beaufort West in 1979.

He became an officer in 1985 and was staff officer to the Ravensmead station commander till his appointment as public relations officer in Mr Vlok's office.



Lt Hendrik Opperman

Ure Times 22/8/87 (251)
'Propaganda aims to destroy SAP'

PRETORIA — The government was taking the necessary action to expose and neutralize an "evil propaganda machine" which aimed to "destroy" the SA Police, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday

Mr Vlok said at a joint civic and police function at Tweeling in the Free State that the government would

not allow radical organizations, individuals or certain sections of the media to wilfully destroy the SAP.

"The only weapon these messengers of ill have is a very real and well organized propaganda machine"

The police was open to fair and constructive criticism, but he would not tolerate lies and other derogatory propaganda — Sapa

22/8/75
No vigilantes, says 'watch' liaison officer 251

THE neighbourhood watch will not be allowed to degenerate into vigilanteism, a local police liaison officer said yesterday

Captain John Parker agreed with a warning in Durban by the Minister of Home Affairs, Mr Stoffel Botha, that they could easily become vigilante groups usurping the role of the SAP

Captain Parker said the watch system was just what its name implied. A watch for suspicious characters or actions on one's own or one's neighbour's property

No local watches appeared to operate vigilante forces — though in Strandfontein Village, some patrolled on foot and in

cars. He had asked them to stop. "I told them the police would rather have them join the police reservists," he said

Captain Parker said the Clifton Bungalows-Glenn Beach-Bakoven neighbourhood watch had been finalized yesterday

He may be telephoned at 45-1096



Father Mkhathshwa

Priest sues for R200 000

THE secretary general of the Southern African Catholic Bishops' Conference, Father Smangaliso Mkhathshwa, is filing civil claims worth R200 000 against the South African and Ciskeian governments.

He is claiming R150 000 from the Ciskeian Ministers of Police and Justice for wrongful arrest and malicious prosecution. He was detained at Fort Hare University on October 30, 1983, and held until March 8, 1984.

In an affidavit, Mkhathshwa said his arrest was wrongful and unlawful and the prosecution instituted against him in the Zwelitsha Regional Court for terrorism was malicious. He was found not guilty and discharged

The hearing is set down for September 7 in the Ciskei Supreme Court.

In the second claim, Mkhathshwa is claiming R50 000 from the South African Minister of Law and Order for alleged assaults during his recent spell in detention.

He is also claiming R20 000 from the *Citizen*, and R30 000 from the SABC for defamation relating to the way they covered his arrest on charges under the Arms and Ammunition Act

Before his last detention, he was arrested and charged for illegal possession of a firearm. Charges were subsequently dropped, but have been brought against him again.

— Elnews.

Finding welcome

BY SANDILE MEMELA

THE Detainees Parents' Support Committee has welcomed the verdict of the inquest court into the death of United Democratic Front leader Peter Nchabeleng, who died in detention last year.

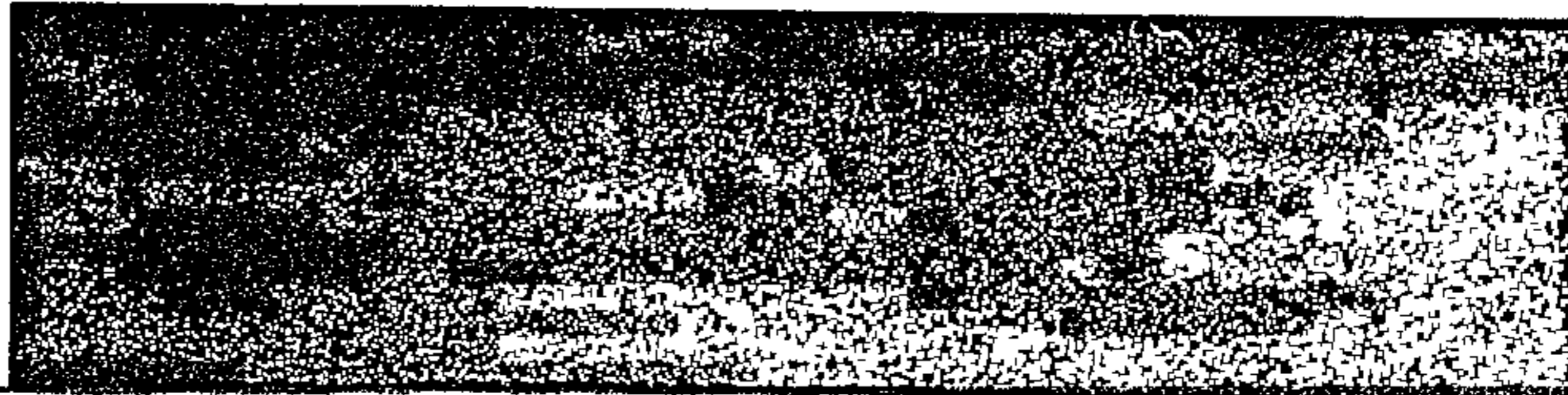
The inquest, held in Pietersburg, this week blamed Lebowa policemen for Nchabeleng's death.

The matter is now in the hands of the Attorney-General, who will decide whether to prosecute or not.

In a statement to *City Press*, a spokesman for the DPSC said the verdict confirmed what the organisation had been preaching all along.

"The security laws give police unlimited powers and the abuse of power by them has led to the death of detainees and is bound to lead to more deaths.

"It is no good for the South African government to claim that it is not responsible for Nchabeleng's death because it happened in Lebowa," said the spokesman.



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2/Prac 23/8/87

12345



Langa shooting victims were jubilant outside Uitenhage's Jubilee Hotel when they received their first payments from the Law and Order Minister.

THE END



air first payments from the Law and Order Minister.

state of emergency the withdrawal of troops from the township and the abolition of the municipal police, under the control of the Gomo Town Council's mayor, Eddie Makeba, and dubbed "Green Flies"

The DVRA also demanded the reduction of rent in the newly built four-roomed houses in the Ndende Street area of the township, because they were "unaffordable"

The DVRA also renewed its demand for the township to fall under the authority of the East London Municipality - E! news

The Langa victims now all smiles

CP Press
251
23/8/87

CP Correspondent

THE first in the batch of payments awarded to 51 victims of the 1985 Langa shootings by the State were made at Uitenhage Jubilee Hotel this week

The bulk of the money - R1,3-million - will be handed over to the remaining victims and their families by the firm of attorneys acting on their behalf

Moses Kwanele Buca, 18 the legendary "boy on the bicycle" who was shot in the head, told *City Press* he was going to spend his R17 000 on a house for his family in Uitenhage's Kwanubuhle township. His mother and two sisters and brother were removed from Langa township last year and are presently living in the shanty town of Tyoksville

He relived the events of March 21 1985 which cost 20 people their lives and the state R1,3 million

"I was on my way to work on my bicycle and turned the corner into Maduna Road when I saw some police and army vehicles and a crowd of people. I heard some gunfire and then I don't know what happened"

He said he spent four days in the Uitenhage Provincial Hospital, a week in Livingstone Hospital and was then arrested and spent four days in the Uitenhage Police Station

"When I came out, the police came to my house and I ran to Molly Blackburn's house, where I stayed there for two months," he said.

Bucwa, who was 15 at the time of the shooting, worked on an egg farm as a delivery assistant. He has been unemployed since the shooting and said he wanted to go back to school

Bucwa, a shy and gentle person, said he had never been politically active. A mischievous look crossed his face and he said "Tell the people I am a gangster, that I belong to the Mongrels"

He burst out laughing and said seriously "In Uitenhage the walls have ears. I cannot say what I am here. This place is full of apartheid"

The 51 claimants received the money in the form of open accounts with a local bank and Halton Cheadle, one of their lawyers, said they could withdraw the full amount the very next day if they wished

Each person was advised to consult with one of the financial advisors present and Cheadle warned them against "vultures and people who never cared about you when you were poor, but will now flock around you"

He said it was one of the happiest days of his life and that, although the Langa shooting should never have happened, they were at least getting second best. He reminded those present that there were 20 people who were no longer with them

Although the handing out of the bank books proceeded slowly, Joyce Lamani, 21, who was shot in the jaw and the leg, said she could wait for her R10 000 all day. She said she was going to buy a car and a bedroom unit

Mithetheleli Menziwe, 17, said he was going to spend his money on tertiary education at the technikon. He was shot in the neck and the head and will receive R10 000

Baba Mathambo, 22, who was shot in the head, said she was going to put her R21 000 towards a social work degree at the University of Fort Hare

For others, the money will not last for ever and the day-to-day struggles still exist

"Do you know where I can get a job?" asked Mimi Peter, who was shot in the back and is receiving R11 000

Laurence Gqubule, who was paralysed from the waist down, will receive the largest payout - R450 000. His mother, Margaret Gqubule, said she had come to fetch the money because her son was still unable to move from his bed after two and a half years

Helen Seady, another lawyer for the claimants, said not only was R1,3 million being pumped into a poor community, but it was a boost for people's morale - East Cape News Agency

Father claims R1m for son

By SOL MORATHI

A POTCHEFSTROOM man is claiming R1-million from the Law and Order Minister in damages and future medical treatment of his 16-year-old paraplegic son who was shot by the police two years ago

Philemon Moatshe is claiming R20 000 in his personal capacity and R984 976 in his representative capacity as father and natural guardian of his son, Andries, who was rendered paraplegic by police on August 12, 1985

Moatshe alleges his son was wrongfully and unlawfully shot and assaulted by police

He is also claiming money for general damages, including shock, pain, suffering, permanent disfigurement, disability, impotence and loss of amenities of life

Moatshe says in papers before the court that his son received several pellet wounds, including one in the spinal area and one adjacent to the sacrum on the right

He further submitted that he anticipated that his son would be a permanent paraplegic

The defence counsel, led by SW Burger, has admitted that Andries was shot by a policeman, but denied negligence

He argues Andries was repeatedly warned to stand still before a policeman shot him in an attempt to arrest him for throwing a petrol-bomb at a police vehicle

Burger says the bullet that rendered Andries a paraplegic was reasonable under the circumstances and had been fired to prevent him from escaping

He admitted the shot had been intentionally fired at Moatshe

The case is proceeding.

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23/8/87

CIPRES

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He further submitted that he anticipated that his son would be a permanent paraplegic.

The defence counsel, led by SW Burger, has admitted that Andries was shot by a policeman, but denied negligence.

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CIPRES



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not to divulge the identity of sources or to provide any comment on matters of this nature, as it is neither in the public interest nor in the interest of the security of the State to do so

(3) to (5) Fall away

PRESS RELEASE

MINISTER OF LAW AND ORDER RIR ADRIAAN VLOK 12 AUGUST 1987

RE ALLEGED POLICE SPY AT THE UNIVERSITY OF CAPE TOWN

It would be naive to believe that the South African Police, like all police forces, does not make use of intelligence sources

In fact police forces rely heavily on information of all kinds to assist them in the prevention and combating of crime to curb violence and to obtain information on matters regarding the security of the State

While it is standard procedure not to divulge the identities of sources or to provide any comment on matters of this nature, I find it in this regard necessary to reveal that Mr Daniel Pretorius is attached to the South African Police

He was posted at the University of Cape Town for specific reasons. The South African Police have a statutory obligation to preserve the security of the State and to this end, like its counterparts the world over, indulge in monitoring the actions of revolutionary activists whether on or off campus

Taking into account several instances that have occurred in the past that necessitated the arrest, trial and conviction of individuals, connected with the University of Cape Town either as students or as lecturers and who has acted as ANC or SACP agents, the police would be failing in its duty if it should exclude the said university from such action

This was further necessary because the South African Police, as well as parents and the moderate majority of South Africans are concerned about the situation at the particular university

I have asked the Commissioner of Police to investigate fully why Mr Pretorius has ex-

HOA

Handwritten: Howard 25/8/87

posed his involvement with the South African Police

Furthermore, I am quite prepared to discuss the matter with the vice chancellor of the University of Cape Town, Dr Stuart Saunders. I also have a few other matters which I would like to raise with him

12-8-87

ADRIAAN VLOK MINISTER OF LAW AND ORDER

Pensioners: television licences

*23 Mr J VAN ECK asked the Minister in the State President's Office entrusted with Administration and Broadcasting Services

(1) Whether all persons who (a) have reached pensionable age and (b) are in receipt of (i) social and (ii) other pensions qualify for concessionary television licences, if not, (aa) which of these categories of persons do not qualify and (bb) why are they disqualified,

(2) whether (a) naturalised South African citizens who receive pensions from sources outside the Republic and (b) non-citizens who have (i) permanent and (ii) temporary residence in the Republic qualify for these concessionary licences, if not, why not,

(3) whether any other categories of persons qualify for concessionary television licences, if so, what categories of persons?

*THE MINISTER IN THE STATE PRESIDENT'S OFFICE ENTRUSTED WITH ADMINISTRATION AND BROADCASTING SERVICES (Reply laid upon the Table with leave of House)

(1) Not all persons who have reached pensionable age qualify for concessionary television licences. Only the following people may qualify therefor on condition that they possess one television set only and no one other than their dependants reside with them, viz:

(i) People who are 70 years and older,

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(ii) Indigent people who are under the age of 70 and receive a social pension or allowance. This category includes old age, war veteran and disability pensions

(iii) Blind persons or the recipients of certain maintenance grants, family and settlers allowances paid by a government department of the Republic of South Africa

The intention of the SABC was to assist indigent people wherever possible but because of the enormous administration which would be required to determine a persons degree of indigence and also financial considerations the Corporation was forced to adopt the same criteria used by the Department of Health Services and Welfare. Consequently the SABC decided to use the social pensioner as criterion

(2) Naturalised South African citizens and non-citizens who have permanent or temporary residence in the Republic of South Africa and who receive pensions from sources outside the Republic do not qualify for concessionary television licences unless they have been resident in the Republic for longer than five years, if their income is less than the amount currently paid to South African social pensioners and their pensions are supplemented up to the level of social pensions paid by the Department of Health Services and Welfare and on condition that they possess only one television set and do not live with someone other than their dependants

The SABC does not see it as its duty to financially assist overseas institutions who pay pensions to such people to enable them to meet their obligations

(3) Bona fide farm labourers may also qualify for concessionary television licences on conditions that:

HOA

the owner or lessee of the farm and permanently resident on the farm,

(ii) possess only one television set, and

(iii) their employer submits a written declaration in support of the application for a concessionary television licence to the post office confirming the above-mentioned facts

Owners or lessees of farms who provide television sets for the exclusive use of their farm labourers may also qualify for a concessionary television licence on condition that

(i) the television sets are used only by bona fide farm labourers,

(ii) the farm labourers are in the employ on the applicant and reside on his farm, and

(iii) the owner or lessee of the farm submits a written declaration in support of the application for a concessionary television licence to the post office confirming the above-mentioned facts

For full particulars the hon member is referred to the Broadcasting Act No 73 of 1976 (R1720 of 7 August 1987)

*24 Mr R M BURROWS asked the Minister of National Health and Population Development

(1) Whether he has issued new draft regulations pertaining to caravan parks and camping sites, if so, (a) when, (b) why and (c) with which organizations did he consult prior to issuing these regulations,

(2) whether the new draft regulations are different from the previous regulations, if so, (a) what are the main differences and (b) by what bodies, organizations or individuals were they suggested,

Handwritten: Caravan parks/camping sites: draft regulations Howard

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(2) whether there have been any further developments in this regard, if so what developments?

†THE MINISTER OF ECONOMIC AFFAIRS AND TECHNOLOGY

(1) Yes

(a) Documents dated 2 and 17 April 1987 respectively which contained particulars of proposed transactions affecting certain newspapers were submitted to the Competition Board. The documents were submitted for the purpose of consulting with the Competition Board at the request of the parties concerned with a view to obtaining the Board's advice on the likelihood of the existence of circumstances which do not justify the acquisition in the public interest. This procedure is provided for in section 6(1)(d) of the Maintenance and Promotion of Competition Act 1979 and several consultations took place during April and May 1987. It may be added that such advice is not binding. If the advice is negative it does not prevent the parties from proceeding with the transaction.

(b) (i) Particulars of the proposed arrangements are confidential and in terms of section 17 of the Maintenance and Promotion of Competition Act, 1979, the Board is bound to preserve confidentiality. However, the parties concerned are at liberty to disclose the information.

(ii) The Competition Board may also not disclose the advice which it conveyed promptly to the parties after each consultation.

(c) The legal provision concerning confidentiality also applies in this instance.

(2) In terms of section 10 of the Maintenance and Promotion of Competition

Act, 1979, the Competition Board may on its own initiative and shall, on the directions of the Minister, make an investigation contemplated in that section. To date I have not given such an instruction nor has the Board initiated an investigation affecting the industry concerned.

Pretoria Portland Cement

*10 Mr K D SWANEPOEL asked the Minister of National Health and Population Development -

(1) Whether any tests have been carried out to ascertain the extent of the deposit of cement dust in Capital Park and other surrounding residential areas from a certain cement factory, the name of which has been furnished to the Minister's Department for the purposes of his reply if so (a) what is the extent of the deposit, (b) in what residential areas have these tests been carried out and (c) what is the name of the factory,

(2) whether the deposit presents any health hazards to the residents of the residential areas concerned if so, (a) what is the nature of the health hazards and (b) what steps have been taken and/or are envisaged in this connection?

THE DEPUTY MINISTER OF NATIONAL HEALTH

(1) Yes

(a) The average concentration of suspended dust in air measured in the area was less than 50 micrograms per cubic metre.

(b) The tests were conducted in Pretoria Gardens.

(c) Pretoria Portland Cement in Hercules.

(2) As the results of the measurements proved that the dust concentration in the area was well below the standard of 150 micrograms per cubic metre for city environment, together with the fact that the dust originating from

the cement factory does not contain cement, as is generally believed but is very similar to ordinary agricultural lime dust the dust levels in the area are not considered to present any health hazard. Analysis of the dust collected during the sampling period 7 February 1986 to 7 March 1986 also showed that at no stage did the factory contribute more than 10% to the total dust burden in the environment. The rest was from other sources.

(a) Falls away.

(b) No steps are considered since the cement factory in question is equipped with the most sophisticated abatement equipment available and the management is committed to maintaining dust emissions to a minimum.

Informers' recruitment

*11 Mrs H SUZMAN asked the Minister of Law and Order

(1) Whether any branch of the South African Police approached and/or recruited a certain person whose name has been furnished to the Police for the purpose of the Minister's reply, in or about 1985 in connection with information on student organisations at the University of Cape Town, if so, (a) when, (b) (i) for what purpose was this person approached and/or recruited and (ii) what is his name and (c) (i) what was the total amount spent in this regard and (ii) over what period was it spent,

(2) what is the policy of the South African Police regarding the recruitment of students for the purpose of supplying information on fellow-students, whether he has been approached by any person regarding this incident, if so, (a) by whom, (b) when and (c) what was the outcome in each case,

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

†THE MINISTER OF LAW AND ORDER

(1) Yes, like all police forces across the

world the South African Police also use informers to gather information of security interest. I wish to emphasise that such persons are expected to gather information and not to act as agent provocateurs.

The South African Police is not interested in monitoring lawful student activities.

(a) I wish to refer the hon member to my press statement of 12 August 1987 which I attach for reasons of clarity and which I regard as sufficient.

(2) I refer the hon member to my reply to paragraph 1 and 1 (a) to (c) above.

(3) Yes.

(4) I refer the hon member to my reply to paragraph 1 and 1 (a) to (c) above.

PRESS RELEASE

MINISTER OF LAW AND ORDER, MR ADRIAAN VLOK 12 AUGUST 1987

RE ALLEGED POLICE SPY AT THE UNIVERSITY OF CAPE TOWN

It would be naive to believe that the South African Police, like all police forces, does not make use of intelligence sources.

In fact, police forces rely heavily on information of all kinds to assist them in the prevention and combating of crime, to curb violence and to obtain information on matters regarding the security of the State.

While it is standard procedure not to divulge the identities of sources or to provide any comment on matters of this nature, I find it in this regard necessary to reveal that Mr Daniel Pretorius is attached to the South African Police.

He was posted at the University of Cape Town for specific reasons. The South African

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25/8/87

Vlok acts amid row over Nazi ceremony

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25/8/87

DOMINIQUE GILBERT

LAW and Order Minister Adriaan Vlok yesterday instructed the Police Commissioner to investigate whether a breach of the Internal Security Act had been committed during last week's memorial ceremony for Nazi Rudolf Hess.

Amid international reaction sparked by the Pretoria service, Vlok simultaneously announced a similar investigation into statements reportedly made at Wits University by Winnie Mandela, wife of the jailed ANC leader Nelson Mandela. He said this investigation was "already far advanced".

In effect, Section 62 of the Act prohibits the fostering of racial hatred. In his statement, Vlok said "I wish to state that the laws in SA are applicable to, and must be respected by, both the radical left and the radical right."

He said he had taken note of the public outcry which followed both the Pretoria Nazi ceremony and Mandela's reported statements that "the struggle should be taken to the white residential areas of Pretoria".

Chairman of the International Freedom Foundation and one of US President Ronald Reagan's appointees to the board of the US Holocaust Memorial Council Jack Abramoff yesterday condemned the ceremony.

He said "the Hess memorial episode has once and for all eliminated any doubt as to whose aims the AWB is serving" at a time when reasonable people within SA were trying to find solutions.

PFM MP Harry Schwarz said he was investigating the legality of Nazi emblems and Hitler salutes in SA, while Nat MP Sam Bloomberg appealed to Jews to remain cool in the face of provocation and to "let the law take its course".

Meanwhile, the man reported to have organised the service, Dr W R Helm, was described by Blanke Bevrydingsbeweging (BBB) leader Prof J C Schabert as a nuclear scientist with the Atomic Energy Board.

form for his next claim is posted to the claimant. In case the hon member or other hon members are interested, a copy of the information pamphlet wherein the procedures are full outlined can be obtained from the Commissioner for Customs and Excise

- (2) A task group under the chairmanship of the Commissioner for Customs and Excise has been appointed to consider suggestions on the simplification of the procedure. The South African Agricultural Union is represented on the task force which had its first meeting on 21 August 1987. The present system was purposely designed to be as simple as possible and to date no further simplifications could be introduced. Any person wishing to propose acceptable simplifications to the system must submit it to the Commissioner for Customs and Excise, P O Box 678, Cape Town, or Private Bag 147, Pretoria, for consideration by the Task group.

Social pensions

*19 Mr K M ANDREW asked the Minister of Constitutional Development and Planning

- (1) Whether there is a pay-out point for social pensions to Black pensioners in each magisterial district of the Republic if not, (a) in which magisterial districts are there no such pay-out points and (b) where do the pensioners concerned collect their pensions.
- (2) Whether any arrangements are being made for the payment of pensions to persons living far away from such pay-out points, if not why not, if so, what arrangements?

†The DEPUTY MINISTER OF CONSTITUTIONAL PLANNING

- (1) Yes (a) and (b) Fall away
- (2) Yes. Magistrate and regional offices of both the Departments of Home Affairs and Development Aid who pay out social pensions to Blacks on an agency basis, use vehicles to take pension monies to far away regions and to pay out at convenient places

How

Howard

such as shops, farms, etc where the necessary amenities exist

Schools of industry/reform schools

*20 Mr K M ANDREW asked the Minister of Constitutional Development and Planning

- (1) Whether any Black juvenile offenders were sent and/or transferred by the courts to (a) schools of industry and (b) reform schools during the latest specified period of three years for which information is available, if not, (i) where were such offenders sent and (ii) how many were sent there if so
- (2) how many were sent to (i) schools of industry and (ii) reform schools and (b) where are these schools located?

The DEPUTY MINISTER OF CONSTITUTIONAL PLANNING

- (1) (a) No (i) and (ii) This Department is not the functional Department that refers Black juvenile offenders to schools of industry and the information is therefore not readily available
- (b) Yes (i) and (ii) Fall away
- (2) (a) (i) Not applicable

25/8/87

(b) (i) 1984	353
(ii) 1985	271
1986	314
Total	937

Detainee: maltreatment

*21 Mr J J WALSH asked the Minister of Law and Order

- (1) Whether an investigation has been instituted into allegations by a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply relating to the treatment he received while being held in detention in terms of the emergency regulations if not why not, if so, what is the (a) (i) purport of these allegations and (ii) name of this person and (b) (i) who was in charge of the investigation and (ii) when was it instituted,

25/8/87

weapons and undesirable publications and is thus awaiting trial

Informers

*22 Mr J B DE R VAN GEND asked the Minister of Law and Order

- (1) Whether the South African Police have informers in certain institutions and bodies,
- (2) whether he will furnish information in this regard, if not, why not, if so,
- (3) whether any branch of the South African Police has (a) members posing as students and (b) students who are paid to provide information to the Police on student activities at all South African universities, if not, (i) which universities do not have such persons and (ii) why have these universities been excluded,
- (4) whether any (a) registered political parties, (b) trade unions and (c) extra-parliamentary political community, student or single-issue organisations have Police members or informers amongst their membership, if so (i) which organisations, (ii) why and (iii) what criteria are applied in determining which organisations will be infiltrated,
- (5) what total (a) number of persons are employed by the Police as informers at universities and the above organisations and (b) amount was budgeted in the latest specified financial year to pay these persons?

The MINISTER OF LAW AND ORDER

- (1) Yes, like all police forces across the world, the South African police also use informers to gather information of security interest. I wish to emphasise that such persons are expected to gather information and not to act as agent provocateurs. I furthermore wish to refer the hon member to my press statement of 12 August 1987 which I attach for reasons of clarity
- (2) No, because it is standard procedure

25/8/87

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not to divulge the identity of sources or to provide any comment on matters of this nature, as it is neither in the public interest nor in the interest of the security of the State to do so

(3) to (5) Fall away

PRESS RELEASE

MINISTER OF LAW AND ORDER MR ADRIAAN VLOK 12 AUGUST 1987

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He was posted at the University of Cape Town for specific reasons. The South African Police have a statutory obligation to preserve the security of the State and to this end, like its counterparts the world over, indulge in monitoring the actions of revolutionary activists whether on or off campus

Taking into account several instances that have occurred in the past that necessitated the arrest, trial and conviction of individuals, connected with the University of Cape Town either as students or as lecturers and who has acted as ANC or SACP agents, the police would be failing in its duty if it should exclude the said university from such action

This was further necessary because the South African Police, as well as parents and the moderate majority of South Africans are concerned about the situation at the particular university

I have asked the Commissioner of Police to investigate fully why Mr Pretorius has ex-

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posed his involvement with the South African Police

Furthermore, I am quite prepared to discuss the matter with the vice chancellor of the University of Cape Town, Dr Stuart Saunders. I also have a few other matters which I would like to raise with him

12-8-87

ADRIAAN VLOK
MINISTER OF LAW AND ORDER

Pensioners: television licences

*23 Mr J VAN ECK asked the Minister in the State President's Office entrusted with Administration and Broadcasting Services

(1) Whether all persons who (a) have reached pensionable age and (b) are in receipt of (i) social and (ii) other pensions qualify for concessionary television licences, if not, (aa) which of these categories of persons do not qualify and (bb) why are they disqualified,

(2) whether (a) naturalised South African citizens who receive pensions from sources outside the Republic and (b) non-citizens who have (i) permanent and (ii) temporary residence in the Republic qualify for these concessionary licences, if not, why not,

(3) whether any other categories of persons qualify for concessionary television licences, if so, what categories of persons?

*The MINISTER IN THE STATE PRESIDENT'S OFFICE ENTRUSTED WITH ADMINISTRATION AND BROADCASTING SERVICES (Reply laid upon the Table with leave of House)

(1) Not all persons who have reached pensionable age qualify for concessionary television licences. Only the following people may qualify therefor on condition that they possess one television set only and no one other than their dependants reside with them, viz

(1) People who are 70 years and older,

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(ii) Indigent people who are under the age of 70 and receive a social pension or allowance. This category includes old age, war veteran and disability pensions

(iii) Blind persons or the recipient of certain maintenance grants family and settler allowance paid by a government department of the Republic of South Africa

The intention of the SABC was to assist indigent people wherever possible but because of the enormous administration which would be required to determine a persons degree of indigence and also financial considerations the Corporation was forced to adopt the same criteria used by the Department of Health Services and Welfare. Subsequently the SABC decided to use the social pensioner as criterion

(2) Naturalised South African citizens and non-citizens who have permanent or temporary residence in the Republic of South Africa and who receive pensions from sources outside the Republic do not qualify for concessionary television licence unless they have been resident in the Republic for longer than five years. If their income is less than the amount currently paid to South African social pensioners and their pensions are supplemented up to the level of social pensions paid by the Department of Health Services and Welfare and on condition that they possess only one television set and do not live with someone other than their dependants.

The SABC does not see it as its duty to financially assist overseas institutions who pay pensions to such people to enable them to meet their obligations

(3) Bona fide farm labourers may also qualify for concessionary television licences on conditions that

(i) they are in full time employ of

the owner or lessee of the farm, and permanently resident

(ii) possess only one television set and

(iii) their employer submit declaration in support of application for a concessionary television licence to the office confirming the stated facts

Owners or lessees of farms who have television sets for the use of their farm labourers may apply for a concessionary television licence on condition that

(i) the television sets are owned by bona fide farm labourers

(ii) the farm labourers are employed on the applicable side on his farm, and

(iii) the owner or lessee of the farm submits a written declaration in support of the application for a concessionary television licence to the post office confirming the above-mentioned facts

For full particulars the brochure is referred to the Broadcaster No 73 of 1976 (R1720 of 1987)

*24 Mr R M BURROWS asked the Minister of National Health and Population Development

(1) Whether he has issued regulations pertaining to caravan parks and camping sites, when, (b) why and (c) with whom, (d) whether the new draft regulations are different from the previous ones, if so, (a) what are the differences and (b) by what organizations or individuals they suggested;

Caravan parks/camping sites regulations

Handwritten signatures and initials

(2) whether there have been any further developments in this regard, if so, what developments?

THE MINISTER OF ECONOMIC AFFAIRS AND TECHNOLOGY

(1) Yes

(a) Documents dated 2 and 17 April 1987 respectively which contained particulars of proposed transactions affecting certain newspapers, were submitted to the Competition Board. The documents were submitted for the purpose of consulting with the Competition Board at the request of the parties concerned with a view to obtaining the Board's advice on the likelihood of the existence of circumstances which do not justify the acquisition in the public interest. This procedure is provided for in section 6 (1) (d) of the Maintenance and Promotion of Competition Act 1979 and several consultations took place during April and May 1987. It may be added that such advice is not binding. If the advice is negative it does not prevent the parties from proceeding with the transaction.

(b)

(i) Particulars of the proposed arrangements are confidential and in terms of section 17 of the Maintenance and Promotion of Competition Act, 1979 the Board is bound to preserve confidentiality. However, the parties concerned are at liberty to disclose the information.

(ii) The Competition Board may also not disclose the advice which it conveyed promptly to the parties after each consultation.

(c) The legal provision concerning confidentiality also applies in this instance.

(2) In terms of section 10 of the Maintenance and Promotion of Competition

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Act, 1979, the Competition Board may on its own initiative and shall, on the directions of the Minister make an investigation contemplated in that section. To date I have not given such an instruction nor has the Board initiated an investigation affecting the industry concerned.

Pretoria Portland Cement

*10 Mr K D SWANEPOEL asked the Minister of National Health and Population Development +

(1) Whether any tests have been carried out to ascertain the extent of the deposit of cement dust in Capital Park and other surrounding residential areas from a certain cement factory, the name of which has been furnished to the Minister's Department for the purposes of his reply, if so (a) what is the extent of the deposit (b) in what residential areas have these tests been carried out and (c) what is the name of the factory.

whether the deposit presents any health hazards to the residents of the residential areas concerned, if so (a) what is the nature of the health hazards and (b) what steps have been taken and/or are envisaged in this connection?

THE DEPUTY MINISTER OF NATIONAL HEALTH

(1) Yes

(a) The average concentration of suspended dust in air measured in the area was less than 50 micrograms per cubic metre.

(b) The tests were conducted in Pretoria Gardens.

(c) Pretoria Portland Cement in Hercules.

(2) As the results of the measurements proved that the dust concentration in the area was well below the standard of 150 micrograms per cubic metre for city environment, together with the fact that the dust originating from

the cement factory does not contain cement, as is generally believed, but is very similar to ordinary agricultural lime dust, the dust levels in the area are not considered to present any health hazard. Analysis of the dust collected during the sampling period 7 February 1986 to 7 March 1986 also showed that at no stage did the factory contribute more than 10% to the total dust burden in the environment. The rest was from other sources.

(a) Falls away

(b) No steps are considered since the cement factory in question is equipped with the most sophisticated abatement equipment available and the management is committed to maintaining dust emissions to a minimum.

Informers' recruitment

*11 Mrs H SUZMAN asked the Minister of Law and Order

(1) Whether any branch of the South African Police approached and/or recruited a certain person whose name has been furnished to the Police for the purpose of the Minister's reply, in or about 1985 in connection with information on student organisations at the University of Cape Town, if so, (a) when, (b) (i) for what purpose was this person approached and/or recruited and (ii) what is his name and (c) (i) what was the total amount spent in this regard and (ii) over what period was it spent.

(2) what is the policy of the South African Police regarding the recruitment of students for the purpose of supplying information on fellow-students,

(3) whether he has been approached by any person regarding this incident, if so, (a) by whom, (b) when and (c) what was the outcome in each case,

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

THE MINISTER OF LAW AND ORDER

(1) Yes, like all police forces across the

HoA

world the South African Police also use informers to gather information of security interest. I wish to emphasise that such persons are expected to gather information and not to act as agent provocateurs.

The South African Police is not interested in monitoring lawful student activities.

(a) to (c) I wish to refer the hon member to my press statement of 12 August 1987 which I attach for reasons of clarity and which I regard as sufficient.

(2) I refer the hon member to my reply to paragraph 1 and 1 (a) to (c) above.

(3) Yes

(4) to (a) regard these discussions as confidential and am not prepared to comment on the matter beforehand.

(4) No I refer the hon member to my reply to paragraph 1 and 1 (a) to (c) above.

MINISTER OF LAW AND ORDER MR ADRIAAN VLOK 12 AUGUST 1987

RE ALLEGED POLICE SPY AT THE UNIVERSITY OF CAPE TOWN

It would be naive to believe that the South African Police, like all police forces, does not make use of intelligence sources.

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251 25/8/87

can Police have a statutory obligation to preserve the security of the State and to this end, like its counterparts the world over, indulge in monitoring the actions of revolutionary activists whether on or off campus

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This was further necessary because the South African Police, as well as parents and the moderate majority of South Africans are concerned about the situation at the particular university.

I have asked the Commissioner of Police to investigate fully why Mr Pretorius has exposed his involvement with the South African Police

Furthermore, I am quite prepared to discuss the matter with the vice chancellor of the University of Cape Town, Dr Stuart Saunders. I also have a few other matters which I would like to raise with him

2-8-87

DRIAAAN VLOK

MINISTER OF LAW AND ORDER

Mr S S VAN DER MERWE Mr Speaker, arising from the hon the Minister's reply, I would just like to ask him, whether it is the policy of his department to recruit people for these purposes while they are still at school and whether it did indeed happen in other cases

The MINISTER Mr Speaker, I do not think we could send people to the university, spy who are for instance 60 years old. I will therefore not add to the reply I had given previously

Mr K M ANDREW Mr Speaker, arising from the hon the Minister's reply, may I ask whether any steps are being taken in the light of the photographic evidence of the participation of this policeman in certain activities?

The MINISTER Mr Speaker, for the ben-

efit of the hon member I have explained it in full in my reply and in the Press release about the activities of the Police. I will not add to my reply

Mr K M ANDREW Mr Speaker further arising from the hon the Minister's reply, in view of the photographic evidence may I ask him whether he expects anybody to believe his answer? [Interjections]

Disability rebate

*12 Mr M J ELLIS asked the Minister of Finance

(1) Whether he has given any consideration to increasing the maximum disability rebate of R3 000 from the income of severely handicapped persons for tax purposes, if so, with what result, if not, why not,

(2) whether he will consider increasing this rebate in the light of the direct and indirect additional expenses of severely handicapped persons, if not, why not, if so, (a) by what amount and (b) when,

(3) whether he has received any representations for this rebate to be increased, if so, (a) when, (b) from whom and (c) what was his response thereto,

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

The DEPUTY MINISTER OF FINANCE (Mr K D S Durr)

(1) No No representations have been received in this regard

(2) I wish to point out that the relief in question is given in the form of a deduction from income and is not a rebate, i.e. a reduction in tax. An increase in the amount of the deduction, or relief in some other form will be considered, together with other personal reliefs, in the light of recommendations contained in the Margo Report.

(3) No

(4) No

Howard

25/8/87

ANC/SA businessmen: discussions

*13 Mr T LANGLEY asked the Minister of Foreign Affairs †

(1) Whether his Department was in contact with a group of South African businessmen and newspaper editors who held discussions with the ANC in the Luangwa Game Park in Lusaka on or about 13 September 1985, if so,

(2) whether his Department was in contact with the said group (a) before and (b) after these discussions, if so, (a) with what purpose, in each case,

(3) whether he gave (a) instructions and/or (b) permission that this group be so contacted,

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

†The MINISTER OF FOREIGN AFFAIRS

(1) No, the Department of Foreign Affairs was not in contact with the group. The then Deputy Minister of Foreign Affairs, Mr D J L Nel was informed of the visit by one of the persons involved in the arrangements of the group which would visit Lusaka. Mr Nel informs me that he discouraged them most strongly from talking to the ANC and said that nothing could be achieved by talking to the ANC. Mr Nel also supplied facts to the person concerned about the ANC's violent aims and furnished them with particulars to indicate that the ANC was dominated by the South African Communist Party. This was done to underline that nothing could be achieved from talking with that organisation. Mr Nel's views were repeated in an interview with the BBC which fact was reported in SA

(2) and (3) Falls away

(4) No

Lusaka: airport

*14 Mr T LANGLEY asked the Minister of Transport Affairs †

HOA

(1) Whether the South African Transport Services have received any complaints and/or representations about the landing facilities at the airport in Lusaka, particulars of which have been furnished to the Transport Services for the purposes of the Minister's reply, if so, what is the purport of these complaints and/or representations,

(2) whether the Transport Services have taken or are contemplating any action in this connection, if not, why not, if so (a) what action and (b) when,

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

The MINISTER OF TRANSPORT AFFAIRS

(1) No

(2) Falls away

(3) No

†Mr T LANGLEY Mr Speaker, arising from the hon the Minister's reply, we are dealing here with transport facilities which could have very serious complications for the South African public flying to Lusaka and I therefore want to ask the hon the Minister whether he knows absolutely nothing about it, and whether he intends doing something about the matter

†The MINISTER Mr Speaker, I have answered the hon member's question exactly. If he requires further information, he must put a new question

Mr D J N MALCOMESS Mr Speaker further arising out of the hon the Minister's reply and in view of the fact that earlier this week or last week in reply to a question of mine he stated that the ILS and a number of runway approach lights at Lusaka Airport were out of action, I want to ask whether he is prepared to reconsider the fact that SAA's planes are apparently still landing in Lusaka

The MINISTER Mr Speaker, we will at all times ensure the complete safety of our aircraft

Mr K M ANDREW What about the passengers?

Howard

25/8/87

(Signature)

CAPT ZIMK 26/8/87

25/87

Ambush cop: 'No time to give warning'

Staff Reporter

A POLICEMAN who was instructed to set an ambush during student unrest in Bellville in 1985 yesterday told the Supreme Court things happened so fast that there was no time to issue a warning

This was said in cross-examination by Warrant-Officer Paulus Kruger who, with Constable Ernest Villet, has pleaded not guilty to murdering Miss Sarah van Wyk and attempting to murder three other Bellville South residents on August 29 last year

The state alleges that on August 29, 1985, the two policemen, armed with shotguns, were positioned at a T-junction at the corner of Industry Road and Armada Crescent in Bellville South from where "obstructions and burning objects" had been removed earlier

W-O Kruger told the court earlier that he had been instructed by Captain Ocker van Schalkwyk, former head of the Bellville riot police unit, to form a "surprise party" and "eliminate"

people who had been causing "chaos" during the unrest

Asked by Mr Justice C T Howie if he understood what Captain Van Schalkwyk meant when he said "eliminate", W-O Kruger said he did not know the meaning of the word but understood that he should arrest people and even use firearms to effect an arrest

In reply to a question whether firearms were the last resort in crowd control, W-O Kruger said police used teargas launchers, shotguns, the R1 rifle and plastic bullets

He had had firearm practice with side arms, shotguns and the R1. At times he had seen shotguns being used but he had not seen people being seriously injured or shot dead.

The defence closed its case and the hearing continues today.

Mr Justice Howie was assisted by Mr A van Niekerk and Mr J P van Niekerk. The Deputy Attorney-General, Mr H C Klem SC, appeared for the state with Mr W Downer. Mr D Uys, instructed by Keith Hamblin and Co, appeared for Constable Villet. Mr A H Veldhuizen, instructed by the State Attorney, appeared for W-O Kruger

Vlok 'shocked by Kriel death disclosures

Political Staff

THE Minister of Law and Order, Mr Adriaan Vlok, said yesterday that he had noticed with shock and dismay that certain preliminary findings by a pathologist into the death of Ashley Kriel, an ANC member, had already been disclosed

He said he was not prepared to disclose any information about the death of Mr Kriel, who was shot and killed by police in Athlone, Cape Town, in July this year, because he did not want to anticipate the judicial process

"I notice with shock and dismay, therefore, that certain preliminary findings by a pathologist regarding this matter, have apparently already been disclosed and received wide publicity

"Consequently the investigations and findings of a competent court were disgracefully anticipated and prejudiced," Mr Vlok said in a reply to a question tabled in the House of Assembly by Mr Tian van der Merwe (PFP, Green Point)

He said the sub judice rule was normally respected by professional people

"The South African Police adheres strictly to the sub judice rule and I believe we are justified in expecting any other professional person or those who hold our judicial system in high esteem, to do the same," Mr Vlok said

Soon after Mr Kriel's death, it was reported that the pathologist for the family had found that he had been shot in the back at point-blank range, he had a three-centimetre laceration on his forehead, the right side of his head was bruised and there were abrasions on his right upper arm, left shoulder and chin

In reply to another question by Mr Van der Merwe, Mr Vlok said the police acted in accordance with the agreement reached with a delegation of church leaders at Mr Kriel's funeral on July 16

Restrictions were imposed on the funeral "because the South African Police had information at their disposal that laws could possibly be violated and the safety of the public and public order could have been endangered"

After the funeral, the independent MP for Claremont, Mr Jan van Eck, accused the police of breaking the agreement with the church leaders

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Cop spies for info, 'not provocateurs'

By ANTHONY JOHNSON
Political Correspondent

POLICE informers were expected to gather information and not to act as agents provocateurs, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday

Mr Vlok confirmed that Mr Daniel Pretorius had been recruited to serve as a spy at UCT, but then added "The SAP are not interested in monitoring lawful student activities"

Earlier this month Mr Pretorius told journalists that part of his brief at UCT had been to "exploit divisions" between student organizations and to become involved in student elections

A fellow student later said in a sworn affidavit that Mr Pretorius had urged students to throw stones at a police van during campus protests shortly before the general election

Replying to questions from Mrs Helen Suzman (PFP Houghton) and Mr Jan van Gend (PFP Groote Schuur), Mr

Vlok confirmed that the SAP had informers, in "certain institutions and bodies", gathering information of "security interest"

However, he declined to supply details "because it is not standard procedure to divulge the identity of sources or to provide any comment on matters of this nature, as it is neither in the public interest nor in the interest of the security of the State to do so"

Mr Vlok refused to disclose whether police had infiltrated registered political parties, trade unions, extra-parliamentary political or community organizations, student or single-issue organizations

He also would not say what criteria were applied in determining which organizations would be infiltrated

Mr Vlok would not disclose how many people were employed by the police as informers at universities and other bodies and what amount was budgeted to pay these spies

'Focus of unrest' — no record of visits

Supreme Court Reporter

A POLICEMAN accused of murdering a woman in Bellville South during the 1985 unrest said he could not explain why the official recorder on his Casspir had no record of the eight to 10 visits the police vehicle paid to the corner he referred to as the "focus" of unrest.

Warrant Officer Paulus Kruger, who has been suspended from the police force, was giving evidence in the Supreme Court, Cape Town, in the trial of himself and Constable Ernest Villet.

Both have pleaded not guilty to charges of murdering Miss Sarah van Wyk and attempting to murder three other young women on August 29, 1985.

The court has heard that the two policemen were left on the corner of Armada Crescent and Industry Road, where they later fired on a group of people who gathered on the corner.

PUT OUT FIRES

Mr H Klem, SC, for the State: You said this corner was the focus of unrest. Why aren't the eight to 10 times you put out fires in Industry Road mentioned in the (Casspir's) recorder's book?

Warrant Officer Kruger: I cannot explain it. The only explanation I can think of is that he only recorded incidents where ammunition was used.

Mr Klem said the recorder's book did not mention the "thousands of people" Warrant Officer Kruger said were congregating in Industry Road, but mentioned an action at Bellville South Senior Secondary School.

Mr Klem: I put it to you that the reason you describe the Armada Crescent/Industry Road corner as the focus of unrest is because you are falsely trying to explain your actions.

Warrant Officer Kruger: I deny in the strongest terms that I am lying.

The hearing continues today.

Mr Justice Howie has as assessors Mr A J van Niekerk and Mr J P van Niekerk. Mr Klem is assisted by Mr W Downer. Mr D Uij, instructed by Hamblin and Co, appears for Constable Villet. Mr A Veldhuizen, instructed by the State Attorney, appears for Warrant Officer Kruger.

Argus

26/8/87

Student shot after police 'found arms'

Own Correspondent

JOHANNESBURG. — Police yesterday declined to comment on the whereabouts of three men who may have witnessed the fatal shooting by the police of East Rand student activist Mr Caiphus Nyoka.

The three men were sleeping in the same outside room as Mr Nyoka when policemen arrived at the house in Daveyton township about 2.30 on Monday morning. A family member said the three were put in a police van.

A police spokesman referred to a police statement on the shooting, which said Mr Nyoka was shot "during police follow-up operations after the arrest of two suspects who were found carrying a number of mini-impet mines and handgrenades of foreign origin".

The statement rejected claims that a silenced weapon had been used, and referred the press to Section 27B of the Police Act which prohibits the publication of "untrue statements".

No details of the shooting itself were given.

Mr Nyoka, 23, was president of the

Mabuya High School student representative council and an active member of the UDF-affiliated Transvaal Students' Congress. A family member who saw the body at a funeral parlour said he had been shot in the forehead and in the side.

Mr Nyoka's father, Mr Moses Nyoka, said yesterday that he had heard no shots being fired in the room, which was three metres from his house.

"About 2.30 we heard footsteps. Suddenly we heard the loud shouts of a white policeman. We heard them kicking a door open saying 'Maak oop' and then 'Kaptein hy's hierso'. A policeman came and knocked at my kitchen door. He stuck a gun at my neck and pushed me inside ...

"At 4.10 a white 'Black Maria' came and four municipal policemen drew a tray out of the back of it. I was peeping through my bedroom window. I saw later on the tray a dead body which looked like Caiphus.

"I did not hear any shots. I have since found a shell in the room next to a pool of blood."

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By BARRY STREEK
Political Staff

Crimen injuria trial cancelled after fine

HOUSE OF ASSEMBLY. — A crimen injuria trial, due to be held today against six people responsible for the treatment in detention of the general secretary of the Southern Africa Catholic Bishops Conference, Father Smangaliso Mkhathshwa, has been cancelled after one of the accused paid a R200 admission-of-guilt fine.

This was disclosed yesterday by the Minister of Law and Order, Mr Adriaan Vlok, in reply to a question tabled in the House by Mr Jasper Walsh (PFP Pinelands).

Mr Walsh said "I find it extraordinary that serious charges against five people — presumably policemen — can be dropped on the basis of a sixth co-accused paying an admission-of-guilt fine.

"I am not satisfied with the minister's reply and I shall pursue the matter."

Mr Vlok said Father Mkhathshwa had alleged that during interrogation — he

spent 12 months in detention under the emergency regulations — his dignity was injured.

An investigation into the allegations was instituted on August 21 last year under a police officer, and was completed on June 24 this year

On June 24, a case docket was referred to the Attorney-General for his consideration.

Mr Vlok said the Attorney-General "decided that six ac-

cused had to stand trial on a charge of crimen injuria on 26 August 1987.

"He further decided that if one of the accused paid an amount of R200 admission of guilt, the other five accused would be absolved.

"One of the accused paid the admission-of-guilt fine on 11 August 1987"

Mr Vlok declined to make a statement about the matter but said Father Mkhathshwa had already appeared in court on charges of illegal possession of arms and ammunition, dangerous weapons and undesirable publications and was awaiting trial.

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CP: 20 000 'illegals' in Hillbrow

CP Trials 26/8/87

Political Staff

HOUSE OF ASSEMBLY — The government does not have figures for the number of black people illegally living in "white" Hillbrow and Mayfair

But Mr Koos van der Merwe (CP Overvaal) said yesterday that according to Johannesburg City Council figures, almost 30 000 people were living in these areas in contravention of the Group Areas Act — 20 000 in Hillbrow and 7 000 in Mayfair

Mr Stoffel van der Merwe, Deputy Minister of Constitutional Planning, told Mr Schalk Pienaar (CP Potgietersrus) it was "unknown" how many people were occupying premises in Hillbrow and Mayfair in violation of the provisions of the Group Areas Act

And the Minister of Law and Order, Mr Adriaan Vlok, told Mr Tian van der Merwe (PFP Green Point) that the police had not "as far as could be ascertained" compiled a record of premises in the Witwatersrand occupied by people who had been disqualified in terms of the Group Areas Act

Dr Stoffel van der Merwe also told Mr Pienaar the Department of Constitutional Development and Planning had taken action against people occupying premises in the white residential areas of Hillbrow and Mayfair by referring complaints to the police for investigation "on a continuous basis as and when complaints are received"

HOUSE OF ASSEMBLY — The SABC had in two years "dissipated" over R50 million in public funds, Mr Dave Dalling (PFP Sandton) said yesterday in debate on the Broadcasting Services vote

He said that in 1986 TV licences increased by 30% to R60, and this year they were going up another 20% to R72

"And during the same period the SABC has operated at a loss of over R56 million, and looks like losing money at the same rate again this year"

HOUSE OF ASSEMBLY — "Pirate" TV viewers who do not pay their licence fees were costing the SABC between R11m and R12m a year, Mr Alwyn Schlebusch, minister responsible for broadcasting services, said in reply to a ques-

in brief

tion from Mr Clive Derby-Lewis (CP Nominated)

HOUSE OF ASSEMBLY — No decision has yet been taken by the cabinet on whether to separate drivers' licences from identity documents, Mr Eli Louw, Minister of Transport Affairs, told Mr Peter Soal (PFP Johannesburg North)

HOUSE OF ASSEMBLY — There were 262 people in detention after being sentenced to death, the Minister of Justice, Mr Kobie Coetsee, told Mr Pierre Cronje (PFP Greytown) — Political Staff and Sapa

SUPREME COURT ROLL

THIRD DIVISION Court No 6		Lewensassuransie Maatskappy v J L Hattingh and one other — Mortgage Bond		from Roll of Advocate at own request	
Admissions		Fedics Group of Companies Ltd v Fedics Food Services v N February — Monies Owing		B Rudolph Buys — To remove name from Roll of Advocate	
D R Mitchell — Attorney		Nedbank Ltd v New Home Lines CC — Monies Lent		L J Strydom — Leave to sell property	
Rule nisi		A D Harmse v J Wheatherill — Monies Owing		J Vonke — Curator ad Litem	
I D Lamprecht v J M Combrink and another G J v A J van der Merwe, Moorreesburgse Koringboere Kooperatief Bpk v H G Lambrechts — Sequestration		Summary Judgment		B H and A M Wessels — ANC	
F L Keating v C D Zocher B A v N S Kotze — Interdict		A E W Julies v Ajarahum Property Holding (Pty) Limited — Mortgage Bond		E Bagus v Paarl Relief Fund and one other — Setting aside of Judgment	
K H D (Suidelike Afrika) (Edms) Bpk v Edward Masunerie (Edms) Bpk —		M. C. ...		Die Minister van Wet en Orde v S Ndzongu,	
				Long Ad (Pty) Ltd v CSM Textiles v Kamber Clothing (Pty) Ltd — Further Particulars	
				Gladwell Diomo v Mutual & Federal Insurance Company Ltd — Declaratory	

had co-operated with —

Sapa

Capo Times 27/8/82

6 policemen in custody

PRETORIA — Six Pine-
town policemen had
been expelled and were
being questioned in con-
nection with the alleged
death of a man in Har-
ding district, Natal, ear-
lier this year, the SAP
public relations division
said yesterday

The expulsion arose
from the disappearance
of a suspect, Mr Mdumis-
ene Shangase, held in
connection with alleged
firearms theft

"The six policemen
concerned are in custo-
dy and will appear in
court shortly" — Sapa

ARGUS 27/8/87 (251) (251) (251)

Fear of R1,5-million claim behind perjury

Supreme Court Reporter

A POLICEMAN on trial in the Supreme Court for murder has admitted perjuring himself in a Regional Court public violence trial to try to incriminate four Bellville South residents because he feared a R1,5-million damages claim.

Constable Ernest Villet said in cross-examination yesterday that he, fellow-accused Warrant Officer Paulus Kruger and Constable Martiens van Wyk had discussed the events of August 29 1985 and invented a story to tell in the Parow Regional Court

The lower court trial followed a shooting incident in Bellville South in which a woman was killed and three were injured.

Some of the injured were arrested and charged with public violence.

Not guilty plea

Constable Villet and Warrant Officer Kruger have pleaded not guilty to murdering Miss Sarah van Wyk, 21, and attempting to murder three women, one of whom lost her right arm.

Constable Villet said: "The three of us got together and decided to tell a story which would get the people convicted

"If the people were acquitted I was scared of the civil claim of R1,5-million"

Mr H Klem SC, for the State: You knew that one of the accused, Mr Adriaan Erasmus, was not guilty. Why did you not tell Warrant Officer Kruger you should tell the prosecutor this?

Constable Villet: I was worried about the civil claim. I was more concerned with my own financial position.

Mr Klem: And not about the freedom of Mr Erasmus?

Constable Villet: Right. I didn't think about that.

Constable Villet said that the first time he realised that Mr Erasmus was involved in the public violence case was when he saw him in court.

"I realised that this was an innocent man. Then I just began to lie to get him convicted."

All the accused in the public violence trial were acquitted.

Evidence in the Supreme Court has been that the three policemen waited in ambush for potential rioters and hid in the grounds of a house on the corner of Armada Crescent and Industry Road.

They later fired on a group of people fleeing from the intersection.

(Proceeding)

Mr Justice Howie is sitting with Mr A J van Niekerk and Mr J P van Niekerk as assessors. Mr Klem is assisted by Mr W Downer. Mr D Uys, instructed by Hamblin and Co, appears for Constable Villet. Mr A Veldhuizen, instructed by the State Attorney, appears for Warrant Officer Kruger.

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Policeman says he lied in court

Staff Reporter

A POLICEMAN told the Supreme Court yesterday that he had lied to "get a conviction" while giving evidence in a public-violence trial

He said he had done this because he had been told of a R1,5 million civil claim arising from the fatal shooting of a woman and the wounding of three other people

This was said yesterday by Constable Ernest Villet, who with Warrant Officer Paulus Kruger has pleaded not guilty to murdering Miss Sarah van Wyk and attempting to murder three other Bellville South residents on August 29, 1985

The state alleges that the two policemen, armed with shotguns, were positioned at a T-junction at the corner of Industry Road and Armada Crescent in Bellville South, from where "obstructions and burning objects" had been removed earlier

Const Villet said he, W/O Kruger and a Constable Van Wyk hid in the garden of a house close by W/O Kruger said people had been making trouble and added "we will give them a surprise, we will shoot them"

When a group of people at the corner fled, he and W/O Kruger fired shots

Four women were left lying in the road and he later discovered one of them was dead

Under cross-examination, Const Villet said he had realized immediately that those shot had not been guilty of any crime "After the shooting I did not see any burning barricades, only a small fire I felt bitter because I felt that W/O Kruger lied when he said he saw people place obstructions in the road"

He admitted throwing a state witness, Mr Adriaan Erasmus, to the ground, swearing at him and hitting him with the butt of his shotgun Mr Erasmus did not do anything wrong and was not guilty, he said

Public-violence charge

When he learnt a few days later that Mr Erasmus and the other wounded had been charged with public violence, he, W/O Kruger and Const Van Wyk discussed the matter

W/O Kruger told him that a civil claim of R1,5 million had been instituted and that they had to get a conviction in the public-violence case to explain the shooting

The hearing continues today

Mr Justice Howie was assisted by Mr A van Niekerk and Mr J P van Niekerk. The Deputy A G, Mr H C Klem, SC, appeared for the state with Mr W Downer Mr D Uys appeared for Const Villet, Mr A H Veldhuizen appeared for W/O Kruger

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PROTEST... Students do a protest "toi-toi" outside the University of Cape Town's administration offices, where the university court sat yesterday. Picture ANDREW DONALDSON

Cape Times 27/8/77

23 appear in UCT court

Cape Times 27/8/77

By ANDREW DONALDSON

UCT spy discussed at talks

Political Correspondent

THE activities of police spy Mr Daniel Pretorius at UCT were "thoroughly discussed" when the UCT vice-chancellor, Dr Stuart Saunders, met the Minister of Law and Order, Mr Adriaan Vlok, yesterday afternoon

A joint statement released after the meeting said that discussions included "the questions of the alleged role of the police in interfering in student politics and the alleged incitement of students by a policeman".

No indication was given in the statement as to whether any resolution or consensus was reached on these issues which Dr Saunders labelled "intolerable" at the time Mr Pretorius was exposed as a police spy

The statement noted that both parties expressed "their concern over certain incidents of unrest at UCT" and it was agreed that "such events serve no useful purpose at an institution which has a proud academic record".

The brief statement concluded: "Consensus was also reached that all possible steps should be taken to ensure order on the campus without infringing the autonomy of the university."

THE vice-chancellor and principal of the University of Cape Town, Dr Stuart Saunders, is expected to give evidence today in the university court hearing on the 23 students accused of causing disruptions earlier this month

The students are Mr Ziko Tamela, Mr Ignatius Masilo, Mr Allen Nyama, Mr Prince Motaung, Mr Chris Mzamane, Mr Xolile Jaxa, Mr Oscar Masina, Mr Lindile Ntsalabu, Mr Francis Mdluli, Mr Ntombekhaya Msutwana, Mr Solwazi Majola, Mr Paul Zwane, Mr Kenneth Mathebula, Mr British Sibuyi, Mr Brendan Mbatha, Mr Lingali Gqomo, Mr Brendan Lefete, Mr Ussel Tobias, Mr Arthur Zungu, Mr Robert Madzonga, Mr Thawen Skosana, Mr Molemo Molai and Mr Samuel Motau

Charges against them stem from incidents at meetings scheduled to be addressed by Dr Denis Worrall on August 6 and United Christian Conciliation Party leader Mr Tom Linda on August 7

The two Moderate Student Movement leaders, Mr Lance Terry and Mr Rafi Peer, are to appear separately

Song and dance

Initially six of the students who appeared yesterday were suspended by Dr Saunders and the rest fined. Following a Supreme Court judgment overturning the suspensions of Mr Terry and Mr Peer, the initial penalties imposed on all the students were withdrawn and they were summoned to appear before the university court

About 100 students — those charged and their supporters from the South African National Students Congress (Sansco) and the National Union of South African Students (Nusas) — gathered outside the Bremner administration building before yesterday's hearing

Before the 23 defendants entered the building, the students began to dance and sing "freedom" songs

The hearings were closed to the press and several journalists, including the Cape Times representative, who followed the defendants as they entered were ordered to leave by the court's chairman, Mr Justice Diemont

Two Sansco members were allowed to attend as observers

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Case 7014 28/8/87 (251)

Ambush trial judge: Call officers to give evidence

By RONNIE MORRIS.

IT WAS in the interest of justice that two police officers who were in command of policemen who shot and killed a girl and wounded three people during a police ambush in Bellville South in 1985, be called by the court as witnesses, Mr Justice C T Howie said in the Supreme Court yesterday.

He was speaking at the conclusion of the cross-examination of Constable Ernest Villet, who with Warrant Officer Paulus Kruger, is charged with murdering Miss Sarah van Wyk and attempting to murder three other Bellville South residents on August 29, 1985. They pleaded not guilty.

Evidence was that the two men had fired their shotguns seven times at a fleeing crowd, killing Miss Van Wyk and wounding a 15-year-old schoolgirl and two young women, one of whom

lost her right arm as a result.

Mr Justice Howie said that in terms of the Criminal Procedures Act, the court had a discretion to call witnesses.

It was in the interest of justice ("gesonde regspleging") that the former head of the Bellville riot police unit, Captain Ockert van Schalkwyk, and the former District Commandant, Colonel M G Mans, be called by the court as witnesses, he said.

Mr H Klem, SC, for the state, said Captain Van Schalkwyk could be present today and Colonel Mans had to travel from East London and may be available next Tuesday.

The hearing continues today.

Mr Justice Howie was assisted by assessors Mr A J van Niekerk and Mr J P van Niekerk. Mr Klem, Deputy Attorney-General, was assisted by Mr W Downer. Mr D Uys, instructed by Keith Hamblin and Co, appeared for Constable Villet. Mr A H Veldhuizen, instructed by the State Attorney, appeared for Warrant Officer Kruger.

LAW and Order minister Admaan Vlok has revealed that six people were charged with *crimen injuria* in connection with claims of serious assault by senior Catholic priest, Father Smanqahiso Mkhathshwa.

The information was given by Vlok this week in response to a question by PFP MP for Pinelands, Jasper Walsh.

Vlok — who did not mention Mkhathshwa's name in his reply — said in his written reply that the investigation into the allegations revealed that during interrogation the *dignitas* of Mkhathshwa was injured.

On June 24 this year the case was referred to the attorney general who

Mkhathshwa assault: six charged

By CARMEL RICKARD,
Durban

decided the six accused should stand trial for *crimen injuria* and August 26 was set as the date for their trial.

However, the AG also decided that if one of the six were to pay an admission of guilt fine of R200, the other five would be absolved.

The fine was paid on August 11 and as a result there was no trial.

Lawyers acting for Mkhathshwa said they were astonished to hear Vlok's announcement as they had known

nothing about the AG's decision.

"We sent letters to the AG's office asking for progress reports on the investigation into Mkhathshwa's allegations, and they said we would be kept informed."

They were also shocked at the minor offences with which the six were to be charged "rather than assault on a number of counts", and at the handling of the matter which ensured that the names of the six were not revealed.

"Obviously they never intended to proceed to a trial of the six. If they

had intended to do so, they would have had to subpoena witnesses, and particularly Mkhathshwa as chief witness. But this was never done."

Natal University law professor, Tony Mathews agreed that it was very strange that Mkhathshwa was not subpoenaed.

He said that in view of the very serious allegations of torture by Mkhathshwa it was "very difficult to understand why the charges did not include assault and were confined to *crimen injuria*".

Mkhathshwa has launched a damages claim of R50 000 against the state for assaults which he alleges he received during his detention.

28/8-3/9/87

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SECURITY INFORMATION

THE STRIKER WHO WENT HOME TO STARVE

And to watch his
neighbours queuing for
his job

PAGE 6

The odd message on the station blackboard

*Witnesses to Daveyton
shooting claim they saw
'execution' slogan*

By THAMI MKHWANAZI

THREE youths who were metres away from Daveyton student leader Caiphus Nyoka when he was shot dead this week have charged that shortly after the killing a white policeman wrote "999 Lemba Street — Caiphus Nyoka executed — Hands of Death" on a police station blackboard.

The former executive member of the Transvaal Students Congress was killed in the early hours of Monday morning, the youths said, after shots were fired in the back room of his parents' house.

The three youths are part-time matric student Exodus Gugulethu Nyakane, 21, of Wattville; and Excellent Mthembu, 18; and Elson Mnyakeni, 20, who attend Bonginhlhla secondary school in Kwandebele.

They had come to Daveyton to attend a funeral. Their accommodation at the Nyoka house had been arranged by the family of the deceased.

The three told *Weekly Mail* that four white members of the SA Police arrived at the Nyoka home early Monday morning in the company of black council policemen.

The youths said police kicked open the door of the room they were sharing with Caiphus. The white policemen entered the room, brandishing torches, asking which one was Nyoka. Nyoka identified himself.

According to the youths, police then ordered them to leave the room immediately. Once outside, close to the room, they were told to lie face down on the ground. Clad only in their underpants, the three obeyed.

They said they "more than two shots" being fired in the room in which Nyoka had remained behind with the policemen.

The police then threw their clothes out of the room, they said, ordering them to dress quickly.

They said two of them were handcuffed to each other and all three were escorted at gunpoint to a white 10-seater Toyota "Zola Budd" outside the house.

The three said they were driven to Daveyton police station in the company of white and black policemen.

They said they were taken to an office in an outbuilding behind the main police station building. Fifteen minutes later, they said, they saw a white policeman write on the green blackboard. When he finished, he told the three to read what he had written: "999 Lemba Street — Caiphus Nyoka executed — Hands of Death".

The three described the policeman as being "of small build, dressed in jeans, a navy lumber jacket and a balaclava, folded up above his eyes.

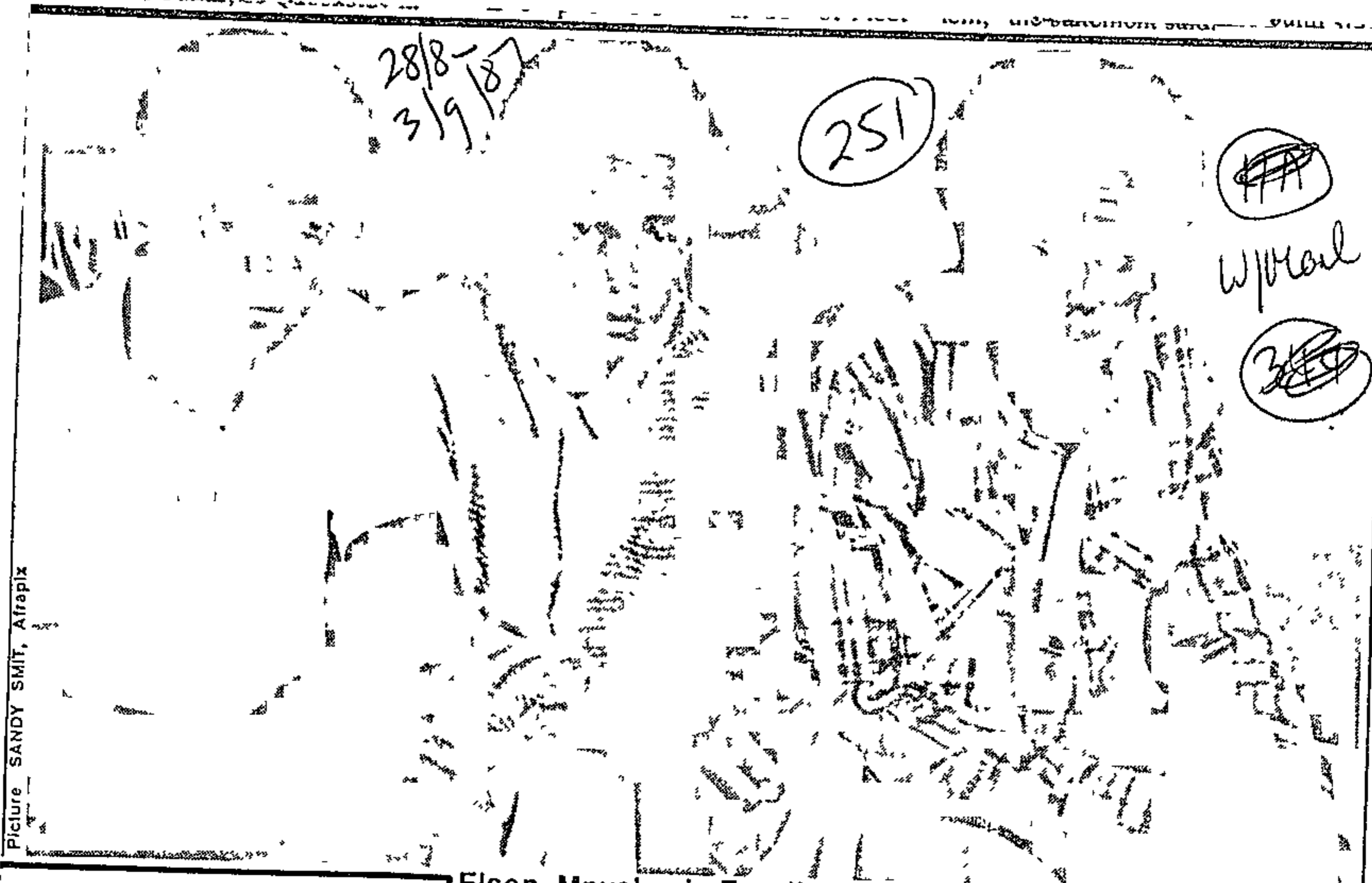
Caiphus' father, Abednigo Moses Nyoka, 54, confirmed much of the youths' story this week. He said police arrived at the house at about 2.30

● To PAGE 2

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2818-3/9/87 W/Mail

P.T.O.



Elson Mnyakeni, Excellent Mthembu and Exodus Nyakane — witnesses to the the death of their friend Caiphus Nyoka

Witnesses tell of shooting

●From PAGE 1

am on Monday, that he heard them knocking violently at the door of the bedroom and then heard the door being kicked.

He said he next heard one of the policemen shouting, "Kaptein, hier is hy" (Here he is, Captain) The police then came to the main house and knocked at the front door, he said, while another knocked at the kitchen door.

"As I opened the kitchen door, a white policeman, dressed in uniform, pointed a rifle at me," he said The policeman entered the house and looked around in all rooms, he said, then "woke my younger son up, Titus, and told him to lie down"

He said he went to Caiphus' bedroom and found his three young guests lying face down on the ground. "Just as one of the boys was beginning to explain what had happened, I was ordered back to the house," he said.

"A white policeman returned to the main house and asked us to come out and identify the three youths," he said. "As my daughter, Magdeline, 20, and I were walking out of the house, the policeman said only one of us should come out"

"Magdeline then went outside to identify the three," he added He said

he saw the police taking the three away to a white kombi.

At about 4.30am, he said, a white mortuary vehicle arrived Four council police pulled a stretcher from the vehicle, he said, and took it to the back room. "A short while later they returned with the naked body of my son, lying face up," he said

When *Weekly Mail* visited the Nyoka home this week there were two bullet shells in the room and clothes relatives said were worn by Caiphus the night of his death were also there

According to Lt Olivier of the SA Police press liaison division, the matter is under investigation and so the SAP cannot comment on the allegations made by the three youths and the father of the deceased

"Should the four have any complaints against the police, they are free to submit such complaints to the nearest police station," he said

Earlier this week, the SAP confirmed the death "during follow-up operations, after the arrest of two suspects who were found carrying a number of mini-limpet mines and handgrenades of foreign origin"

UNIVERSITY NATAL

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Case file 288/18 J
Cops to be charged after body find (28/)

Own Correspondent

DURBAN — The decomposed body of a man, allegedly killed during interrogation by the police, was found in a shallow grave in the Umzinto area on the Natal South Coast yesterday

Six Pinetown policemen allegedly responsi-

ble for the death of Mr Ndumisene Shangase, of the Harding district, are to appear in Harding Magistrate's Court today on charges of murder

A police spokesman, Captain Bob Sanker, said detectives established that Mr Shangase had been questioned by the police on June 1 in

connection with the theft of a firearm. They believed he died during interrogation

Cop: Shoot to kill 'no problem'

MR. Travis 29/8/87 251

By RONNIE MORRIS

FORMER Bellville riot squad commander Captain Ockert van Schalkwyk yesterday told the Supreme Court he had no problem shooting people dead if the circumstances justified it.

Captain Van Schalkwyk was giving evidence after Mr Justice C T Howie said it was in the interests of justice that the policeman be called by the court as a witness in the trial of two policemen charged with murder and three counts of attempted murder.

Warrant Officer Paulus Kruger and Constable Ernest Villet have both pleaded not guilty to murdering Miss Sarah van Wyk and attempting to murder three other Bellville South residents on August 29, 1985, at the intersection of Armada Crescent and Industria Road.

Capt Van Schalkwyk said that before the incident, police headquarters had teleaxed instructions that people who threw petrol bombs should be "eliminated".

In the context of the riot squad's work, he

understood the word to mean kill. He had used the word eliminate during briefings and on the parade ground and was under the impression that the policemen who served under him understood the meaning of the word.

He could not, however, remember if he told them it meant to kill.

On August 29, 1985, unrest in Bellville South reached a point where police could not merely arrest people but "had to shoot to hurt people". The intersection was the flash-point of unrest and at the time people were hostile towards the police.

With a few exceptions, the policemen who served under him were "inexperienced" in riot control.

"Because of the events that day we remarked to each other that it was not unrest but war. It became worse as the day progressed and got out of hand.

"The young policemen hid their feelings well but I could see they were in a hurry to get back into the Casspir after I ordered them to extinguish a fire in the road. They were frightened."

When he arrived at the intersection

minutes after the shooting, he had not seen any burning barricades.

Under cross-examination by Mr D Uys, for Constable Villet, Captain Van Schalkwyk said he had 22 years' service and regarded himself as an experienced policeman. He became commander of the Bellville riot squad in mid-1985 after a 14-day course.

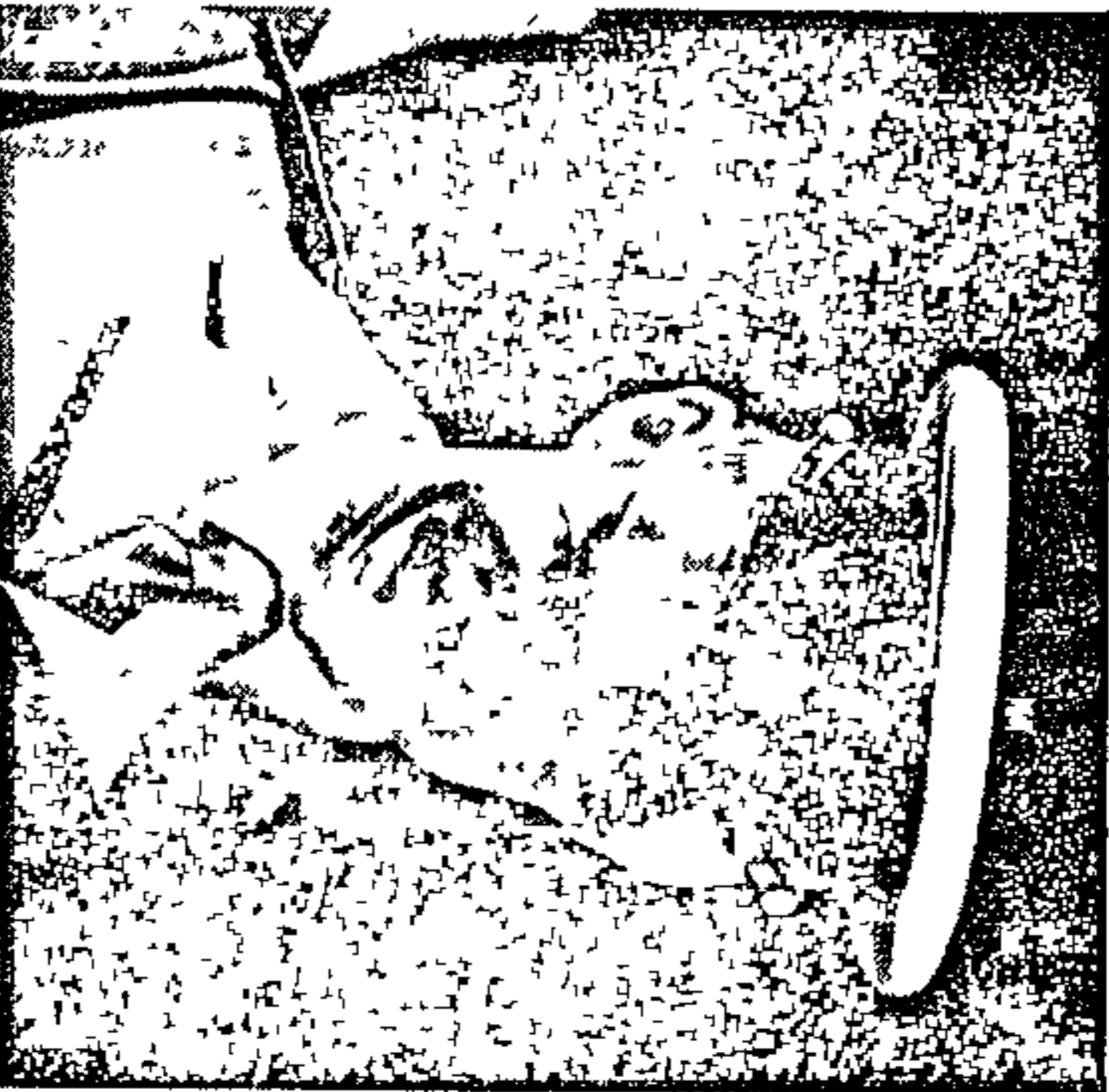
When he gave Warrant Officer Kruger the order to take two men to hide in the garden, he realized they could use their firearms.

"If a policeman fell in the hands of a crowd, he would be killed."

Under cross-examination by Mr A H Veidhuizen, for Warrant Officer Kruger, Captain van Schalkwyk said "It would not be a problem for me to kill someone should the circumstances justify it."

The hearing continues next Tuesday when the former Bellville District Commandant, Brigadier (then Colonel) M G Mans, will give evidence.

Mr Justice Howie was assisted by assessors Mr A J van Niekerk and Mr J P van Niekerk. The Deputy Attorney-General, Mr H Klem, SC, assisted by Mr W Downer, appeared for the state. Mr Uys, instructed by Keith Hamblin and Co, appeared for Constable Villet. Mr Veidhuizen, instructed by the state attorney, appeared for W/O Kruger.



GIVING EVIDENCE... Captain Ockert van Schalkwyk at the Supreme Court
Picture RICHARD BELL

SIX members of the South African Police in Pinetown were dismissed from the force and were currently in detention in connection with the death of a black man in the Harding district of Natal earlier this year, the SAP public relations division announced yesterday.

It said the expulsion arose from the disappearance of a suspect being held

Six officers fired

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in connection with a charge of firearms theft.

Mdumisene Shangase was questioned by the police on June 1 this year and

apparently died during interrogation.

"The SAP is investigating the possibility that his body is buried in the Umzinto region, about 150km from the place of interrogation.

C/Hee

"The six policemen concerned are in custody and will appear in court shortly," said the statement. - Sapa.

BOY ENTIMPEL BY BOMBERS SUES POLICE FOR R20 000 AND R984 976

30/8/87 C/P/20
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By SOL MORATHI

AUGUST 12, 1985 was a tragic day for Andries Moatshe as, on that day, the 17-year-old Ikageng youth was shot by a semi-automatic shotgun while on his way to visit his aunt.

Today, Andries, the once bright, sensible boy, is a cripple after receiving several wounds, including ones in the spinal and pelvic areas.

Though the police have admitted to shooting him, they claim it was lawful

and justified as, according to them, Moatshe had resisted arrest after throwing a petrol bomb at their vehicle.

It is on these grounds that they feel they should not pay R984 976 damages and future medical expenses for Moatshe who has undergone shock, pain, suffering, disfigurement, disability, impotence and has lost amenities of life as a result of the shooting.

This week, Moatshe testified in the Pretoria Supreme Court how he was

shot by the police "without any provocation".

He said he was walking quietly along the road to visit his aunt when a police vehicle came behind him.

He looked back and saw a white police vehicle but did not take it into consideration as he kept on walking.

He then heard a "boom-ing" sound and fell to the ground, having been shot.

Moatshe denied that he had thrown a petrol bomb at the police and said he

had not seen any rioting or police vehicles burning that day either.

He said he had attended school earlier in the day, but was sent home because the school had been stoned.

According to the boy, he went home, changed his clothes and decided to visit his aunt. It was on his way to his aunt's place that he was shot by the police.

He told the court that, while in hospital, he was not visited by the police nor was he approached to

make any statement about the shooting.

The policeman who shot him, Warrant Officer Johan Louis Lourens, said earlier that they had followed Moatshe to arrest him after he had thrown a petrol bomb at their vehicle.

Moatshe had refused to stop as he ran away. He was then shot.

Andries' father, Philemon, is claiming R20 000 in his personal capacity and R984 976 in his capac-

ity as father and guardian of the boy.

Moatshe alleges his son was wrongfully and unlawfully shot by the police, and is claiming money for general damages, including disfigurement, disability and shock.

Philemon said in papers before the court that his son had received several wounds and submitted that he anticipated that his son would be crippled permanently.

The case continues

PUBLIC SECTOR - GOVT. - POLICE

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mental committee experienced problems in preparing legislation to fit in with the original decision. In order to obtain a reply and to get legislation to this House, this decision has been taken by the Cabinet

Sam Bloomberg

*3 Brig J F BOSSMAN asked the Minister of Law and Order +

- (1) Whether a certain person whose name has been furnished to the South African Police for the purposes of the Minister's reply, is a Police reservist, if so, (a) what is the name of this person and (b) what salary does he receive from the State,
- (2) whether he will make a statement on the matter?

+The MINISTER OF LAW AND ORDER

- (1) Yes
 - (a) Mr Samuel Gabriel Bloomberg
 - (b) In accordance with the conditions of service a reservist is not entitled to any remuneration and therefore he does not receive remuneration of any nature

- (2) Yes Mr Sam Bloomberg, who is also the hon member for Bezuidenhout is a member of the Reserve Police Force of the South African Police since 21 September 1961. As such he serves under the command of the Commissioner of the South African Police in terms of section 34 (2) of the Police Act of 1958 and is assigned to the District Commandant Johannesburg for duty and discipline. When he is on duty he is empowered with the same authority and renders the same duty in terms of section 5 of the Police Act 1958 as permanent members of the Force.

I wish to emphasize that members of the Reserve Police Force provide voluntary service without remuneration. They do indeed receive uniforms to enable them to perform their duties in uniform. When a reservist terminates his services, however, these

HOA

Items of uniform must be returned when under specific circumstances, essential expenses in respect of transport and meals are incurred, such expenses can be claimed, for example, where there is insufficient public transport and a reservist resides further than 5 kilometres from a police station and has to make use of private transport, etcetera

However, provisions determine that in exceptional instances and for specific reasons, members of the Reserve Police Force may be called up for special duty. Although such a member still has a choice and cannot be compelled to perform this duty, it is possible that in such instances remuneration and subsistence allowance can be paid at prescribed tariffs.

I wish to emphasize that in this particular case, according to the records of the South African Police, the hon member received no remuneration for his services and submitted no claims in respect of subsistence allowance meals and/or transport.

The hon member for Bezuidenhout has since his appointment in the Reserve Police Force rendered excellent service. Consequently the State President awarded him the honorary rank of Colonel on 1 November 1983. Since his election to the House of Assembly on 6 May 1987, he still renders excellent service without remuneration when his circumstances and time permit.

From the aforementioned it is clear that under no circumstances can this instance be regarded as an office of profit under the Republic in terms of section 54 (e) of the Republic of South Africa Constitution Act, 1983, Act 110 of 1983.

+Mr F J LE ROUX Mr Speaker, arising from the reply of the hon the Minister, I should just like to ask whether police reservists are insured against accidents.

+The MINISTER Mr Speaker, unfortunately I do not know that I shall have the

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matter investigated and furnish the hon member with a reply

National security management system

*4 Mr R M BURROWS asked the Minister in the State President's Office entrusted with Administration and Broadcasting Services

- (1) Whether the Commission for Administration is at present involved in a review of the national security management system, if so, (a) what is the purpose of this review and (b) when is it anticipated that the Commission will report on this matter,
- (2) whether the (a) findings and (b) recommendations in this regard will be made available to the public, if not, (i) why not and (ii) who will have access to this information?

+The MINISTER OF NATIONAL EDUCATION (for the Minister in the State President's Office entrusted with Administration and Broadcasting Services

- (1) No
- (2) Falls away

Waverest township development project

*5 Mr D J N MALCOMESS asked the Minister of Constitutional Development and Planning

- (1) Whether the Cape Provincial Council commissioned an inquiry during the previous decade into the Waverest township development project in Port Elizabeth, if so, (a) when and (b) (i) who were the members and (ii) what were the terms of reference of this commission of inquiry,
- (2) whether this commission reported to the Administrator of the Cape, if not, why not, if so, (a) when, (b) what were the findings and (c) what action was taken as a result,
- (3) whether this report has been made available to the public, if so, when, if not, why not,
- (4) whether he will make this report

available to the public, if not, why not, if so, when,

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

+The DEPUTY MINISTER OF DEVELOPMENT PLANNING

- (1) (a) A Committee to enquire into the Waverest development project at Jeffrey's Bay (not Port Elizabeth as suggested in the question) was appointed by the Administrator on 8 June 1973.
- (b) (i) MPC's Messrs J H Heyns (Chairman), T Aronson, D H Rossouw, O A Saartman, P H S van Zijl
- (ii) The terms of reference were

(aa) To determine whether there was any non-observance of any law, procedure principles, policy or precedents relating to town planning and the authorization of the establishment of a township, and if so

(bb) to establish which persons were parties to such non-observance, and (cc) to recommend what steps, if any, should be taken in the matter "

- (2) Yes

(a) February 1974

(b) The following are the conclusions, findings and recommendations of the Committee

(1) Your Committee completed the inquiry as a Departmental Committee and came to the conclusion and also found that there was no non-observance of any law, procedure, principles or policy relating to town plan-

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HOA

not made available to Mr Wheeler beforehand

- (d) Mr T F Wheeler during lunch
(2) (a) and (b) As it later appeared Mr Thabo Mbeki was present at the lunch

(3) Mr Wheeler attended the lunch as guest of honour of the US Council on International Business where he addressed the Council's "Fifth Annual Congress on South Africa" on new developments in the RSA as only speaker He left immediately after his address Mr Wheeler acted in the best interests of the country by stating our case on an important occasion

†Dr J J VILONEL Mr Speaker, arising from the reply of the hon the Deputy Minister, I want to ask him whether he is of the opinion that this type of question in the South African Parliament and also the spirit resulting from it, firstly promotes South Africa's case abroad and secondly, whether it assists South Africa's representatives abroad to carry out their task [Interjections]

†The DEPUTY MINISTER Mr Speaker I think this is a rhetorical question The reply is obvious [Interjections]

†Mr F J LE ROUX It is a stupid question! [Interjections]

†Dr J J VILONEL You are undermining our case

†Mr F J LE ROUX On a point of order, Mr Speaker Is it in order for an hon member to say that we are undermining their case? [Interjections]

†The SPEAKER Order! I shall decide on this matter What did the hon member for Langlaagte say?

†Dr J J VILONEL Mr Speaker, I said 'you are undermining our case'

†The SPEAKER Order! I think the hon member should rather withdraw that I do not think it is parliamentary

†Dr J J VILONEL With great respect, Mr Speaker, I want to say I am sure of my point when I make it

HOA

†The SPEAKER Order! I request the hon member to withdraw it

†Dr J J VILONEL I withdraw it, Mr Speaker

Rent and services project

*8 Mr P G SOAL asked the Deputy Minister of Information

(1) (a) What is the purpose of the rent and services project referred to in his reply to Question No 3 on 18 August 1987. (b) when (1) was it implemented and (ii) is it expected to be concluded. (c) what specified items are included in the amount of R4 345 145 spent on this project and (d) at what group or community was this project directed.

(2) whether the effectiveness of this project has been evaluated, if so (a) by whom (b) what procedure was followed and (c) what were the findings?

THE DEPUTY MINISTER OF INFORMATION

(a) The project was an educational campaign to create a better understanding within the target market concerning the supply of electricity transport housing and water with a view to promoting payment of rent and services

(b) (i) November 1986

(ii) Most elements of the campaign were completed by 31 March 1987 According to current plans all elements will be completed by March 1988 although this decision could be affected by circumstances at that time

(c) Production and media costs (TV, radio, press, posters and outdoor advertising)

(d) Black community

(2) Yes

(a) Bureau for Information and market research organisations

(b) The analysis of patterns of payment of rent and services, market research, standard procedures and the comparison of market research results

(c) At the height of the campaign a noticeable improvement could be discerned in the pattern of payment of rent and service charges, compared to the normal cyclical patterns

Research into the effectiveness of the campaign showed that the campaign had reached a majority of Black people and a majority of this group indicated that they reacted positively to the message of the campaign

Wider market research has shown that attitudes in the Black community towards the payment of rent changed from being preponderantly negative to being preponderantly positive in the period September 1986 to May 1987

Times Media: agreement

*9 Mr D J DALLING asked the Minister of Transport Affairs

Whether, with reference to his reply to Question No 11 on 18 August 1987, the South African Airways has entered or intends entering into an agreement with Times Media similar to the one entered into with Perskor (Pty) Ltd of South Africa, if so (a) with effect from what date and (b) what are the terms of the agreement with Times Media, if not, (1) why not and (ii) when was the decision taken in this regard?

THE DEPUTY MINISTER OF TRANSPORT AFFAIRS

No

(a) and (b) Fall away

(i) The decision not to enter into an agreement was taken by Times Media

(ii) Unknown

Mr D J DALLING Mr Speaker, arising out of the hon the Deputy Minister's reply, may I ask him whether the terms offered for this contract to Times Media were the same as the terms offered to Perskor?

The DEPUTY MINISTER Mr Speaker, I cannot tell the hon member whether the details are exactly the same, but I think the hon member will be reminded of the replies given to him previously viz that as long as it is to the commercial advantage of SAA, it is prepared to enter into agreements with any other publishing company

Mr D J DALLING Mr Speaker, arising further out of the hon the Deputy Minister's reply, may I ask him then why the SAA continues with the contract with Perskor when that contract for the airways is running at a loss?

The DEPUTY MINISTER Mr Speaker, the hon member may put that question on the Question Paper [Interjections]

Booklet, "Face to Face with the ANC"

*10 Mr P G SOAL asked the Minister of Law and Order

(1) Whether the South African Police have carried out an investigation to ascertain who (a) published and (b) printed a certain booklet, the title of which has been furnished to the Police for the purpose of the Minister's reply and which was produced in Cape Town in or about September 1986, if not why not, if so, what is the title of this booklet.

(2) whether this investigation has been completed, if not (a) why not and (b) when is it anticipated that it will be completed, if so, when was it completed.

(3) whether the Police have ascertained who was responsible for (a) writing, (b) publishing and (c) printing the booklet, if so, who in each case,

(4) whether any charges have been investigated against any persons in connection with this booklet, if not, why not, if so, (a) what charges and (b) with what result

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(5) whether the Police took any action in respect of the copies of this booklet, if not, why not, if so, (a) what action and (b) where are these booklets at present?

THE MINISTER OF LAW AND ORDER

(1) (a) and (b) Yes *Face to Face with the ANC*

(2) No (a) and (b) The investigation is continuing and it is difficult to determine when it will be completed

(3) and (4) As is the case with numerous other publications which deal with the ANC and which mostly do not indicate the origin or the name of the publisher, the Security Branch also investigated this publication

It appears that the contents of the publication do not constitute a contravention of the Internal Safety Act, 1982

Although the absence of the names of the publisher and printer may constitute a contravention of section 18 of the Publications Act 1974 the printer and publisher could thus far not be traced so that formal charges can be instituted against them

(5) Yes

(a) and (b) The Security Branch of the South African Police confiscated only a number of copies for the purpose of the investigation, in accordance with the dictum of Judge Didcott in the *State versus Ndabeni*, as reported in *South African Law Reports* 1984 (3) pages 503 and 504

Mr P G SOAL Mr Speaker arising out of the hon the Minister's reply if I am able to provide him with the name of the publisher, would that help him with his investigations in this matter?

The MINISTER Mr Speaker, I think it is the duty of any South African especially an hon member of this House, to supply us with any information in this regard so that we can investigate the matter We shall indeed do so

HOA

Trespass

*11 Mr K M ANDREW asked the Minister of Justice

How many Black persons were charged in courts in the Western Cape with trespass in (a) 1984 and (b) the latest specified 12-month period for which figures are available?

The MINISTER OF JUSTICE

The information is not readily available in the Department

The hon member is however referred to my reply to written question No 244 of February 1987 (Hansard, column 328)

Mr K M ANDREW Mr Speaker, arising out of the hon the Minister's reply, may I ask him first of all, when he expects such information to become available, and secondly whether his department does not keep statistics of people charged with various offences?

The MINISTER Mr Speaker, we do not maintain detailed statistics in respect of each and every charge The bureau does however obtain information from time to time from various departments and as the hon member will glean from his perusal of the Hansard to which I have referred him, we do have statistics available in respect of certain urban areas Perhaps these will indicate a tendency

Group Areas Act

*12 Mr R M BURROWS asked the Minister of Constitutional Development and Planning

(1) Whether with reference to his reply to Question No 22 on 25 February 1986 and certain particulars which have been furnished to the Minister's Department for the purpose of his reply, a decision has as yet been reached on the application by the University of Cape Town for an exemption from the application of the Group Areas Act in respect of university residences if not, (a) why not, (b) what matters remain to be settled before a decision can be made and (c)

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When is it anticipated that a decision will be made, if so, (i) when was a decision reached, (ii) what was the decision and (iii) what matters were taken into consideration in reaching the decision.

(2) on what date was the original application from the University of Cape Town in this regard received by his Department?

THE DEPUTY MINISTER OF DEVELOPMENT PLANNING

(1) No

(a) The application from the University of Cape Town is not being dealt with in isolation but in relation to similar possible requirements at other universities, colleges and technikons

(b) Investigations relating to the determination of need have not yet been finalised

(c) No date can be given (i) and (ii) Fall away

(2) 31 January 1985

Mr R M BURROWS Mr Speaker, arising from the reply of the hon the Deputy-Minister since the application from the University of Cape Town was received over two years ago, does he not believe that a rapid assessment or finalisation of the situation should be reached in the interests of the students concerned?

The DEPUTY MINISTER Mr Speaker, our policy is that there should be no mixed hostels on university campuses If a university admits students of colour it must also provide accommodation for them I said in my reply that we are no longer only concerned with the University of Cape Town but there are also other universities, colleges and technikons involved We are busy investigating this matter and will reach finally on it

Detainees

*13 Dr M S BARNARD asked the Minister of National Health and Population Development

With reference to his reply to Question No 236 on 27 July 1987, (a) (i) when and (ii) by whom are detainees informed that the services of a panel of private doctors are available to them, (b) (i) how many detainees or parents have requested that they be provided with the names of the doctors on this panel and (ii) in respect of what date is this information furnished and (c) who determines the cost of consulting a doctor on this panel?

THE DEPUTY MINISTER OF NATIONAL HEALTH

(a) (i) When detainees request a second opinion

(ii) The district surgeon

(b) (i) Unknown

(ii) Falls away

(c) The cost is determined by the panel doctor rendering the service

Classrooms

*14 Mr K M ANDREW asked the Minister of Education and Development Aid

(1) (a) How many (i) additional classrooms at existing schools and (ii) classrooms at new schools administered by his Department were built in 1986 and (b) how many classrooms in each of these categories were built for (i) pre-primary, (ii) primary and (iii) secondary pupils.

(2) whether there is a shortage of classrooms for Black pupils at present, if so, (a) what was the shortage in respect of classrooms for (i) pre-primary, (ii) primary and (iii) secondary pupils as at the latest specified date for which figures are available and (b) what is the estimated cost of providing these classrooms?

THE DEPUTY MINISTER OF EDUCATION

(1) (a) (i) 435

(ii) 1 361

1/9/87

(b) (i) None (In cases where the bridging period has been instituted, primary classrooms

1/9/87 Howard

what extent and (b) what quotas are applied at each of these technicians, (4) whether he will make a statement on the matter?

- (1) Yes, talks are currently in progress with the rectors regarding a policy for the admission of non-Whites to the technicians which is in accordance with the provisions and the spirit of the Constitution and which serves the interests of the country. The discussions have not been concluded.
- (2) Yes, subject to the policy of admission
- (3) No, pending completion of the discussions on policy in this regard
- (a) and (b) Fall away
- (4) No

TUESDAY, 1 SEPTEMBER 1987

Indicates translated version
For oral reply
General Affairs
State President

Newspaper proprietors/publishers: talks

*1 Mr D J DALLING asked the State President
Whether he or any person delegated by him recently held talks with any representatives of newspaper proprietors or publishers, if so, (a) when were these talks held in each case and (b) (i) who was present at, (ii) what was the purpose of, and (iii) what resulted from, the talks in each case?

The DEPUTY MINISTER OF INFORMATION (for the State President)
I refer the hon member to my address in the House of Assembly on 17 August

HQA

1987 I have no further comments, considering that I do not supply details of my conversations with other parties, unless prior agreement has been reached with those parties.

Mr P G SOAL Or they have been taped Ministers.

Waterpoort Police Force: representations

*1 Mr T LANGLEY asked the Minister of Law and Order +
(1) Whether the South African Police has received any (a) complaints and (b) representations in connection with certain members of the Police Force at Waterpoort, if so, (i) when, (ii) what was the nature of the (aa) complaints and (bb) representations and (iii) what was the response to the representations,

(2) whether the complaints have been investigated, if so, (a) when and (b) what were the ranks of the investigating officers.
(3) whether he has received a report on this investigation, if so (a) when, (b) what was the purport thereof and (c) what were the findings.
(4) whether he will make a statement on the matter?

The MINISTER OF LAW AND ORDER

- (1) (a) and (b) Yes
- (i) 23 June 1987
- (ii) and (iii) The complaints and representations dealt with departmental policy which I regard as an internal matter. I am therefore not prepared to furnish this information
- (2) Yes
- (a) From 7 until 31 July 1987
- (b) The Divisional Commissioner of the Far Northern Transvaal Police Division investigated the complaints and representations
- (3) Yes

- (a) 21 August 1987
- (b) I refer the hon member to my answer to paragraph (1) (ii) and (iii) above
- (c) The complaints and representations were false

(4) Yes The policy of the South African Police determines that members of the Force should serve all groups of the community impartially, irrespective of race, colour, religious and political affiliation. The security of South Africa and all its people is an absolute priority with the South African Police, and it is for this reason, therefore, that I disapprove in the strongest terms of any attempt, whatsoever, to involve the Force or any member of the Force in petty party politicizing. In any event, Standing Orders prohibit members of the Force from becoming members of any leftist or rightist radical organizations such as the ANC or AWB and from participating in party politics

Nieuwenhuizen Report

*2 Mr P J PAULUS asked the Minister of National Health and Population Development +

- (1) Whether any amendments have been effected to the White Paper on the Nieuwenhuizen Report, if so, (a) when, (b) by whom and (c) what amendments,
- (2) whether these amendments are to be tabled in the present session of Parliament, if so, when, if not (a) why not and (b) when they are expected to be tabled,
- (3) whether all employers' and employees' organizations will have an opportunity to discuss and/or comment on the proposed amendments, if not, why not?

The DEPUTY MINISTER OF NATIONAL HEALTH

- (1) Yes
- (a) 19 March 1986

HQA

- (b) Cabinet
- (c) That
- (i) the instruction by the Government in the White Paper that the uniform occupational diseases dispensation should be based completely on the principles of the Occupational Diseases in Mines and Works Act, 1973, be amended,
- (ii) the Interdepartmental working committee be authorized to prepare draft legislation whereby the administration of the compensation of irrevocable and incurable occupational diseases could be in tandem with the Workmen's Compensation Act 1941 of the Department of Manpower, and
- (iii) if necessary separate draft legislation for occupational medicine be prepared

- (2) No
- (a) As the amendments have a small effect on the work of the Interdepartmental Committee and as the draft legislation prepared by the committee will be published for discussion by employers and employee institutions tabling of these minor amendments to the White Paper were not necessary
- (b) Falls away
- (3) Yes

+Mr F J LE ROUX Mr Speaker arising from the hon the Deputy Minister's reply, I should like to ask him whether he is aware that in the original Nieuwenhuizen report the recommendation was that that payments in respect of accidents and so forth should be based on the pneumoconiosis legislation of 1973, and secondly, whether he knows that this matter now has been outstanding since the end of 1980

+The DEPUTY MINISTER Mr Speaker, it is true that this proposed legislation has been outstanding since 1980, but the inter-depart-

Howard 1/9/87

Brigadier signed false report after shooting

Staff Reporter

FORMER Bellville district commandant Brigadier Martinus Mans told the Supreme Court that when he signed a false statement he was aware of the possibility that information in it could be used by the Minister of Police to answer questions in Parliament.

Brigadier Mans was giving evidence in the trial of Warrant Officer Paulus Kruger and Constable Ernest Villet, who have pleaded not guilty to charges of murdering Miss Sarah van Wyk and attempting to murder three Bellville women during unrest in August, 1985.

Brigadier Mans, district commandant at the time, said he accompanied the former head of the Bellville unrest unit, Captain Ockert van Schalkwyk, in the command Caspir into Bellville-South on the night of the incident.

Did not correspond

A report to the district commissioner of police in Cape Town signed by Brigadier Mans was handed to the court by counsel for the State.

The brigadier confirmed to Mr Justice Howie that the facts in the report did not correspond with what he saw that night.

Mr Justice Howie: Is there any reason why you didn't call him (Captain van Schalkwyk) in and say, look man, this report is obviously false?

Brigadier Mans: I can't give any reason.

Mr Justice Howie: You decided that however false, you were just going to send the report in?

Brigadier Mans: Yes I can only say that I was under the impression that Captain van Schalkwyk had investigated and had the correct facts.

The report said the fire brigade had instructed the policemen to take up position, that 40 to 50 people had stoned police, thrown tyres and wood into the road and set them alight and that Captain van Schalkwyk had warned the people repeatedly that if they did not go into their homes the ringleaders would be shot.

In reply to a question from Mr Justice Howie, Brigadier Mans denied that he had congratulated two policemen for their "good work" after the shooting.

Brigadier Mans said earlier that he had suggested that some policemen be left behind to hide and then try to arrest "ringleaders" of unrest.

They returned to the scene after the shooting and saw four bodies in the road. One woman was dead.

The hearing was postponed until Friday.

TB boy waits for parents to come

Staff Reporter

A THREE-YEAR-OLD boy who was left at the Brooklyn Chest Hospital more than a year ago is waiting for his parents to collect him.

Little Maxoleni Dyasi, has been cured of tuberculosis and hospital staff are hoping his family will come forward to claim him.

Maxoleni was admitted in November 1985 after initial treatment at the Red Cross Children's Hospital.

Dr Colleen Adnams of the Brooklyn Chest Hospital said he was discharged in the care of his parents in February last year after a search by welfare workers who found them at the Nyanga Bush squatter camp near Crossroads.

In June last year Maxoleni was again admitted to the Brooklyn Chest Hospital after his parents failed to take him to the Crossroads Clinic for after-care treatment.

OPERATION

His parents again had to be traced to give permission for an operation to his diaphragm, but since then they have not been to see him and they cannot be traced.

Hospital staff approached The Argus for help in an attempt to find Maxoleni's parents before he has to be sent to a place of safety or foster-care. According to his file, his father's name was given as Mr Maliva Dyasi.

He often says "I don't want to stay here anymore" when the parents of other children come to visit them or take them away, Dr Adnams said.



Picture: LEON MULLER, The Argus

Maxoleni Dyasi is waiting for his parents to fetch him from the Brooklyn Chest Hospital, where he has been cured of tuberculosis. With him is Dr Colleen Adnams.

ONE TINTS 2/9/87 251

Brigadier says he signed false report

Staff Reporter

THE former Bellville District Commandant told the Supreme Court yesterday he had signed a false report concerning a woman who was fatally shot by police, knowing that it could be used by the relevant minister to answer questions in Parliament

Brigadier Martinus G Mans said this while being questioned by Mr Justice C T Howie in the trial of Warrant Officer Paulus Kruger and Constable Ernest Villet, who have both pleaded not guilty to murdering Miss Sarah van Wyk and attempting to murder three other Bellville South residents on August 29, 1985

He said in evidence that he had been on patrol in Bellville South that day with Captain Ockert van Schalkwyk in the command Caspir. He had suggested to Captain Van Schalkwyk that some policemen be left behind to hide and try to arrest unrest ringleaders

They later left the area but returned when they heard there had been a shooting incident. Brigadier Mans said he saw four bodies in the road and could see one woman was dead

He had asked W/O Kruger who had shot the woman and W/O Kruger said he had

Brigadier Mans said he then walked away because he did not want to speak to W/O Kruger any more since he considered this an admission

In a report on the incident to the Divisional Commissioner of Police which was signed by Brigadier Mans, it was stated the fire brigade had told the policemen to take up position

The report stated that 40 to 50 people had thrown stones at police and had thrown tyres and wood on the road and set them alight

Captain Van Schalkwyk had repeatedly warned people that the ringleaders would be shot if the people did not go home, the report said

Brigadier Mans told the court

he could not remember Captain Van Schalkwyk warning people he would have been aware of it, had Captain Van Schalkwyk threatened to shoot people, the brigadier added

Under cross-examination he conceded that the report was false

Captain Van Schalkwyk had brought the report to him and he had read it and then signed it

Mr Justice Howie asked him "Is there any reason why you did not call Van Schalkwyk in and tell him the report was apparently false?"

Brigadier Mans "No reason" The brigadier said this had not been intended to be to the prejudice or benefit of anybody "it was an oversight"

The hearing continues on Friday

Mr Justice Howie was assisted by Mr A J Van Niekerk and Mr J Van Niekerk. Mr H Klem SC, assisted by Mr W Downer appeared for the state. Mr D Uys instructed by Keith Hamblin and Co, appeared for Constable Villet and Mr A Veldhuizen SC for W/O Kruger, was instructed by the State Attorney.

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AGUS 3/9/87 (251)

Kangaroo court charge by Suzman

By DALE LAUTENBACH, Parliamentary Staff

METHODS used by police to detain and hold people without trial were "just another sort of people's court or kangaroo court", said Mrs Helen Suzman, Progressive Federal Party spokesman on law and order

Speaking in the House of Assembly yesterday during the Budget debate on the police vote, Mrs Suzman said many detainees were held on the grounds of "the simple untested procedure of having been identified by an informer"

She said "There is no evidence, no defence and no normal process whatsoever. This is another sort of people's court, a kangaroo court and of the type so roundly condemned, and quite properly, by the Minister of Law and Order (Mr Adriaan Vlok) when they are used in the townships"

One-way glass

Police used the process of mass identification she said, quoting an affidavit taken in the Eastern Cape which described a man inside a police minibus protected with one-way glass calling out "positive" or "negative" as the men and boys of the township were made to file past

"The positives were promptly arrested," said Mrs Suzman

She said people had lost sight of the meaning of the terms "rule of law" and "democratically elected"

"Very many people in this country are now so inured to the deprivation of civil rights, to detention without trial, that they are unaware just how far South Africa has proceeded down the slippery path away from the protection of habeas corpus and due process and towards an authoritarian government"

More sophisticated

Mr Vlok, she said, had accused organisations like the Detainees' Parents Support Committee of "vilifying" the police with false information and allegations of the torture and assault of detainees

"But Mr Vlok seems unaware that in such circumstances (where habeas corpus and the rule of law are threatened) abuse of power is almost inevitable

"Is the De Witt Commission just appointed by the Minister going to investigate abuses by the security police?"

Mr Vlok indicated that it was not

'Rule of terror' by police

Parliamentary Staff

THE Minister of Law and Order, Mr Adriaan Vlok, was fully aware of the "rule of terror" in Western Cape townships by police "Rambos" like Major Dolf Odendaal and Warrant-Officer Hendrik Barnard, the independent MP for Claremont, Mr Jan van Eck, said

"Although Mr Vlok is fully aware of what individual policemen do, he does nothing, or can do nothing, to stop it," said Mr van Eck, speaking during the law and order vote debate

He asked Mr Vlok to confirm whether Major Odendaal, second-in-command of the unrest unit, was to have been transferred to Randburg

headquarters in Pretoria had ordered Major Odendaal's transfer but Mr Vlok had cancelled the order

It would be irresponsible to let Major Odendaal remain in this post

He cited Major Odendaal's behaviour at the Ashley Kriel funeral in Bonteheuwel as an example

Major Odendaal, "virtually out of control", ordered his men to shoot teargas, "at virtually point-blank range", at ministers of religion leading the mourners

Mr Vlok said Mr van Eck was a "reborn radical" and was "cross because he wasn't invited to Dakar". Research had shown that 79 percent of blacks were in favour of police pres-



In brief . . .

MR Jan van Eck, (Independent, Claremont) had no right to draw a parliamentary salary because he had chosen the side of people who identified with violence, Mr Harry Schwarz (PFP Yeoville), told the Assembly. — Parliamentary Staff.



There was a lack of co-ordination between the Government's political reform initiative and its security force actions, Mr Wynand Malan (Independent Randburg) told the Assembly — Sapa



Tighter firearm controls were in the offing, the Minister of Law and Order, Mr Adriaan Vlok, said in the Assembly. — Sapa.

Security laws are unguided missiles, Gastrow charges

Parliamentary Staff

THE law and order vote debate was long and loud with heated interchanges ranging from Dakar to the Afrikaner Weerstandsbeweging and back via nazism, anti-semitism and the Broederbond.

Progressive Federal Party MP for Durban Central Mr Peter Gastrow, whose status as a "Dakarite" — one who had talks with the African National Congress in Dakar — still wins him a round of heckling each time he rises to speak, called for the revision of security legislation, describing it as an "unguided missile".

It was retarding the search for political accommodation and discrediting the legal system, he said

The Rabie Commission on which the legislation had been based in 1982 had ignored political consequences when making its recommendations and the legislation served only to polarise society and exacerbate the divisions which existed

"Even if the Government was serious about introducing change it would be undermined by this legislation which rides roughshod over legitimate dissent, is used to preserve minority rule and oppress all reasonable opposition. It has made all opposition synonymous with subversion."

He conceded that it was unparliamentary to . . .

ARGUS

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and that some "exceptional measures" might be necessary, for example preventive detention for short fixed periods, subject to review and strictly controlled

"FREAKS"

The PFP MP for Green Point, Mr Tian van der Merwe, accused the Government of creating a climate in which "political freaks thrive"

He said members of his party received threatening letters and calls and he had received personal threats including several aimed at his wife and children

This was a result of the Government presenting a "one-sided image" of certain organisations and identifying them as "the enemy". These "enemies" included the United Democratic Front, the African National Congress and the Congress of South African Trade Unions.

Mr Vlok replied that while Mr van der Merwe accused the Government of stirring up feelings of hate and of using propaganda, he failed to mention the propaganda which came from the "other side".

LASHED

Conservative Party law and order spokesman Mr Moolman Mentz lashed the Government for making the task of the security forces more difficult by repealing influx control legislation and not applying the Group Areas Act consistently.

He also asked why no action was taken against people like Mrs Winnie Mandela, Archbishop Desmond Tutu and the Rev Allan Boesak. They all condemned South Africa on international platforms.

ARGUS 3/9/87 (251)

PARLIAMENT

Police to probe factors hampering the war on crime

THE Commissioner of Police, General Henne de Witt, is to head an in-depth investigation into factors hampering the police in protecting and serving the public

The Minister of Law and Order, Mr Adriaan Vlok, announced the investigation during his department's budget debate yesterday

He said funds and manpower available to the police, among other factors, would be looked into.

The investigation should be seen against the background of crime and security

"I am of the opinion that the time has come for an in-depth, comprehensive look at these matters," said Mr Vlok

General de Witt would investigate present and future security and crime-combating needs of the police

He would make recommendations concerning the expansion, restructuring, functioning, training and management of the SAP with the goal of implementing the following statutory duties

- Preventing crime,
- Maintaining law and order,
- Protecting internal security,
- Investigating offences, and
- Protecting life and property

Interim reports could be presented when the investigating committee thought it necessary

The committee would also be briefed to investigate any related matter and make recommendations. Mr Vlok said experts from the private sector and other fields would also be nominated for the committee — Sapa

'Rambos of the townships'

Case Turis 3/19/87

251

By BARRY STREEK
Political Staff

THE transfer of Major Dolf Odendaal, the controversial deputy head of the riot control squad in Cape Town, had, according to his information, been cancelled by the Minister of Law and Order, Mr Adriaan Vlok, after Major Odendaal protested, Mr Jan van Eck, the independent MP for Claremont, said yesterday.

He said Major Odendaal and Warrant Officer Henrik Barnard were known as "the Rambos of the townships" and had created a "reign of terror in black and brown areas".

In his first speech in Parliament since he resigned from the PFP, Mr Van Eck, who was speaking during the Law and Order vote, said elements in the police "have — more than any number of 'commies' in the Kremlin or elsewhere — fanned the flames of discontent and unrest because of the indiscriminate and excessive force which has been used against all the people of the townships".

This action was "driving the people into the arms of the revolutionaries".

Riot deputy chiefs transfer 'stopped'

He and many others had called for the removal of Major Odendaal from his position, but these requests had been rejected publicly.

"I understand on good authority that Major Odendaal received an order from police headquarters in Pretoria transferring him to Randburg.

"I also understand that the Minister cancelled this transfer order after Major Odendaal made protests through Brigadier Mellet.

"The public of Cape Town is entitled to know whether this is true or not, because to leave Major Odendaal in his very sensitive position would definitely be irresponsible," Mr Van Eck said.

He had seen Major Odendaal and Warrant Officer Barnard operate on many occasions and he therefore understood why they were the most hated two

policemen in the Western Cape

In KTC on May 5, Warrant Officer Barnard and five other plain-clothed policemen had crept around, ready to shoot anyone dead who might have thrown a stone at a Casspir, after Major Odendaal's policemen ordered people to leave their houses "It was an ambush," he said

"Because of his senior rank, Major Odendaal creates the greatest problem in the area

"Where a person needs people who can remain calm in unrest situations, Major Odendaal because of his excitable temperament, is just the wrong man"

His "uncontrolled and shocking actions" at the funeral of Ashley Kriel was indeed "a shocking spectacle"

"To see Major Odendaal, out of control, ordering his men at almost point-blank range to shoot teargas at ministers of religion standing ten metres away at the head of hundreds of mourners, peaceful at that stage, and to see a Bishop Stephen Naidoo on his hands and knees overcame by teargas, is indeed a disgusting spectacle."

"That is how we make enemies of the townships," Mr Van Eck said

sent incorrectly as name 'reple' to [unclear] and on third shipment sent to [unclear]

Parliament

Probe of police needs is ordered

By BARRY STREEK
Political Staff

HOUSE OF ASSEMBLY — The appointment of a wide-ranging departmental inquiry into the future needs of the police, chaired by General Hennie de Witt, Commissioner of Police, was announced yesterday by Mr Adriaan Vlok, Minister of Law and Order

But the committee will not investigate alleged abuses of power by the police

The Progressive Federal Party spokesman on law and order, Mrs Helen Suzman, said it was "a great pity" that alleged abuses of power would not be investigated

She said she had 37 affidavits, all telling "a sorry tale of torture and ill-treatment", and there were those produced by the Detainees' Parents Support Committee (DPSC), the conclusions drawn by the criminology depart-

ment at the University of Cape Town, allegations by the National Medical and Dental Association (Namda) and other investigations

However, Mr Vlok indicated by way of an interjection that the committee of inquiry would not investigate these issues

In his statement, Mr Vlok said the inquiry would conduct an in-depth investigation into the factors hampering the police in their duties of protecting and serving the public

The committee would make recommendations concerning the expansion, restructuring, functioning, training and management of the police with the aim of implementing its statutory duties of preventing crime, maintaining law and order, protecting internal security, investigating offences and protecting life and property

The committee would issue interim reports when necessary and would be briefed to investigate any related matter

● Sapa reports Mrs Suzman as saying, "I had to smile when I read some time ago what the Deputy Minister (of Law and Order, Mr Roelf Meyer) had to say at the passing out of the SAP Training College at Wentworth, that 'it was as well to remember that South Africans lived in a country governed by the rule of law — by that I mean that each and every citizen of this country is subject to the laws and rules made by a democratically elected government'

"At one stroke the deputy minister demonstrated his ignorance of the meaning of the phrase 'the rule of law' and of the word democracy

"But he is not alone in his ignorance, for very many people in this country are now so inured to the deprivation of civil rights, to detention without trial, that they are unaware of how far South Africa has proceeded down the slippery path away from the protection of habeas corpus and due process"

Probe of police needs ordered

Cap Times 3/9/7 (251)

By BARRY STREEK
Political Staff

HOUSE OF ASSEMBLY — The appointment of a departmental inquiry into the future needs of the police, chaired by the Commissioner of Police, General Hennie de Witt, was announced yesterday by the Minister of Law and Order, Mr Adriaan Vlok.

The Progressive Federal Party spokesman on Law and Order, Mrs Helen Suzman, said it was "a great pity" that alleged abuses of power would not be investigated.

The committee would make recommendations concerning the expansion, restructuring, functioning, training and management of the police with the aim of implementing its statutory duties of preventing crime, maintaining law and order, protecting internal security, investigating offences and protecting life and property.

The committee would issue interim reports when necessary and would be briefed to investigate any related matter and make recommendations, Mr Vlok said.

● Full report — Page 4

Case Times 3/17/54

Vlok: Influx control 'gave police bad name'

HOUSE OF ASSEMBLY. — Influx-control laws had given police a bad name in the eyes of millions of South Africans, Mr Adriaan Vlok, Minister of Law and Order, said last night.

Replying to debate on the Police vote, he said Mr Moolman Mentz (CP Ermelo) had attacked the government over the abolition of influx control.

But it was precisely the influx-control laws which had given the police countless problems.

A President's Council report had said that more than 17 million people had been arrested and jailed under

those measures.

It should be accepted now that they were outdated and that their time had expired.

"Let us go forward and look for other methods of dealing with the situation," said Mr Vlok.

He also said Mr Mentz had accused the government of being responsible for the state of emergency.

The truth was that many factors had contributed to the situation in which it was necessary to impose the emergency, among them unemployment and revolutionary action.

This government had wanted to assure peace and security for all the country's inhabitants, and it had therefore announced the state of emergency.

Mr Vlok said he had the impression Mr Mentz was speaking with his heart and not his head.

Mr Mentz had said the government and the police should use the "full power of the sword".

He should stand up and say whether he meant police and the Defence Force should "shoot or whatever".

Cosatu-police row over blast

By CHRIS ERASMUS

A ROW has broken out between the police and the Congress of SA Trade Unions (Cosatu) over allegations and insinuations made by both sides in the wake of last Saturday's bomb blast at Community House in Salt River

Meanwhile, another Cosatu office was attacked this week. The union's Vereeniging offices housing seven affiliate unions were burgled on Tuesday night with "hundreds of thousands of rands" allegedly stolen, drawers and a safe forced open and offices ransacked.

The attack is at least the sixth on Cosatu offices since the bomb blast in Cosatu House in Johannesburg which severely damaged the union headquarters.

Cosatu said the break-in was "another in a line of systematic attacks on the federation", all of which had been carried out "with precision and sophistication".

Yesterday police said they took "the strongest exception possible to the thinly veiled insinuation that the South African Police either condoned or might have had prior knowledge of the recent explosion at Community House".

"The allegation (made by Cosatu after the blast) that 'the security police were on the scene almost immediately' is a distortion of the facts," said a police statement.

"The explosion occurred at 3am and the Metro unit, an emergency service, was almost immediately on the scene.

"Members of the South African Police's uniform branch arrived on the scene at 3.13am after being notified by the Metro unit.

"The security branch was in turn summoned by the uniform branch and they arrived at Community House at 3.40am," the statement said.

"We refute Cosatu's statement in which they attempt to portray themselves as innocent victims of 'vicious state propaganda'.

"Cosatu has close relations with

Sactu (South African Council of Trade Unions) and the latter openly supports terrorism.

"There is therefore a strong possibility that terrorists are also active in the ranks of Cosatu with all the implied dangers thereto," the SAP statement said.

Cosatu responded by saying the "government-sponsored propaganda campaign aimed at discrediting Cosatu continues".

The body had constantly warned that this "smear campaign" created an atmosphere conducive to violent attacks against it.

"But the propagandists refuse to quieten down — even at times when we are victims of criminal attack. At the time of the Cosatu House blast, the SA police stated that they believed the blast could have been caused by Cosatu's own members."

"They have made similar statements in response to Saturday's blast at Community House in the Western Cape. They claim that Cosatu has links with the SA Congress of Trade Unions (Sactu) 'which openly supports terrorism'."

'Ridiculous'

The police's "insinuation" that "Cosatu is bombing itself" was "an opinion that is so ridiculous that no one but the SAP would believe it".

"Statements like these — which allege that Cosatu is involved in armed struggle — are typically part of the disinformation campaign against Cosatu. It is precisely these statements which fan the anti-Cosatu hysteria among right-wingers."

The continued attacks on the federation were "raising the level of worker anger".

Workers were convinced that, while they were "engaged in disciplined, peaceful struggle for basic rights, there are forces who are waging a ruthless war to protect the cheap labour system", Cosatu said.

CAF. TWP'S 3/9/87 (25) [Signature]

By PATRICK CULL
Political Staff

HOUSE OF ASSEMBLY. — More than 500 terrorists were "eliminated" (killed or captured) by the police between July 1985 and June last year, Mr Adriaan Vlok, Minister of Law and Order, told the House yesterday.

Speaking during debate on the Law and Order vote, the minister said 489 had been members of the ANC and 19 of the PAC

Mr Vlok said police successes in the campaign against terrorism had in the same period increased overall by 300% while there had been an 8,4% rise in acts of terrorism.

Mr Vlok said 47 trained terrorists had been shot dead while another six collaborators had been caught in crossfire between terrorists and security forces.

The minister said 172 trained terrorists had been arrested of whom 22 had been

Vlok: 508 terrorists 'eliminated'

trained in neighbouring states, 53 abroad and 97 within South Africa's borders.

In addition, he said, 264 other ANC members had been arrested of whom 80 had been trainees, eight recruiters, 18 couriers and 158 collaborators.

The 19 PAC men held were 10 trained terrorists and nine members.

Mr Vlok said that during the same period some 509 people had fled the country of whom 347 had linked up with the ANC and

30 with the PAC or other organizations. With whom the other 132 were affiliated was unknown at this stage.

The minister said the 300% increase in police successes meant there were very few cases which remained unsolved

"Although those guilty are not all tracked down yet, we will get them," he warned.

Stating that many terrorist plans were thwarted, the minister said a large quantity of explosives and arms had been seized.

"In view of the enemy's fanatical determination to take power and destroy the existing order, a concerted onslaught which will increase in viciousness can be expected before it declines."

Mr Vlok said police would "mercilessly apprehend any perpetrator of violence, criminal or revolutionary, and any of the left- or right-wing radicals who disturb and frequently destroy the lives of peace-loving South Africans".

Freed Watsons plan to sue for a million

By PETER AUF DER
HEYDE, Grahamstown

THE Watson family has instituted legal proceedings for over R1-million, following a successful appeal against a conviction of fraud and arson.

Three of the Watson brothers were charged with fraud, arson and attempted murder after fire destroyed their family home in Port Elizabeth two years ago.

In February this year, Dan "Cheeky" Watson and Ronnie Watson were acquitted on all charges, while Valence Watson was convicted on the first two and sentenced to 30 months imprisonment.

"Cheeky" and Ronnie have now filed a claim for wrongful arrest and detention, malicious prosecution and repayment of legal fees against the minister of law and order. The amount claimed by both brothers totals R500 000.

A Grahamstown Supreme Court judge, Justice van Rensburg, set aside Valence's conviction and sentence after he found that the trial magistrate had not satisfied the requirements of a cautionary rule relating to the acceptance of evidence against an accused by an accomplice.

Following the supreme court ruling, the executor of the estate, Basil van Zyl, is suing various insurance companies for more than half-a-million rands. He is acting on behalf of Elaine Watson.

Insurers declined to pay out claims totalling R572 992 pending the outcome of the trial.

Van Rensburg found that the only direct evidence linking Valence with the two crimes was that of Geoffrey Nocanda, a former employee of the Watson family.

Nocanda earlier told the court that he had set fire to the house on instructions from Valence. Nocanda said his statement had been made after he had been tortured by the security police.

Advocate J Browde SC, who appeared for Valence, said evidence obtained in such a manner was unreliable and should be disregarded.

After the judge's ruling Valence said he had little doubt that the "psychological warfare" and attempts on the lives of his family would continue. — Albany News Agency

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4-7019/87 W/Mail

Suzman's strange tale of the mirror-glass mini-bus

251

Weekly Mail Reporter, Cape Town

ALL the men and boys in an East Cape township were rounded up and told to file past a mini-bus with one-way glass.

Inside it sat an informer who called out the words "positive" or "negative" as each person passed. Everyone tagged as "positive" was promptly arrested.

The scene was described in parliament this week by the PFP's Helen Suzman who said she had 37 affidavits in her possession, all "telling a sorry tale of torture and ill-treatment".

Suzman said she had an affidavit which described how police stationed a minibus in the township of KwaZakhele, near Port Elizabeth. The vehicle was fitted with windows of one-way glass.

"All the men and boys in the townships were made to line up in a queue and file past the minibus, while a man inside called out "positive" and "negative".

"All the people claimed to be 'positive' were promptly arrested, taken to prison or police cells and later interrogated.

"Precisely the same procedures were followed at

●To PAGE 2

4-10/9/8
W. Mail

P.T.O.

14/11/81

Suzman tells of her 37 affidavits

●From PAGE 1

Red Location in Port Elizabeth in December, only women were also included.

"What sort of information is that?" Suzman asked. The process was "another sort of people's court of the type so roundly condemned, quite properly, by the minister when used in the townships".

The Eastern Cape was "notorious" for the methods of interrogation used on detainees.

Methods of interrogation used now by the security police "are more sophisticated than the old-fashioned kicking and hitting techniques.

"They have perfected methods which leave no trace of the injuries inflicted"

Included in such methods is one in which "a wet bag is placed over the head of the person being interrogated and it is pulled tight, being released only when the person is half-dead.

"If that doesn't suffice to extract the required confession or information, another type of bag with electrodes attached is used."

Suzman said that not only was there no physical evidence of interrogation left but the anonymity of the interrogators was ensured by hooding the detainee.

She said she had 37 affidavits all telling "a sorry tale of torture and ill-treatment" and there were those produced by the Detainees' Parents Support Committee, the conclusions drawn by the criminology department at the University of Cape Town, allegations by the National Medical and Dental Association and other investigations.

"It seems to me that a cast-iron case had been made out for a proper investigation, an independent inquiry with special reference to the indemnity clause which I have no doubt encourages excesses in the exercise of their powers by the security police."

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4/10/87
upmail

Man loses case against Minister

AN EDENVALE man who was charged with drunken and negligent driving after his car collided with a police vehicle and crashed into a wall during a high speed car chase has lost a civil claim for just over R13 000 against the Law and Order Minister.

Deriek Mong Maas had sued for damages, unlawful arrest and malicious prosecution arising out of the incident on February 15-1985.

SUSAN RUSSELL

251 B/day 4/9/87

His claim was dismissed with costs in the Rand Supreme Court yesterday.

After the collision Maas was taken to Norwood police station. The charges against him were later withdrawn.

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[REDACTED]



The latest addition to the police armoury, the Nongquai, outside Parliament where it was unveiled yesterday. The armoured vehicle features a hydraulically-controlled "cow catcher" to remove barricades, a device to cut wire stretched at head height, spotlights and mesh-protected windows and doors.

AGUS 4/9/87

Vlok unveils new police 'peacemaker'

Political Staff *SI*

THE production line is rolling for new armoured police vehicles and the first two are now in service in Cape Town

Called the Nongquai, the vehicles are to gradually replace the Casspirs, which were designed for bush warfare, said a spokesman for the Ministry of Law and Order

The Minister of Law and Order, Mr Adriaan Vlok, revealed details of the new vehicle in Parliament yesterday

Mr Vlok said in the House of Delegates that the word "Nongquai", which is "traditionally very close to the South African Police", means "protector and peacemaker"

"It is derived from the Zulu symbol of a carrying stick with no knob, which indicates peace,

in contrast to a knobkerrie, which is an instrument of war"

The new vehicle was not an aggressive one "It has been designed to protect our policemen as well as serve and protect our law-abiding citizens."

The Nongquai, unveiled outside Parliament, is bullet, grenade and petrol bomb-proof, has four-wheel drive and a front-end grader to push away obstacles such as barricades and burning vehicles. It can carry nine people.

Its shape is different from the Casspir, being more squat as it does not have the V-bottom of the anti-landmine vehicle

The law and order spokesman said the vehicles were being produced on the Witwatersrand by Austral Sandoc. He declined to say how many



The interior of the Nongquai, which can carry up to nine people. It is being manufactured on the Rand by Austral Sandoc.

AGUS 4/9/8 F

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R60 000 damages claimed for eye injuries

Supreme Court Reporter

TWO residents of Zolani near Ashton have claimed more than R60 000 in damages from the Minister of Law and Order as a result of eye injuries following alleged assaults in front of a police officer

The claims of Mr Siphon Joseph Sixishe, who has lost the sight of his right eye, and Mr Ntsikelelo Petru Mrubata, who is practically blind in his right eye, have been consolidated.

They cite as respondents the Minister, a Warrant Officer Hansen, Mr Kokoloyi Stanford, Mr Matroos and Whatu Willie Matroos

Mr Sixishe has also named Mr Meshack Jantjies as a respondent

Mr Sixishe and Mr Mrubata say were arrested on the night of May 24 1986 and charged with public violence

DISCHARGED

Both men were discharged

Mr Sixishe said Mr Kokoloyi Matroos hit him with a sjambok and Mr Whatu Matroos and Mr Meshack Jantjies beat him on the head and back

He said Warrant Officer Hansen assaulted him, alternatively assisted his other assailants, alternatively neglected to prevent them from assaulting him

Mr Sixishe, suing for R30 344, said he had serious injuries and is blind in his right eye

Mr Mrubata said Mr Kokoloyi Matroos and Mr Whatu Matroos hit him with sticks

The hearing continues today



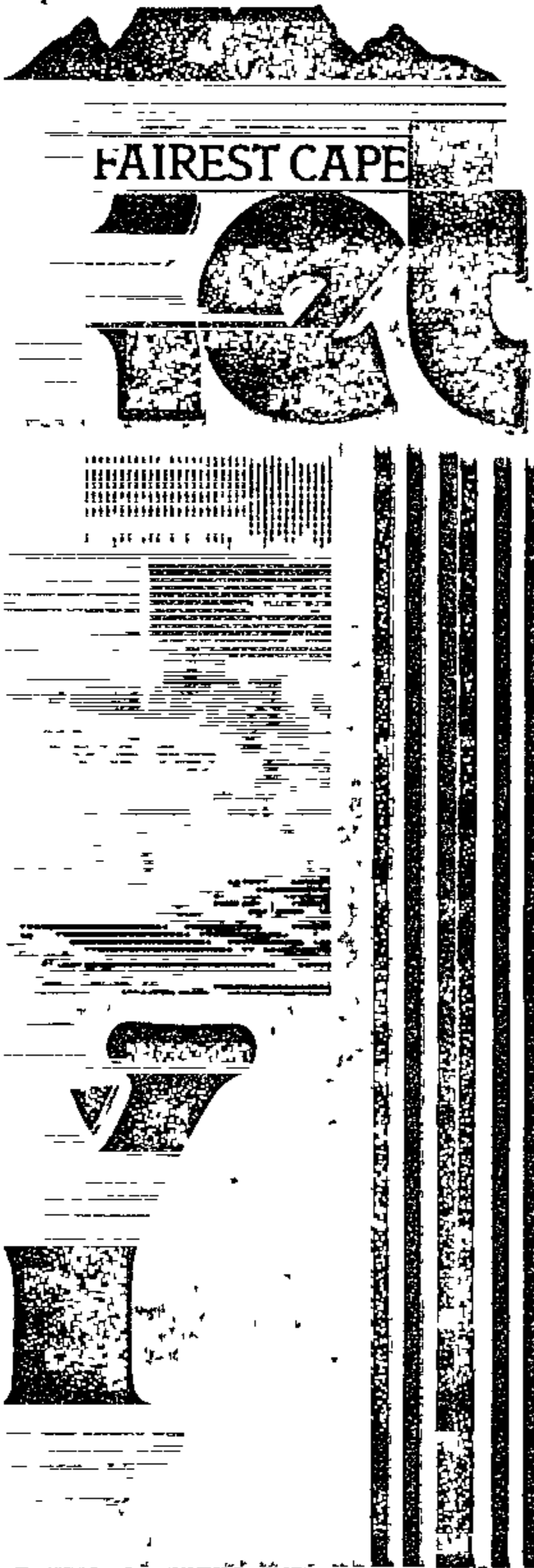
ire KEN GOOCH, University of Cape Town. student examines a young patient of the nightly clinics held unpices of Shawco. The clinics of-ntive and curative services.

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Picture: PAT BROMILOW-DOWNING



CAPE TIMES 4/9/87

Police stop UCT student march

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Education Reporter

ABOUT 60 UCT students marched through campus to the edge of Rhodes Drive yesterday, in protest against the recent judgment handed down to 14 students by the University Court.

After students protested peacefully for about half-an-hour, police arrived and told students that their gathering was illegal in terms of the Internal Security Act.

A police spokesman for the Western Cape, Lieutenant Attie Laubscher, confirmed that six policemen chased the protesting students, who dispersed and retreated to the sports centre and Jameson Hall.

He said no sjamboks, teargas or batons were used and there were no injuries or arrests.

The students were also demonstrating in solidarity with the campaign for the release of 31 prisoners on death row.

Students decided to march after a mass meeting in the Molly Blackburn Hall, called to discuss a response to the court judgment which rusticated one student and gave suspended rustication sentences to 13 others.

ELEMENT

CALC TIME 4/9/87
Zolani residents sue minister

[Signature] Staff Reporter *[Signature]* 251

TWO residents of Zolani, near Ashton, are suing the Minister of Law and Order and several others for a total of about R61 000 after one lost an eye and the other the sight in one eye in incidents said to have taken place there on May 24 last year.


The minister and other respondents have denied the claims by the two plaintiffs, Mr Sipho Sixishe and Mr Ntsikelelo Mrubata.

The hearing continues today.

R300 000 for youth crippled by police

Case files 4/987

251



PRETORIA. — The Minister of Law and Order was yesterday ordered by the Supreme Court here to pay R300 000 to the father of a youth who is paraplegic after being shot by police two years ago

Mr Justice Stafford further ordered the Minister to pay Mr Aaron Moatshe's legal costs, including the fees of several expert witnesses

Mr Moatshe, of Ikageng Location near Potchefstroom, originally claimed R984 979 from the Minister of Law and Order as guardian of his son, Andries, and R20 000 in his personal capacity.

The claim arises from an incident on August 12, 1985 at Ikageng, when a member of the South African Police shot Andries Moatshe, 17, with a semi-automatic shotgun.

The incident left Andries permanently disabled and impotent. Two of the bullets are still lodged in his body.

The policeman who shot Andries, Warrant-Officer Johan Louis Lourens, earlier told the court that he had seen

the youth throwing two petrol bombs — one of them at a police vehicle — and shot him because he "had to be arrested at all costs" and there was no other way to achieve this.

Andries had testified in court that he was walking quietly in the road, on his way to visit his aunt, when he was shot by police. He denied that he ever threw a petrol bomb, or that he was running away from the police at the time of the shooting.

Mr Justice Stafford found the defendant was liable for damages. The defendant did not convince the court that the actions of the policeman had been reasonable, he said.

Counsel for Mr Moatshe and the Minister of Law and Order yesterday reached a settlement agreement of R300 000 after the court's decision about the merits of the case had been made known.

Mr Justice Stafford postponed, indefinitely, giving of reasons for the court's decision. — Sapa

(251) 5705 4/17/87

Minister ordered to pay R300 000

Pretoria Correspondent

A paraplegic who was shot by a policeman was awarded R300 000 damages in a settlement in the Pretoria Supreme Court yesterday after Mr Justice Stafford found the Minister of Law and Order liable for damages.

Mr Andries Moatshe (20) was granted the money, costs and the fees of qualifying expert witnesses, after his father, Mr Phillemon Moatshe, instituted a R1 million claim against the Min-

ister of Law and Order

Mr Moatshe alleged his son was wrongfully and unlawfully assaulted by the SAP when they shot him on August 12 1985 in Ikageng. Andries was severely injured and became a paraplegic.

The defence admitted that a policeman shot Mr Andries Moatshe, but denied negligence, saying the policeman did not act wrongfully.

After hearing evidence on the merits of the case, Mr Justice Stafford found the Minister of Law and Order liable for damages as he had not proven that the police's actions fell within the limitations of the Criminal Procedure Act, Section 49 1(b).

The policeman, Warrant Officer J.L. Lourens, previously testified he and two other policemen were driving in Ikageng when their car was petrol-bombed.

Warrant Officer Lourens chased the alleged bomber, ordered him to stop, and when disobeyed shot the man, Mr Andries Moatshe, with his shotgun.

R300 000 damages ⁽²⁵¹⁾ 4/9/87 *Sowetan*

THE Minister of Law and Order, Mr Adriaan Vlok, was yesterday ordered by the Pretoria Supreme Court to pay R300 000 damages to a young student who was paralysed after being shot by the police in Potchefstroom two years ago

Mr Justice Stafford ruled that Warrant Officer Johan Louis Lourens had wrongfully and unlawfully shot at Andries Moatshe, who was 18 years old at the time, in a street at Ikageng township,

**By MONK
NKOMO**

Potchefstroom, on August 12, 1985

The judge said that he would give reasons for his findings at a later date

Andries was a standard 8 pupil at the Tlokwe Secondary School when he was shot by the police. He is now paralysed from the waist down and is confined to a wheelchair

His father, Mr Aaron Philemon Moatshe,

originally claimed R984 976,00 as guardian of his son and R20 000 in his personal capacity

Both the plaintiff and the respondent's lawyers, Mr Dikgang Mosenke and Mr A Burger respectively, reached an out of court agreement after the judge's ruling that the Minister pay R300 000 damages plus legal costs. The Minister also agreed to pay the qualifying fees of five expert witnesses who were engaged by the plaintiff

Mr Mosenke had

submitted during argument that the police testimony that Andries was shot at after throwing a petrol bomb at a vehicle and running away was "fabricated lies"

Andries, who has been attending court since the proceedings started three weeks ago told the *Sowetan* yesterday "Money will not bring back my normal life but at least justice has been done and the court has proved my innocence"

● To Page 3

Forgive ⁽²⁵⁾

● From Page 1

"I forgive Lourens, the policeman who shot me because maybe he wanted to show his colleagues that he can shoot" *Sowetan 4/9/87*

Mr. Truis 5/19/87

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Vlok: Hard to 'sniff out' AWB men in police

By ANTHONY JOHNSON
Political Correspondent

HOUSE OF REPRESENTATIVES. — It was hard to "sniff out" SAP members who belonged to the Afrikaner Weerstandsbeweging — labelled "boere cowboys" by a Labour Party MP — Mr Adriaan Vlok, Minister of Law and Order, conceded yesterday. Speaking during his vote in the House, Mr Vlok said that while policemen were prohibited from being members of either the AWB or the ANC, it was not so easy to detect members of the force who were members of either organization.

The minister said the police were concerned about political polarization in South Africa and at times it was necessary to try to stop conflict between the

"two extremes" by keeping the radical left and radical right apart. If police had left the AWB and the Idasa delegation returning from Dakar to their own devices at Jan Smuts Airport recently, "it would have been a groot smash".

The minister said the police would act against transgressors of the law regardless of their political affiliation.

Not only members of ANC were currently sitting in South African jails, but also a number of "right-wing radicals", he said.

Earlier, a number of LP members had vowed that the AWB would not stop the party from holding its annual congress in the Skilpadsaal in Pretoria at the end of the year.

A nominated MP, Mr John Douw, said. "We want to make it clear to (AWB leader) Eugene Terre'Blanche that the tiger in his blood will not be strong enough against the blood of all the nations of the world that flow in our veins."

The AWB's actions had shown the organization to be bent on violence and its popular image was that of "boere cowboys".

The AWB broke up meetings, intimidated people and took the law into its own hands, Mr Douw said.

The LP MP for Mamre, Mr Abe Williams, said his party would not bow to intimidation by the AWB. LP members and supporters would converge "in their hundreds and thousands" on the Skilpadsaal.

No mercy for cop-hunters, says minister

CAPC Times
5/9/87

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SHOTGUN. . . Constable Christo van Zyl shows the shotgun with which gang leader Jabu Dube shot dead a policeman and wounded another during his escape bid following Thursday's foiled bank robbery in Mowbray.

Picture RICHARD BELL

Political Correspondent

HOUSE OF REPRESENTATIVES.

— The South African Police would act "without mercy" against individuals who "hunted" members of the force, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday.

It was with great sorrow and shock that he had learnt of the tragic death of Constable Martin Cockrell who was gunned down by an armed robber in Mowbray on Thursday.

Mr Vlok said he did not yet have all the details of the shootout and it was not yet certain whether the weapon that killed Constable Cockrell was stolen or not — "but as has happened so often in the past, little doubt seems to exist".

● **JOHN VAN DER LINDEN reports:**

The 25-year-old reservist constable who was wounded when he joined in the chase on Thursday is likely to carry birdshot in his body for the rest of his life as a reminder of his brush with death.

Constable Wayne Schluter's action — he was wounded in the head, stomach and leg — led to the shooting of South Africa's most wanted criminal, Jabu Dube, whose life ended on Settler's Way.

Only minutes earlier, Dube fired the shotgun blast that killed Constable Cockrell.

Yesterday the reservist constable, a toy sales representative, told his story after receiving personal congratulations from the Divisional Criminal Investigation Officer for the Western Province, Brigadier Nick Acker, and his deputy, Colonel Johan Pieters.

'More protection' call in Mowbray — Page 3

He was in his bakkie in Main Road when he saw a number of men rush from the First National Bank in Main Road, one of them in with a shotgun.

He followed two men and saw them split up after a brief gunfight near the laundry where a shotgun blast damaged the laundry's windows.

When he neared the Main Road entrance of the flat complex he heard two shots and sprinted towards the sound of the shots.

At Old Mill Garage, he found Constable Cockrell who had been shot in the face.

"I didn't stop but took the wounded"

after the fleeing killer who had failed to hijack a passing car

"As I ran after the man, he turned and at the corner of Main and Selbourne roads fired and I had a dizzy spell as I got hit in the head stomach and leg

"At this stage I was joined by Constable Brian Dark and I asked him to check my injuries which we found were not serious. Constable Darke then chased the gunman, who ran down the upramp and I went along Selbourne Road.

As Dube crossed the centre island Constable Schluter fired a shot which hit him in the leg

"He stumbled and sat down. We covered him, seeing a man approach from the back with a length of wood. As the gunman turned we both fired at him. He fell over and Constable Dark disarmed him."

Cape Times

5/9/87

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SHOOTOUT HERO Mrs Margie Schluter hugs her son, police reservist Constable Wayne Schluter, 25, who was wounded while bravely chasing the notorious gangster, Jabu Dube, during Thursday's foiled bank robbery in Mowbray. Picture: RICHARD BELL

New Woodstock police station 'approved'

Political Correspondent

HOUSE OF REPRESENTATIVES — A new police station for Woodstock had already been approved in principle but financial constraints made it unlikely that the project would be completed in the next five years, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday

However, he realized that there was a shortage of personnel at the existing police station in the area, and would see what could be done after the next police passing-out parade in December

Speaking during his vote in the House, Mr Vlok acknowledged there was an "urgent need" for more police stations in coloured townships — "but it is even worse in black towns and cities"

Funds for building police stations were "extremely limited" and were "not going to increase".

In view of this problem, he had told his department to give "urgent attention" to determining the basic needs of a standard police station.

Mr Vlok said he believed it would in future be possible to build "cheaper, basic" police stations to help relieve the shortage

MP: Police 'elements' a law unto themselves

Political Staff

HOUSE OF REPRESENTATIVES — "Elements" in the police had become a law unto themselves, "planting bombs" and having a hand in the burning down of trade union offices directly opposite the Fleet Street police station in East London, the Democratic Party MP for Border, Mr Peter Mopp, said yesterday

The Minister of Law and Order, Mr Adriaan Vlok, rejected the allegations with "the greatest contempt"

Mr Mopp, who was ordered out of the House moments after his speech for refusing to withdraw an interjection, made a strong at-

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tack against police conduct, saying that "kitskonstabels" were "skollies in uniform" and calling the new "peacemaker" police protection vehicle a "Vlokswagen"

He also called on Mr Vlok to do something about "drunken Ciskei policemen at roadblocks"

Mr Mopp, a lawyer, criticized the fact that policemen operated as prosecutors in magistrate's courts. Defendants saw this as police oppressing them. "Police must not be seen to be taking sides in court"

Violence

Mr Mopp said "elements" in the police had become a law unto themselves — planting bombs and burning down buildings

"You cannot fight violence with violence — whether it is from the right or the left. The police must not be part of this"

He said the South African Allied Workers' Union (Saawu) offices were recently burnt down in East London, directly across the street from the main Fleet Street police station where there were 24-hour guards

"How can such a thing happen and nobody sees anything?"

● In his reply Mr Vlok had ignored Mr Mopp's remark that "elements" in the police had be-

come a law unto themselves and planted bombs

He responded to this only when reminded by the LP MP for Riversdal, Mr Douglas Josephs

"If he had said that I reject it with the greatest contempt. The police investigate all cases and do not condone any violence," Mr Vlok said

According to his information the police investigated all cases, no matter what races were involved

Selected

Mr Mopp had done a "very ugly thing" by calling special constables "skollies". They were rather the nemesis of the radicals who "played dirty". Special constables were strictly selected and had their fingerprints taken to see whether they had committed crimes or come under the "attention of the security"

It was not an "ideal situation" to use police as prosecutors, but this was rare and there was still a "safety valve" in the presence of the magistrate, Mr Vlok said

He said that because one Ciskei policeman might have had too much to drink Mr Mopp should not say they were all a drunken lot. Roadblocks were an effective method to deal with criminals and terrorists and the SAP and the Ciskei police would continue using them

Kriel: burial 'taken over'

Political Staff

HOUSE OF REPRESENTATIVES — The funeral of an acknowledged ANC terrorist, Ashley Kriel, was taken over by "chaps" (kerels) after the church service and at a second church was transformed into a political meeting, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday

Negotiations with church leaders were held before the funeral and the police were as flexible as possible, he said during the Law and Order vote in the House

A service was held in the first church. "We have no fault with that"

After the service, the coffin was taken to a second church and an ANC flag draped over it to shouts of "Viva the ANC". Speakers called for immediate negotiations with the ANC

"It was not the priests we negotiated with who spoke. It was other chaps (kerels)," Mr Vlok said.

Speakers also attacked the regional services councils but he doubted whether Mr Kriel had anything to do with RSCs

"At the second church, Ashley Kriel's mother and family stood outside and were not even inside.

"But who gets all the blame for what happened? The South African Police"

City Times (257) 522

September 5, 1987

Reject policeman's evidence, state asks

Staff Reporter

THE evidence of a policeman, who said he had fired on a group of people after they had started a fire in a road, should be rejected because several other policemen said there had been no fire, the Supreme Court was told yesterday

The suggestion was made by Mr H Klem SC, for the state, in the trial of Warrant Officer Paulus Kruger and Constable Ernest Villet who are accused of murdering Miss Sarah Van Wyk and attempting to murder three other Bellville South residents on August 29, 1985

Both men have pleaded not guilty to the charges

Mr Klem said there was "overwhelming" evidence from several police witnesses that the group of people had done nothing more than talk about their intention to build a burning barricade

Mr Klem said the version by Warrant Officer Kruger about events that day should be rejected

"Warrant Officer Kruger said himself that he could not say that the deceased and three complainants had committed any crime," Mr Klem said

The hearing continues on Monday

Mr Justice Howie presided with two assessors, Mr A van Niekerk and Mr J van Niekerk. Mr Klem was assisted by Mr W Downer. Mr D Uys, instructed by Keith Hamblin and Co, appeared for Constable Villet. Mr A H Veldhuizen, instructed by the State Attorney, appeared for W/O Kruger.

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People injured after meeting

By SELLO SERUPE

AT least 10 people were this week injured by broken window glasses during a stampede that ensued when police dispersed crowds that had attended a prayer meeting to protest the hanging of Moses Manyanda Jantjies and Willington Mellies at Lekton House in Johannesburg.

The two men were sen-

tenced to death in November 1986 by a Port Elizabeth Supreme Court judge for their role in the murder of KwaNobuhle councillor Tamsanqa Kinikini and five of his family members.

Among the injured were Obed Tsele, 32, John Balozi, 62, Parament Tohlano, 61, Emmanuel Ra-debe, 24, Daniel Maswan-goe, 45, and Dennis Me-lane.

The five sustained injuries ranging from sprained

wrists, lacerations to injuries on their heads.

The other meeting, which had ended earlier, was at Khotso House.

According to a source at the Hillbrow Hospital, 10 people received treatment.

Most of the injured were members of the Post and Telegraphic Workers' Association who had attended the lunchtime prayer meetings.

Trouble started when people started moving from

Khotso House after the prayer meeting, forcing crowds which had gathered at streets corners to disperse.

Most of the people who had come to attend the prayer meetings could not gain access to Lekton House because police with dogs had cordoned off De Villiers and Plein Streets, which led to the building.

Referring to the incidents, the police unrest report said a crowd of blacks swarmed

into the street after leaving a meeting and, soon afterwards, a policeman who felt threatened, sprayed teargas from an aerosol-type canister to disperse them.

"At Park Station, a large group of blacks threw stones at the police and two policemen were slightly injured.

"Police used a limited amount of tearsmoke to disperse them and arrested a black man," said the police report.

'Hands off Nusas'

By STAN MHLONGO

THE admission in Parliament by Law and Order Minister Adriaan Vlok that Daniel Pretorius was a state spy, resulted in the launching this week of a "Hands off Nusas" campaign by the National Union of South African Students.

Pretorius infiltrated the ranks of Nusas in April last year.

In a Press dossier delivered immediately after Pretorius' ambiguous role was exposed, Nusas said its campaign to promote non-racialism on university campuses between whites and blacks had so unsettled the architects of apartheid that they had to stoop to the level of using spies to divide students.

To show that the elements of the State were all out to undermine Nusas' attempt to forge non-racialism at universities, a colleague of Pretorius' said in a sworn

affidavit that the spy had urged students to throw stones at police vans in an incident on the campus in April 1987 in which two students were shot in the face with bird-shot.

49/87 C/Pres
"This comes as no surprise to student leaders. We have always suspected the existence of provocateurs on campus," said Nusas.

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Nusas said that, in a recent attack on universities by State President PW Botha, a clampdown was implied, which could mean the banning of Nusas.

Mr Botha threatened to cut State subsidies to universities and pointed out that the government was to attach certain conditions to granting subsidies to universities.

Since Nusas' formation in 1924 it has played an active role in challenging racism and undemocratic practices.

AREA: Within a
excluding that p

By SYBRAND MOSTERT

TWO YEARS after a young girl was fatally shot during an "unrest incident", a Supreme Court judge has heard how two senior police officers deliberately submitted a false report on the event.

The court also heard that the police had been issued with the wrong ammunition. And a third policeman admitted to lying in a preceding public violence trial "to get a conviction"

The startling revelations were heard in the Supreme Court in Cape Town this week.

The two riot policeman, Warrant Officer Paulus Kruger, 36, and Constable Ernest Villet, 27, are charged with murder and three counts of attempted murder.

According to evidence, the two were ordered to hide in the garden of a home in Bellville South to try to arrest "agitators"

The suburbs of the Cape flats had erupted in a wave of violence on the day the fatal shooting took place.

Police said that the area was "like a war zone".

The court heard that, after the two policemen had hidden in the garden and their Casspirs had left, they had fired their shotguns seven times at a group of people.

False

Miss Sarah van Wyk was killed and three others wounded

One of the girls lost her right arm in the incident.

This week the two officers' District Commandant at the time, Brigadier Gerhard Mans, told the court that he had signed a report on the day's events drawn up by the then head of the riot unit, Captain Ocekert van Schalkwyk, knowing that it was false.

Earlier, a 16-year-old schoolgirl who was among those shot that day, said she and about 15 others had gathered at the corner of Armada



KRUGER



VAN SCHALKWYK

Riot fatality: judge told of false reports

Crescent and Industry Road, Bellville South, at dusk on August 29.

She and Miss van Wyk had turned around and walked a few paces when she heard shots.

"As I turned I saw Sarah fall. At the same time I felt a burning pain in my left shoulder and neck. I felt lame and could go no further."

Miss Mercea Coetzee, 26, said that she was also among the group, and that "everything was quiet" after earlier unrest and police activity.

"I heard people laugh behind me. As I turned to walk up Armada Crescent I heard the footfall of others walking with me and then a loud shot.

"I saw Susan van Wyk fly into the air. It looked as though something lifted her.

"At the same time my feet were lifted from the ground," she said.

A police forensic expert from Pretoria, Lieutenant Andries Du Plessis, said that Miss van Wyk had been killed by No 1 bird shot pellets.

Police were supposed to be issued only with No 5, AAA and SSG bird shot.

Lt Du Plessis said it appeared the quartermaster had issued the wrong ammunition.

Opinion

He added that the deceased would probably still have died if she had been hit by No 5 pellets instead of No 1.

Captain van Schalkwyk admitted in court that the report issued on the day's events was "false".

His commanding officer and the District Commandant at the time, Brigadier Martinus Mans, said that he had signed the report even though he knew it was false

LAW AND ORDER IS A SUCCESS ^{6/9/87} ²⁵¹ ^{Alvaro} VLOK

MINISTER of Law and Order, Adriaan Vlok, said that since he took over the portfolio about nine months ago, he had been trying to enhance the image of the police. He said this was going to be an ongoing process until his goal is achieved.

"I'm on record as saying that one wrong deed by the police tarnishes the whole image of the police force. That is why I will not hide anything. If any member of the police has committed a crime, it will be revealed and be brought into the open. The courts are there to charge offenders," said Vlok

In a rare occurrence, City Press assistant editor KHULU SIBIYA this week interviewed Law and Order Minister Adriaan Vlok.

cover up the truth, and added that he was personally prepared to act against any member of the police who overstepped the mark

"But if there is anything that is not based on the truth we will react - like the radical organisations who use the Press to try and discredit the police," he said

The detention of children last year was headline news in almost all newspapers locally and overseas. Even the United States openly condemned the government for its insensitivity

There were conflicting reports of the number and ages of children being detained

With the DPSC - a civil rights group monitoring detainees - making one claim and the government another

When told by many

a crime, it will be revealed and brought into the open. The courts are there to charge him," he added

people, including some Cabinet Ministers, that the detention of children was cause for concern, Vlok said there were 11 children being held

He said that if a child was breaking the law, it was up to the discretion of the police to either lock him in jail or hand him over to his school principal

"This is the law and the police have to operate within it," he said

On the question of police opening fire on people, sometimes without any provocation, Vlok said "One must distinguish between a wilful deed and an accident"

The courts are there to decide and solve this problem

"I want to say it again. I don't want to hide anything. If any member of the police has committed

About the special police force, commonly known as the ktskonstabels, which has instilled fear in townships throughout the country, Vlok said, since the special force was introduced, stability in the townships had been maintained

They had also assisted in bringing down the crime rate in the townships

"These people have been trained to do special duties in the townships. When they are on the streets they come into confrontation with bad elements. And this does not make their task easy," he added

When told that most township residents saw the ktskonstabels as undisciplined people who had had very little training in dealing with the public, Vlok said allegations of brutality in the townships attributed to the special force were, in fact, not correct



Law and Order Minister Adriaan Vlok.

"Many of the wrong things are not done by these people, but members of the permanent force. These people render a

valuable service to the community. They are not a permanent force. They don't even get things like pension funds. They will

hesitate to do anything wrong because they know they will lose their jobs," he said

He said as Minister of Law and Order he would never condone any misdeeds by the police

He said before any member of the special force was employed, a thorough check of his record was made

He said since the ktskonstabels were introduced, the police had received many letters from members of the community thanking them for the valuable job they were doing

"These people are disciplined. But, of course, sometimes things go wrong during the course of their duties," he said

"It is not an easy task to be a law enforcer. These people are doing a good job. They receive good training and they are still being trained while doing their job, because they are under supervision of police officers," he explained

"In the Western Cape, for instance, they brought down crime by 30 percent

To replace the special forces with a permanent force would cost my department three times more," he said

He said the special forces were a cheaper form of maintaining law and order in the townships

He said he hoped that as time went by they would pick up experience

He said many people were complaining that it was the money that went into education and houses "but no one ever talks about more money being put into the police force"

11/15 7/9/87

Police eject campus spy

Staff Reporter

CAMPUS SPY Mr Danie Pretorius, 19, who confessed at a recent press conference to having infiltrated the National Union of South African Students (Nusas) at the University of Cape Town, has been given a dishonourable discharge from the police force

Weekend newspaper reports said Mr Pretorius's dishonourable discharge followed his admission that he had infiltrated Nusas on behalf of the police.

Brigadier Leon Mellet, spokesman for the Minister of Law and Order, was reported to have declined to talk about Mr Pretorius

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Local authorities: expenditure

*14 Mr W J D VAN WYK asked the Minister of Finance +

Whether his Department exercises control over the increases in the expenditure of local authorities, if so, (a) what procedure is followed in this regard and (b) what, was the percentage increase permitted in respect of such expenditure in 1984-85?

Yes

Stuurman

The MINISTER OF FINANCE

- (a) A percentage increase in the spending of local authorities is determined annually by the Minister of Finance and notified to local authorities, following which budgets are submitted to the Department of Finance for approval
- (b) 10%

Ekandustria: railway line

*15 Mr P G SOAL asked the Minister of Transport Affairs

- (1) Whether, with reference to his reply to Question No 321 on 24 August 1987, a railway line leading to Ekandustria has been constructed, if so, (a) when (b) through what town or station does this line go to Ekandustria and (c) what was the total cost of constructing the line
- (2) whether this railway line is being used, if so, (a) how many trains have used the line since it was constructed and (b) in respect of what date is this information furnished, if not, why not?

Stuurman
8/9/87
The MINISTER OF TRANSPORT AFFAIRS

- (1) Yes
- (a), (b) and (c) A private siding was constructed from Forfar to Ekandustria by and at the cost of the Municipality of Bronkhorstspuit and completed on 7 June 1985

- (2) No Development of the industrial area has not yet taken place

Child detainees: centres for rehabilitation

*16 Mrs H SUZMAN asked the Minister of Justice

- (1) Whether the Department of Justice or the Prison Service is involved in the planning and provision of detention centres for the rehabilitation of child detainees, if not, by whom are such centres provided, if so, to what extent,
- (2) whether such a centre is to be built in the Eastern Cape, if so, (a) where, (b) what is the total estimated cost of construction (c) what facilities will be provided, (d) what categories of child detainees will be sent there (e) how many detainees will it be able to accommodate (f) who will be in charge of the centre (g) what is the nature of the rehabilitation programme planned for detainees at the centre, (h) what security arrangements will be made for the centre, (i) when is construction due to commence and be completed respectively, and (j) who is to carry out the construction work
- (3) whether any other such detention centres are planned, if so (a) where and (b) when are they to be built in each case
- (4) whether he will make a statement on the matter?

The MINISTER OF JUSTICE

- (1), (2), (3) and (4) It is not clear what type of detention centres the hon member has in mind. The Department of Justice and more particularly the South African Prisons Service is, however responsible for the planning and administration of prisons and for no other detention centres. The hon member possibly has a project such as the prison for sentenced juvenile delinquents at Leeuwkop near Johannesburg in mind. A similar prison is presently being put into operation at Polismoor Prison. These projects must however,

Stuurman
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ever, not be confused with the establishment of additional facilities which are being planned by the State in respect of juveniles and children who are referred to such facilities by a competent court. In this regard the honourable member is referred to the statement by the hon Minister of National Education on 11 August 1987

Newlands East, Natal: police station

*17 Mr R M BURROWS asked the Minister of Law and Order

- (1) Whether representations have been received for the construction of a permanent police station in Newlands East, Natal, if so, (a) from whom and (b) when were they received,
- (2) whether such a police station is to be built if not, why not, if so,
- (3) whether a site has been identified for the construction of this police station, if not, why not, if so, (a) when and (b) where is the site located,
- (4) when is it envisaged that the construction of this police station will be completed?

The MINISTER OF LAW AND ORDER

- (1) Yes
- (a) and (b) Dukertontem Taxpayers Association on 23 August 1979
- Mr B Dookie, MP Red Hill on 7 May 1980
- Mr C J Kippen, MP Durban Suburbs on 30 May 1986 and 20 October 1986
- (2) Yes
- (3) Yes
- (a) 22 June 1986
- (b) Plots 5218, 5219, 5221 and 5222 to 5225 at Seacow Lake
- (4) The project is included in the 1987/92 five year building programme. It is anticipated that tenders to the total value of R10 million will be obtained for the construction of a police station and single quarters, and for 30

Stuurman
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houses, during 1992 and 1993 respectively

NOTE This police station which will be known as the Seacow Lake Police Station will serve Newlands East, Newlands West, Parlock and Seacow Lake residential areas

Utilization of icebergs for fresh water

*18 Mr P G SOAL asked the Minister of Water Affairs

- (1) Whether, with reference to the reply of the then Minister of Environment Affairs and Fisheries to Question No 18, standing over, on 6 May 1983, any further international developments have taken place in regard to the utilization of icebergs as an alternative means of providing fresh water, if so what developments,
- (2) whether his Department is reconsidering the utilization of icebergs for this purpose, if not, why not, if so (a) what are the circumstances that have given rise to this matter being reconsidered and (b) what action has been taken in this regard?

The MINISTER OF WATER AFFAIRS

- (1) Yes A German concern is studying the possibility of towing an iceberg in a plastic bag allowing the ice to melt without losing the fresh water. This system has only been tested experimentally on a very small-scale under European conditions
- (2) No There is sufficient fresh water and reclaimed water available along the coast for the next few decades at prices that are competitive with iceberg water
- (a) and (b) Fall away

Government Departments/statutory bodies: reports on activities

*19 Mr K M ANDREW asked the Minister in the State President's Office entrusted with Administration and Broadcasting Services

- (1) Whether (a) Government Department

ments and (b) statutory bodies falling under such Departments are required to issue reports on their activities, if not, why not, if so, (i) at what intervals and (ii) in terms of what statutory provisions and/or prescriptions,

(2) whether all of these (a) Departments and (b) statutory bodies issued such reports in each of the past three years, if not, (i) which Departments and statutory bodies did/not issue reports and (ii) why not?

THE MINISTER IN THE STATE PRESIDENT'S OFFICE ENTRUSTED WITH ADMINISTRATION AND BROADCASTING SERVICES

- (1) The Commission for Administration has no legal or other powers as regards the framing of reports by departments and their statutory institutions and therefore has no information available in this regard. The desired information will have to be obtained from the individual Ministers themselves. As far as the Commission for Administration itself is concerned it does however frame a report annually in accordance with section 10 of the Commission for Administration Act, 1984 (Act 65 of 1984) on matters which have been dealt with by the Commission during the preceding year. The Commission for Administration also frames special reports from time to time as may to the Commission seem desirable. Every report is, in accordance with legislation, transmitted to either the State President or his delegate by whom it is then laid upon the Table of Parliament.
- (2) The Commission for Administration did frame a report each year for the past three years.

Mr K M ANDREW Mr Chairman, arising out of the hon the Minister's reply, may I ask him whether he does not think it would be desirable for departments funded by the State to be obliged to issue regular reports to Parliament?

The MINISTER Mr Chairman, the sugges-

tion will be submitted to the hon the State President for consideration

Daveyton: Carphus Nyoka killed
 *20 Mr S S VAN DER MERWE asked the Minister of Law and Order

- (1) Whether a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply, was shot and killed by the Police in Daveyton on or about 24 August 1987, if so, (a) what is the name of this person, (b) how many policemen were present at his home when he was shot, (c) what was the purpose of their visit, (d) what were the circumstances surrounding the shooting (e) what was the rank of the policeman responsible for shooting them (f) how many times was he shot and (g) what are the particulars of the weapon used in the shooting

(2) whether any persons were arrested or detained by the Police on this occasion if so (a) what are their names (b) why were they arrested or detained and (c) where are they being held

(3) whether the Police have held an investigation into this shooting, if not why not if so what were the findings

(4) whether a post-mortem was held following the death of this person, if so (a) when and (b) what were the findings

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

THE MINISTER OF LAW AND ORDER

- (1) Yes
- (a) Carphus Nyoka
- (b) to (g) I am not prepared to furnish the information because the circumstances in respect of the death of the person are the subject of a judicial process, which I do not want to anticipate

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 Howard

- (2) to (4) I refer the hon member to my reply in paragraph 1 (b) to (g) above
- (5) Yes. In view of the allegations and the mistrust which was expressed in certain newspaper reports as a result of the death of the person, I do, however, consider it to be in the public interest to make known the following details which were furnished to me in the initial police report

The deceased was killed during a police action involving several members of the South African Police

The police action took place after two persons who had mined impet mines and handgrenades in their possession, were apprehended. During interrogation they intimated that the deceased had handed the devices to one of them

Ordinary service pistols and definitely not fire-arms with silencers, were used during the police action

I would like to point out that the Police issued a press statement regarding the matter shortly after the incident occurred

Monument Park, Extension 2, banner displayed

*21 Mr K M ANDREW asked the Minister of Law and Order

- (1) Whether the South African Police are investigating an incident involving the displaying of a certain banner, particulars of which have been furnished to the Police for the purpose of the Minister's reply, in Monument Park, Extension 2, Pretoria, if not, why not, if so, (a) what possible contraventions of the law are being investigated, (b) what progress has been made in this investigation and (c) what were the words displayed on this banner.
- (2) whether any persons have been charged with any offences in connection with this incident, if so, (a) who and (b) with what offences,
- (3) whether any person or group of persons applied to the Police for permission to display this banner, if so, (a) when, (b) who and (c) what was the response?

THE MINISTER OF LAW AND ORDER

- (1) Yes
- (a) A contravention of section 62 of the Internal Security Act, 1982 (Act 74 of 1982) and Administrators Notice 654 dated 12 August 1964, Ordinances 47 and 51
- (b) The investigation is at an advanced stage
- (c) The words which were supplied by the hon member
- (2) No not at this stage (a) and (b) Fall away
- (3) No (a) to (c) Fall away

*22 Mr R M BURROWS—Home Affairs [Reply standing over]

Clermont/KwaDabeka/KwaDlangeswa: incidents

*23 Mr R M BURROWS asked the Minister of Law and Order

- (1) Whether any incidents involving security forces occurred during the period 15 April to 30 May 1987 in or around the (a) Clermont (b) KwaDabeka Township and (c) KwaDlangeswa Township areas, if so what was the nature of each incident.
- (2) whether any members of the (a) public and (b) security forces were (i) killed and (ii) wounded in any of these incidents if so, how many in each case.
- (3) whether he will make a statement on the matter?

THE MINISTER OF LAW AND ORDER

- (1) (a) to (c) Yes, a variety of incidents, *inter alia* stones thrown at vehicles of the

Howard
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(a) when and (b) what were the findings?

THE MINISTER OF EDUCATION AND CULTURE

- (1) (a) and (b) No, since education is an own affair in terms of section 14 of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983), read in conjunction with item 2 of Adendum 1
- (i) and (ii) Fall away
- (2) Yes

(a) HSRC Education Research Programme No 7 "African Language in White primary schools"

(b) The report was released by me on 28 April 1987 and is currently being studied by the Department

- (3) No
- (a) and (b) Fall away

(4) No, a formal survey is not deemed necessary, as channels exist by means of which any school wishing to offer the subject, may apply to do so

Mr K M ANDREW Mr Chairman, arising from the hon the Minister's reply may I ask him in respect of his reply to the first part of this question whether in view of the fact that White teachers are involved in Coloured and Black education, he would not think it wise to allow Black teachers to teach in White schools in respect of this subject despite the general and own affairs concept?

The MINISTER Mr Chairman I have already replied that in terms of the provisions of the constitution it is not possible in addition, registration with the Teachers Council also has to take place in respect of teachers who teach in White schools. Naturally, a person who teaches his mother tongue, can usually do it better than a non-mother tongue speaker. I therefore have sympathy with that. At present, however, it is not possible for a person of colour to teach

in a Government school. That is the difference between private and Government schools, especially in terms of the specific education legislation in this regard.

Mr K M ANDREW Mr Chairman, further arising from the hon the Minister's reply, may I ask him the following. If it is not possible in terms of the Constitution, how is it then possible for White teachers to teach in State Coloured schools and State Black schools?

The MINISTER Mr Chairman, apart from the Constitution, there is also specific education legislation and the education legislation for Whites, in terms of the own affairs concept in the Constitution, only applies to White education as such. Therefore, if there are specific procedures for White education, it does not mean that the same procedures apply to the education of the Administration House of Representatives Administration House of Delegates or the Department of Education and Training.

Mr K M ANDREW Mr Chairman, further arising from the hon the Minister's reply, may I ask him whether he does not think it would be wise to amend that White education legislation if that is the obstacle? The MINISTER No

Computers

*5 Mr R M BURROWS asked the Minister of Education and Culture

- (1) Whether his Department has reached any decision on the supply of computers to and maintenance of computers in all high and primary schools falling under his control, if not, why not, if so (a) what decision has been reached and (b) what time-table regarding supply has been set.
- (2) whether he will make a statement on the matter?

THE MINISTER OF EDUCATION AND CULTURE

(1) (a) No, this matter is currently being studied by the Network for Educational Technology and recommendations will be formulated in due course

- (b) Falls away
- (2) No

Regional cultural councils

*6 Mr R M BURROWS asked the Minister of Education and Culture

- (1) Whether he (a) obtained the views of and (b) received nominations from any cultural organisations prior to the appointment of persons to the regional cultural councils, if not, why not, if so, (i) (aa) which organisations were contacted for this purpose and (bb) when were they so contacted, (ii) how many persons were nominated by these organisations and (iii) what procedure did he follow in selecting his nominees.
- (2) whether he will make a statement on the matter?

THE MINISTER OF EDUCATION AND CULTURE

(1) Names of possible appointees are received from the regional councils for cultural affairs themselves, which in turn are in contact with cultural organisations on an ongoing basis hence

- (a) no
- (b) no (i) (aa) and (bb) (ii) and (iii) Fall away

For written reply General Affairs

Crossroads/KTC: offences

138 Mr S S VAN DER MERWE asked the Minister of Law and Order

Whether any persons have been arrested in connection with (a) arson, (b) theft, (c) malicious damage to property, (d) assault with intent to do grievous bodily harm, (e) common assault, (f) murder and (g) attempted murder during unrest in (i) Crossroads in May 1986 and (ii) the KTC area in June 1986, if not, what progress has been made by the South African

Police in this regard, if so, how many in each case?

THE MINISTER OF LAW AND ORDER

(a) to (g) I refer the hon member to my reply to written question number 27 dated 2 February 1987, which is also applicable to this question

Police sub-station, Regent Road, Sea Point

197 Mr C W EGLIN asked the Minister of Law and Order

(a) On what date was the police sub-station in Regent Road, Sea Point, opened, (b) what specified services do the police at this sub-station provide to (i) the public in general and (ii) residents in this area in particular and (c) (i) how many offences of each specified type were reported at this sub-station and (ii) in respect of what specified period is this information furnished?

THE MINISTER OF LAW AND ORDER

- (a) 24 November 1986
- (b) (i) With the exception of the reporting of deaths, the issuing of funeral orders and the handling of applications for fire-arm licences, the Regent Road charge office provides the same services as any other charge office
- (c) (i) Theft 16

(i) Theft	16
Theft from motor vehicles	10
Assault	9
Housebreaking with the intent to steal and theft	6
Pickpocketing	4
Theft of motor vehicle	3
Trespassing	2
Malicious damage to property	1
Reckless or negligent driving	1
Public indecency	1
Crimes injuria	1
Disturbance of the peace	1
Shoplifting	1
Total	56

(ii) 24 November 1986 until 11 June 1987

Note These duties also include patrolling

of the area, attending to complainants, accepting admission of guilt fines, the completion of reports in collisions, attestation of documents, recording of particulars regarding drivers' licences and persons who are reported to be missing

Group Areas Act

218 Mr A GERBER asked the Minister of Law and Order

(a) How many charges in connection with contraventions of the provisions of the Group Areas Act, No 36 of 1966, were laid during the period 1980 to 1986 and (b) in how many cases were the alleged offenders charged?

The MINISTER OF LAW AND ORDER

1 July 1979 to 30 June 1980	(a)	(b)
1 July 1980 to 30 June 1981	860	419
1 July 1981 to 30 June 1982	487	187
1 July 1982 to 30 June 1983	577	463
1 July 1983 to 30 June 1984	566	387
1 July 1984 to 30 June 1985	608	398
1 July 1985 to 30 June 1986	332	231
	190	132

NOTE Statistics are given for the period 1 July 1979 until 30 June 1986

Because statistics for the period 1 July 1986 until 31 December 1986 have not yet been programmed the particulars for the period are not readily available

Mamelodi, persons killed

268 Mr P G SOAL asked the Minister of Law and Order

(1) Whether, with reference to the reply of the Minister of Justice to Question No 3 on 23 June 1987, the further investigation by the South African Police into the deaths of persons killed in Mamelodi on 21 November 1985 has been completed, if not why not, if so, (a) when, (b) what were the findings and (c) what action has been taken as a result of this investigation,

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

The MINISTER OF LAW AND ORDER

(1) No, the docket was referred back by the Attorney General for further investigation

(a) to (c) Fall away
(2) No

Annual reports

382 Mr K M ANDREW asked the Minister of Transport Affairs

(1) (a) (i) How many annual reports were produced in 1986 by the South African Transport Services and/or statutory bodies falling under the Transport Services and (ii) in respect of what bodies were these reports produced, (b) what was the cost of producing each such report, (c) how many copies of each report were printed and (d) who undertook the printing of each report.

(2) whether the printing of these reports was put out to tender if not, why not if so (a) what was the (i) lowest and (ii) highest tender submitted and (b) what was the amount of the successful tender in each case.

(3) whether any copies of these reports were sold, if so (a) how many, (b) to whom, and (c) at what price, in respect of each report.

(4) in respect of each of the latest specified five years for which information is available (a) what was the total cost to the Transport Services of these annual reports, (b) how many copies were printed, (c) how many of these reports contained (i) full colour and (ii) black and white pictures, (d) on what quality paper were the annual reports printed and (e) (i) how many of these reports contained a photograph or drawing of the (aa) political head and (bb) top official of the Transport Services and/or the statutory bodies in question and (ii) how many of these pictures were in (aa) colour and (bb) black and white in each case?

The MINISTER OF TRANSPORT AFFAIRS

(1) (a) (i) Three

(ii)	(b)	(c)	(d)
SA Transport Services	R62 070,40	5 400	Hendlers Printers (Pty) Ltd
SA Transport Services Board	R 8 260	650	Cape and Transvaal Printers (Pty) Ltd
Permanent Level Crossings Committee	R 290	50	Transport Services' Printers

(2) Only in respect of SA Transport Services

SA Transport Services	(a) (i)	(ii)	(b)
SA Transport Services	R46 845	R71 560	R46 845
SA Transport Services Board			Printing was undertaken by Cape and Transvaal Printers (Pty) Ltd under contract for the Government Printer, Pretoria
Permanent Level Crossings Committee			(a) (i), (ii) and (b) Fall away
			Printing was undertaken by Transport Services Printers
			(a) (i), (ii) and (b) Fall away

(3) No (a), (b) and (c) Fall away	(a)	(b)	(bb) All the reports except the report of Transport Services for the 1984-85 financial year and the reports of the Permanent Level Crossings Committee
1982	R35 718,58	4 040	
1983	R56 403 57	4 440	
1984	R57 931 86	4 600	
1985	R70 345,00	5 700	
1986	R70 620,40	6 100	

(c) (i) All the reports except those of the Permanent Level Crossings Committee contained full colour pictures

(ii) One in respect of the SA Transport Services report for 1984-85

Own Affairs

Annual reports

70 Mr K M ANDREW asked the Minister of the Budget and Welfare

(1) (a) (i) How many annual reports

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(257) 9/19/87

Police shot first asked questions later, says judge

Pretoria Correspondent

Judgment in a case in which police were accused of, among other things, failing to ensure that they correctly identified a person before shooting him, is to be sent to the Attorney-General

In a three-hour-long judgment in the Pretoria Supreme Court yesterday, Mr Justice Stafford rejected evidence by police in a case in which Ikageng township resident Mr Phillemon Moatshe claimed R1-million damages following the shooting of his son

'Shot fleeing'

Mr Andries Moatshe (20), became a paraplegic after being shot by police on August 12 1985

The police alleged Mr Moatshe junior was shot while fleeing after setting a car alight and then throwing a petrol bomb at a police vehicle

The paraplegic denied committing any acts of arson, and said he had been walking in a street in Ikageng township near Potchefstroom when he had been shot

Last week Mr Justice Stafford found

the Minister of Law and Order was liable for the damages, and awarded Mr Moatshe R300 000

Yesterday Mr Justice Stafford gave reasons for his decision

He rejected evidence by police that they had been forced to shoot Mr Moatshe because their car had stalled and they could therefore not catch up with the fleeing man

Mr Justice Stafford said he was not convinced that the police properly identified Mr Moatshe as the same person who had allegedly thrown the petrol bomb, before shooting him

There were contradictions in the police evidence as to the clothes Mr Moatshe was wearing at the time of the shooting.

There were also differences between the evidence given by police in court, the statements they had made shortly after the shooting, and the entries they had made in their pocket books at the time of the incident.

Mr Justice Stafford concluded his judgment by asking the registrar of the Pretoria Supreme court to send a copy of the judgment to the Attorney-General

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(257) S.M.K. 9/9/87

Policeman questioned over burning of township houses

By Lesley Cowling

The former station commander of Alexandra Police Station told the Rand Supreme Court yesterday that, as far as he knew, no progress had been made in an investigation of incidents in the township in which the houses of activists were burnt and people assaulted

Colonel Ambrose Dickenson was being cross-examined in the trial for treason of seven Alexandra men and a youth, who allegedly took part in "people's courts" in the township last year

Mr Ashwell Zwane (20), Mr Vusi Ngwenya (20), Mr Andrew Mafutha (22), Mr David Mafutha (19), Mr Arthur Vilakazi (24), Mr Albert Sebola (21), Mr Piet Mogano (28) and a 17-year-old youth have pleaded not

guilty to treason, sedition and subversion.

Yesterday, Colonel Dickenson was asked by counsel for the men, Mr T W Beckerling, whether any progress had been made in an investigation into the events of April 22 last year. Mr Beckerling said that township residents alleged that policemen had attacked activists on that night.

Colonel Dickenson said that, when he had last inquired about the investigation, the investigating officer said he had made no progress.

RECORDS READ OUT

Mr Beckerling read out to the court a number of entries from records kept by the operational room at Alexandra police station during April last year.

One entry, made on the evening of April

22, reported that black policemen from the Alexandra police barracks planned to march in the township because one of their number had been robbed.

In a later entry that evening, a policeman in a vehicle reported that a crowd of about 70 to 88 "possible black policemen" were in Seventh Avenue, Alexandra. He reported that about 60 shots were fired.

Later entries reported that houses were burnt and cars set alight.

Mr Beckerling asked the colonel if he knew who Mr John Andrew Grant was. He replied that he "had heard the name". Mr Beckerling said he was one of the people whose house was burnt that night and he was also chairman of the Alexandra Civic Association.

The hearing continues

Prosecution, defence agree — brigadier is a liar

CAPC TAKES 251
9/9/87
DB

By SHAUNA WESTCOTT
Supreme Court Reporter

PROSECUTION and defence counsel in the murder trial of two policemen are agreed on one thing — that Brigadier Martinus Mans, former Bellville District Commandant, is a liar

This emerged during argument yesterday in the trial of 36-year-old Warrant Officer Paulus Kruger of Bellville and 27-year-old Constable Ernest Villet of Elsie's River

Both have pleaded not guilty to murder and three charges of attempted murder after earlier entering a special plea that they were indemnified from prosecution by one of the emergency regulations in force in 36 magisterial districts on August 29, 1985 — the day 21-year-old Miss Sarah van Wyk was shot dead

The state alleges that the two policemen emerged from a hiding place on the corner of Industry Road and Armada Crescent in Bellville South and fired shotguns seven times at a fleeing crowd. Miss Van Wyk was killed and three other people, two of them schoolgirls, were wounded

Both defence counsel were scathing about Brigadier Mans — a colonel at the time — in argument yesterday. Mr A H Veldhuizen, for W/O Kruger, said

the brigadier's evidence was "incredible" and could not be relied on, while Mr D Uijts listed "a brigadier who tells lies" as one of the reasons for "an uneasy feeling that not all the facts are before court"

Deputy Attorney-General Mr H G Klem SC named both Brigadier Mans and Captain Ockert van Schalkwyk — former Bellville riot squad chief — as part of a "large-scale cover-up action" that had complicated the prosecution's task.

Mr Veldhuizen said the brigadier had been unable to explain why he had signed a report about the shootings he admitted was false "To hit the nail on the head," Mr Veldhuizen said, "why does a man make a false statement? It's either to protect himself or to prejudice someone else"

Mr Veldhuizen said the two accused fired on the crowd "to bring home to trouble-makers that from now on they would not know where the police were — just like the Trojan Horse case"

"It was to bring home to them that if they create unrest they will feel it on their bodies"

Judgment will be given on Tuesday, September 15

Mr Justice C T Howie presided with Mr A J van Niekerk and Mr J P van Niekerk as assessors. Deputy A-G Mr H G Klem SC appeared for the State with Mr W Downer. Mr D Uijts, instructed by Keith Hamblin and Co, appeared for Constable Villet. Mr A H Veldhuizen, instructed by the state attorney, appeared for W/O Kruger

Cop on charges after shooting

Staff Reporter

A POLICEMAN, described by a Supreme Court judge as having "little regard for the sanctity of human life", is to be charged, in a sequel to the death of Mr Ebrahim Carelse, who was shot during unrest in Salt River in 1985.

In a previous civil hearing, in which Mr Carelse's wife, Juwaya, claimed R51 975 from the Minister of Law and Order, it was said that Mr Carelse, a father of three, was shot in the head at point-blank range.

The Attorney-General, Mr Neil Roussouw, confirmed yesterday that his office had authorized the prosecution of Lieutenant John Baird.

Lt Baird is now station commander of the Jeffrey's Bay police station.

He would face charges of murder, alternatively culpable homicide, it was reported yesterday.

The acting senior prosecutor at the Cape Town magistrate's court, Mr Selwyn Schrock, said yesterday the A-G had "issued certain instructions in connection with Lt Baird".

An inquest magistrate found in June this year that culpable homicide was committed when Lt Baird shot Mr Carelse.

Lawyer tells of police station 'exercises'

1-17/9/87
W/124

WHAT Durban attorney Linda Zama allegedly saw in the KwaMashu police station one night last week led her to wake a Supreme Court judge and seek an urgent interdict halting "assault".

In her late-night application, Zama said she had been called by residents in Section D of the township who claimed their children had been arrested by SA Police at the Nhlakanipho High School, KwaMashu, last Wednesday.

Zama said she and two of the relatives of the missing children were walking through the police station

WEEKLY MAIL REPORTER,
Durban W/124

when they heard voices

"The relatives and I went there and saw a group of male students moving up and down in a semi-squatting position and being made to keep their arms out in front of them

"It was a cold evening, but sweat was trickling down their faces and one could tell that the students had been exercising a long time," Zama said

In her interdict, Zama identified the armed police in the room as SAP re-

servists, rather than Kwazulu Police even though the station had been taken over by the KwaZulu authorities three months ago

The interdict was brought against the South African Minister of Law and Order as well as the KwaZulu Commissioner of Police and the local station commander

According to Zama, the KwaZulu station commander has said he did not know what the SAP was doing in his own station

The three respondents to the interdict have until October 16 to respond
— Concord News

Constable shot dead after an ^{slow} argument 14/9/87 argument

By Montshiwa Moroke

A police constable stationed at Lenasia was shot and killed after an argument with a colleague at the Jabulani police barracks in Soweto yesterday. Major Fanyana Zwane, police spokesman said today.

The two policemen apparently had an argument over a woman at about 4.40 pm. One of the men was stabbed in the head, neck and shoulder.

The injured policeman reported the incident at the charge office and when he returned to the barracks, he apparently took out his service Barretta pistol. Two shots were fired and the other policeman was killed instantly.

In another incident a 36-year-old man of 575 Meadowlands Hostel was shot dead in his room by an unknown person. He has been identified as Mr Nathi Mazibuko.

FACTION FIGHTING

"We suspect this to be a case of faction fighting," Major Zwane said.

Nine cars were reported stolen in Soweto this weekend. Seven men were arrested in three stolen vehicles and six vehicles were recovered while 18 others suspected of being stolen were also recovered.

Other incidents reported were eight robberies, 11 rape cases, 11 thefts and nine burglaries.

Eight people were arrested for dealing in liquor without a license, and 99 dozen bottles of beer, 24 dozen dumpies, and 39 small bottles of liquor were confiscated.

Sixteen people were arrested for being in possession and dealing in 3,318 kg of dagga and 130 Mandrax tablets.

Tractor death: Detective convicted

ARGUS 14/9/87 (4) 251
Court Reporter

A BRACKENFELL detective was convicted in the Wynberg Regional Court today of culpable homicide following the death of a farm labourer he dragged behind a tractor in November last year.

Detective-Sergeant Gert Johannes Jacobs, 31, was found guilty of causing the death of Mr Dawid Morris.

Mr Morris died in Tygerberg Hospital after receiving multiple injuries, which included a damaged heart, lacerated liver and ruptured colon.

Jacobs has been suspended from the police.

ATTACKED WITH PANGA

Jacobs was acquitted on a charge of assault with intent to do grievous bodily harm to Mr Johannes Alkaster.

Co-accused Sergeant Hermias Cornelius Rossouw, 35, of Herte Street, Kraaifontein, was acquitted on both charges.

The court heard that Jacobs and Sergeant Rossouw were investigating

a fight between a group of squatters and farm labourers on Rotterdam Farm, near Kuils River, when Jacobs was allegedly attacked by Mr Morris with a panga.

Jacobs believed Mr Morris planned to kill him and tried to arrest him. He tied Mr Morris's feet to a tractor's towbar and drove towards the farmhouse to call the Kuils River police.

He told the court he had not heard Mr Morris fall off the tractor or Sergeant Rossouw shouting at him.

WOUNDED THREE TIMES

Today, in mitigation, Mr H Trisos told the court that Jacobs was the father of two children and his second wife was pregnant. Mr Trisos said he had already suffered severe financial loss after having been suspended from the police force.

Mr Trisos submitted that the circumstances surrounding the incident were of such a nature as to constitute provocation against the accused and asked the court to take into account the type of person he was.

"He was not the sort of person who looked for trouble and I submit that circumstances dictated the events that led him to where he stands today," said Mr Trisos.

Jacobs, who was a first offender, had been wounded three times in the course of his police duties, he added.

Jacobs told the court Mr Morris attacked him "like a madman or someone under the influence or something".

"Blows with my stick and fists seemed to have no effect on him. He kept coming at me, shouting that he would kill me."

"He refused to stand on the tractor to be transported. I was too tired to carry him after the fight when I arrested him," Jacobs said.

Both the accused denied having assaulted Mr Alkaster and breaking his arm with a "heavy, blunt weapon".

The hearing was postponed to Friday for sentence.

Mr J C L Botha was on the Bench, Mr J Loots appeared for the State.

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R312 000

KTC damages hearing today

By MICHAEL DOMAN
Supreme Court Reporter

A DAMAGES claim against the Minister of Law and Order for R312 000 which is expected to deal with alleged police complicity in the destruction of thousands of homes in the KTC squatter camp starts in the Supreme Court today.

Plaintiffs against the Minister are 21 KTC residents and the Methodist Church in Africa, represented by the Rev Abraham Leshoeli, the president of the Conference of the Methodist Church in South Africa

Their claims arise out of attacks on KTC by people allegedly from Crossroads known as "witdoeke" on June 9, 10 and 11 last year, during which their houses and a church were destroyed

The action is based on the allegation that the South African Police caused the destruction of between 60 and 70 percent of KTC dwellings by either participating in the attacks or by failing to take steps to prevent them in circumstances when they could and should have done so.

The Minister has denied the allegations against the police

Scale model

A scale model of greater Crossroads will be used as an aid in the trial.

The presiding judge, Mr Justice de Kock, is expected to carry out an inspection in loco this afternoon

A spokesman for the Legal Resources Centre, acting for the plaintiffs, said they planned to call about 100 witnesses and expected the Minister to at least equal that number

He the trial was expected to carry on well into 1988

Claims involving more than 3 000 other KTC households destroyed in June last year await the outcome of the present case, by agreement between the plaintiffs' attorneys and the State Attorney, representing the Minister of Law and Order

The compensation claimed in these actions is about R5-million.

Running parallel to the damages claim is an application by the plaintiffs to have evidence heard on commission in London from former Agence France Presse photographer Mr David Hartman.

In an affidavit, attorney Mr Matthew Walton of the Legal Resources Centre said Mr Hartman, who was liable to perform military service in South Africa, had been granted "religious objector" status, but was not prepared to perform the obligatory six years' service in a designated government department

"Mr Hartman has told me he is quite prepared to give evidence relating to this matter anywhere outside South Africa," Mr Walton said

In opposing the application the Minister's legal representatives said it would be impossible to send all 250 policemen who were on duty in the area to London for this evidence

The presence of the policemen would be necessary to instruct counsel on the cross-examination of Mr Hartman, a representative of the State Attorney's office said in an affidavit

Mr Edmund Booth, of the State Attorney's office, added that if the court granted the application the opinion of the Minister's legal team was that evidence on commission should be heard before the trial started in the Supreme Court

R312 000

9th trials 15/9/87

KTC 'test case' today

By SHAUNA WESTCOTT
Supreme Court Reporter

A R312 000 damages action against the Minister of Law and Order, which turns on the police role in the destruction of most of KTC squatter camp last year, begins in the Supreme Court today.

The case involves the Methodist Church in Africa, which lost a church building, and 21 families who lost their homes during a "witdoek" attack between June 9 and 11.

More than 3 000 other damages actions against the minister — arising from the destruction of KTC and the earlier razing of the three satellite camps of Portland Cement, Nyanga Bush and Nyanga Extension — are pending in both the Supreme Court and magistrate's courts, with claims totalling more than R5 million.

Attorneys for the minister and for the plaintiffs have agreed that the 3 198 other suits — which involve whole families, not individuals — will await the outcome of the hearing which begins today.

Witdoek rampage

At the heart of all these court actions is the allegation that police actively helped witdoeke damage and destroy the homes and belongings of the people living in KTC and the other three areas.

At the very least, it is alleged, police unlawfully failed to take steps to prevent the witdoek rampage that resulted in an estimated 60 000 people losing their homes.

One of the grounds for this allegation is that after the three satellite camps were destroyed between May 17 and 22, leaders of KTC and the destroyed camps brought an urgent application to the Supreme Court for an order compelling police, soldiers and witdoeke to refrain from attacking KTC.

A temporary interdict was granted on May 26 by Mr Justice C T Howie, which further ordered the Minister of Law and Order and the Minister of Defence to take all reasonable steps to ensure that KTC was protected from harm.

Despite this, KTC was attacked and largely destroyed two weeks later.

Thus, it is claimed, not only did police have warning of the impending destruction which they failed to prevent, they also failed to obey a court order.

When the KTC suit came before court for the second time last year, as temporary orders must do, the judge, confronted by two conflicting versions of events, ordered a full trial where evidence of witnesses could be heard and tested in cross-examination.

Minutes before the trial was due to start on August 8, an affidavit from the Minister of Law and Order was handed in saying he did not wish to contest the matter any further and consenting to pay costs.

Separate summons

Within days, representatives of the destroyed squatter communities, who felt cheated of a chance to state their case in open court, instructed the Legal Resources Centre to launch civil actions for damages against the minister.

Today's case is the first of these. It follows an immense battle against time, since a separate summons against the minister had to be issued within six months by each of a possible 60 000 plaintiffs.

The Institute of Criminology at the University of Cape Town offered to help and volunteers using mobile legal clinics collected about 3 300 statements, wrote the same number of letters of demand and then summonses before time ran out.

It is expected that this test case could last well into next year, with each side calling more than 100 witnesses.

Policeman guilty of farmhand's death

CAPE TOWN 15/9/87 (251)

Court Reporter

SENTENCE will be passed on Friday on a police detective convicted in Wynberg Regional Court yesterday of culpable homicide.

Detective Sergeant Gert Johannes Jacobs, 30, of Rusthof Farm, Kuils River, who was temporarily suspended from the police force pending the outcome of the hearing, had pleaded not guilty to culpable homicide.

He was convicted of causing the death of Mr Dawid Morris, 35, on November 1 last year by tying him to the back of a tractor and dragging him on the ground. Mr Morris died after receiving multiple injuries.

Jacobs was acquitted of assaulting Mr Johannes Alkaster with intent to do grievous bodily harm. Co-accused Sergeant Hermias Rossouw, 35, of Herte Street, Kraaifontein, was acquitted on both charges.

The magistrate, Mr J C L Botha, said there was no evidence that Sergeant Rossouw had committed an offence.

In a statement handed in to the court, Sergeant Rossouw said he and Jacobs had gone to the farm Rotter-

dam to investigate "trouble".

He saw a man stealthily approach Jacobs with a panga and he had "floored" him.

Jacobs then grabbed the man and took the panga away from him.

"The youngster (jong) was lying on the ground and when I told him to get up, he said he would try."

Jacobs came back with a tractor and tied Mr Morris's legs to it with a rope. Sergeant Rossouw climbed on to the tractor and when he noticed the rope trailing, realized Mr Morris was no longer tied to the tractor.

In previous evidence, both policemen said Mr Morris was tied to the tow bar in "a sitting position" to be transported, but had fallen off.

In mitigation of sentence, Mr H Trisos, for Jacobs, said he was a father of two and his second wife was pregnant with a third child.

The prosecutor, Mr J Loots, said that judging from the photographs which formed part of the court record, it appeared that Mr Morris had been very badly assaulted.

He said Jacobs was a police official who was supposed to set an example.

Mr Trisos appeared for both policemen

CAPE TOWN 15/9/87

Cops should stick to traffic control — chief

Municipal Reporter

CAPE TOWN'S new traffic manager, Mr Wouter Smit, said yesterday that the primary function of traffic officers was to provide for the safety of road users.

He was commenting on contrary statements by the Minister of Law and Order, Mr Adriaan Vlok, and Independent MP Mr Jan van Eck.

Mr Vlok told traffic police at a conference last week that they should be "drawn more closely into the ambit of our total counter-revolutionary strategy and planning".



Mr Wouter Smit

Mr Van Eck responded in a statement that "this dangerous proposal should be rejected out of hand".

It had been difficult over the past two years in the Western Cape to ensure that the traffic police remained uninvolved in the conflict in order that their lives were not endangered and to fulfil their role of keeping death off the roads, Mr Jan van Eck said.

Mr Smit yesterday said he did not wish to take sides in a dispute. He said traffic police had a role to fulfil in conflict, but that role was to safeguard the movement of traffic.

"People get fired up about other kinds of deaths, but deaths through traffic accidents are unfortunately more socially acceptable. We are concerned about this perception. On average, 25 people a day die on the roads in South Africa."

The function of traffic officers was to save lives, he added.

Cape Times 16/9/87 251 218

Officers may be charged

By RENEE MOODIE

POLICE are investigating charges of perjury and defeating the ends of justice against Brigadier Martinus Mans, former Bellville district commandant, and Captain Ockert van Schalkwyk, former Bellville riot squad commander, following their evidence in the Supreme Court murder trial of two policemen.

The two policemen, Warrant Officer Paulus Krüger and Constable Ernest Villet, were acquitted yesterday on charges of murder and attempted murder after the shooting of Bellville South residents in August 1985.

A police statement yesterday said the Commissioner of the South African Police, General H G de Witt, had taken cognizance of the evidence given by the two men in the case and had ordered "as a matter of urgency" the investigation of charges of defeating the ends of justice and perjury.

"These investigations are already in an advanced stage. On completion the case dockets will be submitted to the Attorney General in Cape Town for a decision," he said.

The two officers, who were in command of W/O Kruger and Constable Villet, were summoned to give evidence in the murder trial by Mr Justice C T Howie, who said it was in the interests of justice that they be called as witnesses.

Mr Justice Howie found yesterday that parts of the evidence of Captain Van Schalkwyk had been untrue and it emerged during evidence that Brigadier Mans signed a false report knowing it could be used by the minister to answer questions in Parliament.

Captain Van Schalkwyk was recently replaced as head of the Bellville unrest unit after being rebuked by two Supreme Court judges.

● Police cleared of killings — Page 3

ent on Page 14

Sergeant pointed gun at journalists, court is told

By YVETTE VAN BREDA
Court Reporter

A POLICE sergeant cocked his gun in the presence of reporters he had arrested at the funeral of ANC member Mr Ashley Kriel after he had told them: "I only warn once", a Cape Town magistrate was told yesterday.

This was said at the trial of World Television News cameraman Mr Craig Matthew, 29, of Camp Street, Gardens, who pleaded not guilty to obstructing a policeman, Sergeant Ignatius Rademeyer, in the course of his duties.

Sergeant Rademeyer said he was present at the July 18 funeral of Mr Kriel — shot dead by police — to see that only the stipulated 800 people attended and that no one carried cameras. He said he noticed three people, who had "obviously" come in through another gate, running towards the grave. He had stopped them and while he was questioning them, Mr Matthew interrupted him. He said he was unaware that Mr Matthew was acquainted with the three men.

Cape Times reporter

Cross-examined by Mr P Gamble, for Mr Matthew, Sergeant Rademeyer agreed that in the government proclamation concerning the funeral, there was no mention of an official entrance or that cameras were banned.

Mr Gamble said one of the men, Cape Times reporter Mr André Koopman, would say that Sergeant Rademeyer's manner was threatening and he had told them several times they were under arrest.

Mr Gamble said Mr Koopman would also say Sergeant Rademeyer had cocked his gun in their presence and walked behind them with the weapon pointed at them. He lined them up against a wall saying: "I only warn once."

Asked whether he had made threatening gestures with his shotgun while speaking to the three men, Sergeant Rademeyer said he had been making sure there were no shells in the breach.

He said Mr Matthew had objected strongly to being arrested and had tried to get away.

The hearing will continue on September 30.

Mr J W Z Havenga was the magistrate Mr J Slabbert prosecuted Mr Gamble was instructed by Ms A Durbach

'Systematic plan' to destroy KTC

Cape Times 16/9/87 (307) 2510

By SHAUNA WESTCOTT
Supreme Court Reporter

THE Methodist Church and the 21 families who lost their homes when most of KTC was burned down last year believe the destruction was part of "a systematic plan", the Supreme Court heard yesterday.

This was said by Mr Sam Aaron SC in his opening address to a packed court on the first day of a R312 000 "test case" against the Minister of Law and Order

It is a "test case" in the sense that the R5-million outcome of more than 3 000 similar suits against the minister — arising from the destruction of KTC and the earlier destruction of the three satellite camps of Nyanga Bush, Nyanga Extension and Portland Cement — may depend on it

The minister is being sued because, it is alleged, police helped witdoeke destroy the homes of the estimated 60 000 people involved by

- Planning the attacks,
- Protecting and escorting witdoeke before, during and after their violent forays,
- Providing transport and other logistical support,
- Preventing camp residents from protecting their property by firing on them with teargas and ammunition,

- Setting fire to dwellings,
 - Permitting looting and burning of the property of residents
- "The question may be asked," Mr Aaron said, "why police should have acted in the manner alleged"

He said it was not necessary for the plaintiffs to prove any motive "but if motive were necessary we submit it may be found in the general policy which underlay the development and control of the area at the time"

There were three groups of protagonists — the administration, the committee of Old Crossroads led by Mr Johnson Ngxobongwana and the police

Clear the camps

The administration "wanted very much to clear the satellite camps and KTC and to re-develop the area" The Old Crossroads committee were "very anxious to be able to control the area and have the right to allocate houses and found it convenient to ally themselves with this policy" The police helped the administration implement it

"The plaintiffs believe there was a systematic plan," Mr Aaron said

He "outlined in broad terms" the main events of the three days in which most of KTC was destroyed, beginning with the massing of a large group of witdoeke

at Site C in Khayelitsha on the evening of Sunday, June 8

The attacks began on Monday, June 9 — the date on which the Minister of Law and Order, the Minister of Defence, witdoek leaders and others had to file opposing affidavits in an urgent application for an order protecting KTC from the destruction suffered two weeks earlier by the three satellite camps

A force of police, with a large number of police vehicles including Casspirs and vans, were present from early on that morning and throughout the three days

Events had a pattern, Mr Aaron said "Witdoeke advanced unhindered — to the contrary, escorted and led on some occasions — by police after police had used teargas and shots to disperse KTC residents attempting to protect their property"

Some 100 witnesses — including KTC residents, clergy, media representatives, medical people and attorneys — would give detailed evidence on this, he said

The court adjourned at lunch time yesterday for an inspection in loco and will view a police video this morning

The trial proper resumes tomorrow

Mr Justice M R de Kock presided Mr A on appeared with Mr P Pretorius and Mr Omar and was instructed by the Legal sources Centre Mr G D Griessel SC and J Visser SC, with Mr F D J Brand and Mr Louw and instructed by the State Atto appeared for the minister

'Ek donner jou kaffer!' — police major on video

251
251

By SHAUNA WESTCOTT
Supreme Court Reporter

VIDEO footage showing the deputy chief of the local riot squad saying "Ek donner jou kaffer!" to a young KTC resident about two hours before the torching of KTC began, was shown in the Supreme Court yesterday.

The footage was on one of three videos "discovered" to counsel for the 22 plaintiffs — 21 residents who lost their homes in last year's destruction of KTC and the Methodist Church — by counsel for the Minister of Law and

Order, who is being sued for damages of R312 000

The footage showed Major Dolf Odendaal getting out of a police van, aggressively exchanging words with the Rev Syd Luckett, getting back into the van and then bursting out of it again with hands raised to advance on a young man as he said "Ek donner jou kaffer!"

This segment of the video was replayed for the benefit of the Bench who "didn't hear" what Major Odendaal said.

It then emerged that this and other portions of the video were filmed by TV cameraman Mr

James "Jim" Mathews, the first of a possible 200 witnesses to be called.

Mr Mathews, who works for the largest TV news agency in the world, Visnews, told the court he had no idea how whoever put the video together had got hold of his film.

He said he and other TV newsmen sent news film to their agencies by using the SABC microwave facility in Sea Point, to transmit footage to Johannesburg, from where it was transmitted overseas via satellite. The SABC was the only organization

with these facilities, he said.

The original film was then shipped to the Visnews library.

Mr Mathews, who pointed out pieces of film shot by him from among other material on the video, said "It seems that a very crude attempt was made to blot over or erase some of my pictures by dubbing over them with those aerial shots and bits of news broadcast material."

He said the "aerial shots" and bits of news broadcast had been dubbed over footage he took of houses being set alight along Dune Road in KTC.

Mr Mathews, who was in the witness box most of the day, said he was "a bit confused" at the time to see police, "who were very close" to the widoëke, taking no action to stop them from advancing on KTC and setting the Zolani Centre, cars and houses alight.

He said widoëke knocked a young KTC resident to the ground and beat him with sticks and iron bars — "and I have no doubt that he was in fact killed" — 10 to 20 metres from a police Casspir, from which no action was taken. However, when a man emerged

from KTC firing a gun Mr Mathews later learned was an AK-47, police Casspir swiftly moved on him, putting him to flight. "Was he a white man?" the Bench inquired.

"A black man," Mr Mathews replied.

Mr Mathews said Mr Freeth was arrested when he refused leave.

The hearing continues.

Mr Justice M R de Kock presided. Mr S Aaron with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for plaintiffs. Mr G D Gressel SC and Mr I Visser with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney appeared for the Minister.

one links 16/9/87

Judge overruled in acquittal of policemen

(251)
~~251~~

By RENEE MOODIE

TWO assessors yesterday overruled a Supreme Court judge in acquitting two policemen of the murder and attempted murder of Bellville South residents in August 1985

Warrant Officer Paulus Kruger, 36, of Bellville, and Constable Ernest Villet, 27, of Elsie's River, pleaded not guilty to a charge of murdering Miss Sarah van Wyk, 21, and attempting to murder three other residents in Bellville South

Mr Justice C T Howie said yesterday that he would have found Warrant Officer Kruger guilty on all charges and Constable Villet guilty on the three attempted murder charges, but he had to acquit the two men in the light of the majority opinion of assessors Mr A J van Niekerk and Mr J van Niekerk

Their opinion had been that the nucleus of the argument in finding the two policemen guilty or not was in the nature of the orders given to them and the way in which they carried them out

Earlier evidence was that the two men hid on the corner of Industry Road and Armada Crescent and fired shotguns seven times at a fleeing crowd. They had been ordered by former Bellville riot squad commander Captain Ockert van Schalkwyk to hide in a garden

Warrant Officer Kruger told the court he had been told by Brigadier Martinus Mans, former Bellville district commandant — who was also on the scene on the day of the incident, to "eliminate" those who acted against the police

Mr Justice Howie said a defence argument that the two policemen were indemnified by the state of emergency at the time was not applicable

The assessors found that the orders given to the policemen had to be seen in the context of the events of the day when there was serious unrest in Bellville, that for practical reasons no discretion could be given to the two men in carrying out the order and that congratulations to them by Brigadier Mans after the shooting showed they had carried out their orders successfully

Mr Justice Howie said that the killing of one's fellow man was always unlawful and the carrying of a gun a serious responsibility

"The police try to enforce law and order but in this case they were not shooting at people who were carrying out crimes but at a group of people, some of whom had announced criminal intentions. They could not tell which were those people," he said

While the shooting could not be seen in isolation, this did not justify the shooting. He said the two policemen had been ordered to wound people with deadly weapons and that this was not a lawful order

"In unusual circumstances, subordinates should weigh orders given to them, specially where the shooting of other people is involved," he said

Mr H Klem SC, assisted by Mr W Downer, appeared for the state. Mr D Uys, instructed by Keith Hamblin and Co, appeared for Constable Villet and Mr A Veldhuizen SC, for W/O Kruger, was instructed by the State Attorney

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New cycle of violence as Zulu police take over

South

251
17-23/9/87



Some of the Kwazulu police at the Amatigulu Youth Camp where they receive their training

DURBAN — A new cycle of violence and intimidation has erupted in some Natal townships since the takeover three months ago of major police stations by the Kwazulu homeland

Kwazulu's Chief Gatsha Buthelezi has ordered an investigation into allegations of a "comrade" being sjambokked until he lost consciousness

At the receiving end of the violence are anti-apartheid activists who want to have nothing to do with Inkatha, the Zulu "cultural liberation movement" led by Buthelezi

In this cycle of violence seen by the UDF activists as an attempt to wipe out the movement in the region, scores of youths and residents have been assaulted

Recently a youth from Durban's Umlazi township was severely assaulted, allegedly by homeland policemen, and is now walking with difficulty

Bhekisisa Mzizi 17, said he was walking home when a yellow van approached him

"I was accused of being a comrade. But before I could deny the charges, I was thrown into the back of the van," Mzizi said.

Open weals

"I was taken to a golf course where I was sjambokked. They wanted to know the whereabouts of comrades," he said

He was beaten until he lost consciousness. Mzizi, whose body is full of criss-crossed open weals, landed up at the Prince Mshyeni Hospital

The Chief Minister of Kwazulu, in his capacity as the Minister of Police, told newspapers that he ordered an investigation into the incident. The homeland's Commissioner of Police, Brigadier Andries Laas, said the matter was under investigation

Residents claim many other assaults have gone without investigation, despite charges being laid

Kwazulu's police force are presently facing claims of R78 000 from 13 Umlazi residents who allege that they were assaulted on the eve of June 16

On this year's June 16 anniversary, Zulu police were working alongside the South African Police against demonstrators and workers planning stayaways to commemorate the day

The Legal Resources Centre here has brought more than 40 claims against Zulu police, all of which Laas said were still under investigation

In another incident three weeks after the takeover of police stations by the homeland, the Legal Resources Centre and the Progressive Federal Party's Unrest Monitoring Group collected more than 20 interviews from people

Buthelezi orders inquiry after boy is sjambokked



Bhekisisa Mzizi, the Umlazi youth who was assaulted by Kwazulu police who wanted him to reveal the hideout of comrades

who claimed to have been assaulted by Zulu police

Mr Peter Rutch, of the LRC, told newspapers that his office had been inundated by people seeking advice on how to lay charges against the Zulu police and sue for damages from the Minister of Police

In an affidavit a young male nurse at Shifa Hospital said he walked to KwaMashu police station with fresh weals on his body to lay charges

against policemen who had assaulted him. He claimed he was further assaulted at the police station and discouraged from laying charges

Laas said this matter had not been brought to his attention

"I am totally unaware of the situation. We have been in the dark at Umlazi for the past few days as telephones were out of order because of bad weather. We have been out of touch with our people in the town-

ships," he told a reporter

In the Maritzburg Supreme Court Zulu police and Inkatha are facing damages amounting to R154 550 arising out of the alleged attacks on people at Mpophomeni, near Howick, by members of Inkatha

Twelve people are suing Inkatha, its national organiser, Joseph Mabaso, and the Kwazulu Minister of Police for damages caused by the death of a member of the National Union of Metal Workers of South Africa (Numsa), Mr Alpheus Nkabunde, and injuries suffered by others

Attack at meeting

It is claimed in papers before the court that if Kwazulu policemen, Mabaso and other employees and office bearers of Inkatha, who were present at the meeting where the attack was planned, were not party to the agreement or attacks, they negligently failed in their duty to prevent the attack when they could have done so

According to the 1986 Kwazulu Police Annual report, 14 claims totalling R172 102 were instituted against Zulu Police and R18 551 was paid out last year. In 1985 ten claims amounting to R123 322 were made, but only R4 700 was paid. In 1984 14 claims totalling R310 319 were made with only R18 551 being paid

The report did not detail these claims

Kwazulu police were deployed in the Natal townships in June this year after a successful deal between the Pretoria government and Buthelezi to hand over police stations to the latter

Earlier this year, Buthelezi, speaking during the visit of the South African Minister of Law and Order Mr Adrian Vlok, to the homeland's headquarters in Ulundi, said there was a need for the homeland to eradicate the kind of brutality that was "inherent in intimidatory politics"

And in the Kwazulu Assembly, Buthelezi said that he was committed to achieving a lasting peace in which the police force could become "the truest friend of the people"

He said he expected his police force to rise above party politics. This has been strongly disputed by political activists who point out that the Deputy Commissioner of Police in Kwazulu Brigadier Spho Mathe, is a member of Inkatha's Central Committee, a political decision making organ

Kwazulu police draws its recruits from Inkatha Youth Brigade and arrangements are being made to turn Youth Brigade's camps at Amatigulu into training camps

More police stations are to be handed over to the Kwazulu government this year — Concord News Agency

Two policemen, accused of murder, were acquitted in the Supreme Court this week because the Judge's Assessors overruled the Judge. Staff Reporter JEREMY DOWSON spoke to legal experts to gauge their opinions of the judgment

Overruling the Judge: It's a 'matter of law'

AK645 17/9/87

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NOT unprecedented — but pretty unusual.

This was the general response of legal experts to the situation in the Cape Town Supreme Court this week in which a judge's decision was effectively overruled by that of his two legal "helpers" or assessors.

The judge, Mr Justice Howie, said that on the evidence before the court he would have convicted a policeman of murder and attempted murder — and another of attempted murder — on charges stemming from the death of a young woman and the injury of three others in Bellville South in 1985

However, his two assessors disagreed, he said. They believed the State had not proved its case "beyond all reasonable doubt".

Mr Justice Howie said he believed the order of the policemen's superior, Captain Ockert van Schalkwyk, to shoot ringleaders or those taking part in unrest was so unlawful that a "reasonable man" would not have felt duty-bound to carry it out.

The assessors, retired magistrate Mr A J van Niekerk and retired advocate

Mr J P van Niekerk, believed on the other hand that property had been in danger and that "drastic action" had been called for

They believed the captain's order would not have been questioned by a junior

The two accused, Warrant Officer Paulus Kruger and Constable Ernest Villet, are now free men.

The Argus asked a number of lawyers to explain the role of assessors in the South African legal system for the benefit of a possibly puzzled public

They said assessors were selected by the judges themselves, usually from a list of people with a legal background who had made themselves available

Lists were kept in each division of the Supreme Court

Assessors tended to be people "of senior years", as one lawyer put it, with more spare time on their hands than legal practitioners in full-time employment

Qualifications

Like magistrates, they did not have to have any formal legal qualifications. Where a judge deemed it necessary, an assessor from another professional field — such as medicine — could be invited to participate in a trial

One or two assessors could be invited to take part.

An assessor's task, a senior advocate said, was similar to that of members of the jury in British and American courts.

"They assist the judge with findings of fact. In this they have an equal say to the judge. In matters of law, how-



ever, the judge makes his own decisions"

He could recall only one other case in which two assessors had reached a finding which differed from that of the judge

Commented another advocate "This doesn't occur often at all"

"In fact, the last time I can remember it happening was in a trial I was involved in myself in the 1950s"

Legal academics spoken to after the verdict was given were still doing their own assessment of the implications

One said it appeared that the assessors' decision could arguably have gone beyond the bounds of "matters of fact"

He said the judgment could raise legal questions about whether actions taken under orders — whether lawful or not — were implicitly lawful actions

However, he would have to study the court records before commenting fully

The director of the University of Cape Town's Institute of Criminology, Professor Dirk van Zyl Smit, did not

wish to be drawn on the specifics of the judgment other than to say it was "extremely interesting"

Asked what the distinction was between matters of fact and matters of law, he said "The question of whether a question is a matter of fact or of law is a matter of law"

Professor Dennis Davis of the UCT law department said the reason legal disagreements between judges and assessors were so unusual was that assessors were chosen for their knowledge of the law and were therefore likely to be "heavily influenced" by the judge — "perhaps more so than the jury systems of the United States and Britain"

"In the US and Britain, juries often go the other way"

Black Assessors?

The judgment brought home the need for the South African legal system to be amended to allow black assessors

"If we had black assessors, they might be able to perform the kind of function members of the jury do in other countries"

It was particularly important that in, for example, cases of a political nature, blacks were able to participate in assessment the way whites did at present

On the judgment itself, Professor Davis said it appeared the assessors had been influenced by their perception of the role of the police in "unrest" situations.

"They appear to have taken a sympathetic view towards the executive role of the police."



Miss Sarah van Wyk



Mrs Sarah van Wyk



Miss Monica Daniels

Parents of shot girl tell of emptiness, grief

CAPE TOWN 17/9/87

By RONNIE MORRIS

"IT is so long ago, but for me it seems like she died yesterday. This house is so empty without her."

This is how Mrs Sarah van Wyk responded after the acquittal of two policemen on a charge of murdering her 21-year-old daughter, Sarah, and the attempted murder of three other Bellville South residents in August 1985.

Mr Jakob August, Sarah's father, said: "She was our favourite and we suffered a great loss. Did she have to die that way? Why did the police not wound her or use a sjambok if she did something wrong?"

Mr August said Sarah had always brought her wages home, was very religious and had led an exemplary life.

Mr August said the family did not have it easy after Sarah's death and have just finished repaying a R2 000 loan for her burial. The family had paid instalments on a burial policy for many years but was told Sarah was no longer eligible after her 21st birthday.

Miss Belinda Cupido, whose daughter Crescenda, 16, lost her little finger

when police opened fire on a fleeing crowd, said the community could attest to the fact that her daughter was a religious person.

"My child suffered and I, as her mother, suffered with her. She still has pellets lodged in her neck which doctors told me cannot be removed. I will never forget what the police did to her."

Mrs Rosie Cupido, the grandmother of Monica Daniels, who lost her right arm in the incident, said she had raised Monica from a baby and depended on her to take care of her in her old age.

There are still shotgun pellets lodged in various parts of Monica's body and she receives a government disability grant of R142 a month. She also has an artificial arm, which she cannot use because of bad swelling and an open sore that will not heal.

Monica said she was always in great pain during cold spells and still suffered discomfort from the pellets in her body.

"I will not get my arm back — whatever happens," she said.

ALUMIX 2/7

Victims to sue for R250 000

By RENEE MOODIE

THE victims of police shootings in Bellville South in 1985 are to institute civil claims totalling more than R250 000 against the police following this week's Supreme Court acquittal of two of the policemen involved in the shootings

On Tuesday Warrant Officer Paulus Kruger and Constable Ernest Villet were acquitted by a majority decision of the assessors on charges of murder and attempted murder

Miss Sarah van Wyk, 21, died in the shooting and three others were hurt

A spokesman for the law firm representing the family of Miss Van Wyk and the other victims, E Moosa and Associates, said a number of civil actions had been instituted against the police for damages resulting from unlawful assault. The amount claimed was more than R250 000.

The Attorney-General of the Cape, Mr Niel Rossouw, said his office would as a matter of course investigate other possible charges once the office had received a copy of the judgment.

"On the basis that the majority decision has said that these people obeyed an order that was given by superior officers and that order may have led to an illegal act, one will have to follow that up," he said.

The Commissioner of Police announced this week that charges of perjury and defeating the ends of justice were being investigated against Brigadier Martinus Mans, former Bellville district commandant, and Captain Ockert van Schalkwyk, former Bellville riot squad commander, following their evidence in the case.

Evidence in the Supreme Court case was that the two officers were in command during the incident in Bellville South.

● Parents tell of grief —
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Bank gives
R50 000
to SAI
widows
orphans

Crime Reporter

THE First National Bank announced yesterday that it had donated R50 000 to the South African Police Widows and Orphans Fund as a token of appreciation for the police action during a robbery at their Mowbray branch on September 3

During the robbery, the leader of the gang shot dead a policeman and wounded a second policeman before he was shot dead several blocks from the scene

Speaking at a small function at police headquarters in Cape Town yesterday morning, Mr Brian Forbes, the acting manager of the bank at the time of the robbery, said the decision to make the donation had been taken the day after the robbers were foiled in their attempt to steal R57 000 cash

He said the donation would express the bank's appreciation for the action of the police and their excellent work in apprehending two of the three robbers

During the robbery, Constable Martin Cockrell was shot dead Reservist police constable Wayne Schluter was wounded in the chase The gang leader, Jabu Dube, was shot dead soon afterwards

Mr Jimmy McKenzie, First National's senior general manager, explained yesterday that the bank had been very distressed at the death of Constable Cockrell

He said it was felt that it was indiscreet to publicize details of this donation at the time of Constable Cockrell's unfortunate death



Police receive communion with the Biko mourners

Picture LOUISE FLANAGAN

18-24/9/87

On their knees to Biko: The Ciskei police

TWENTY armed police fell to their knees at a commemoration service for black consciousness leader Steve Biko

At the weekend police invaded the church in Zwelitsha, Ciskei, and refused to leave. Halfway through the service the major in charge knelt to pray and several policemen later received communion with the mourners

After the service policemen shook hands with the clergy and members of the Biko family.

Anglican Bishop David Russell, who was officiating, later said. "The new testament has a long history of jailers who have been converted into a new direction of life

"My impression is they were moved by the service and they probably wanted some means of conveying their Christianity.

However, if the invasion into the commemoration service for the black consciousness leader who died in detention 10 years ago passed off peacefully, those who tried to attend it weren't so lucky.

The Azanian Peoples' Organisation this week claimed Ciskei Police detained four of its executive members on Saturday and assaulted them. They were released on Monday.

Bishop Russel is confronted by a senior police official during the service. The official later took communion

Picture WALTER DHLADHLA, AFP

B-24/9/87

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W/MAIL

Twelve bullets in Nyoka, says post-mortem

TWELVE bullets were pumped into the body of Daveyton student leader Caiphus Nyoka, who was killed in his bedroom after police raided his home more than three weeks ago, according to a post-mortem examination report.

The fatal shot was fired into his forehead. Another bullet entered his neck, while six of the shots were lodged in his chest. Bullet wounds were also found on his right hand, right forearm and left elbow.

The post-mortem examination was conducted by an independent Cape Town pathologist, Dr L. Anstey, in

By THAMI MKHWANAZI

Johannesburg on September 2 — eight days after Nyoka, an executive member of the Transvaal Students' Congress, was slain in the early hours in the back room of his parents' Daveyton home.

He had been sharing the room with three other youths, who were allegedly ordered out of the room by police and made to lie face down outside on the ground where, they told *Weekly Mail*, they heard shots ringing out of the room.

According to the youths, who have

since sworn affidavits, police kicked open the door of the back room and entered, brandishing torches and asking which one of them was Nyoka. Nyoka, who was lying in his bed, identified himself.

The police then ordered them to leave the room immediately, and they complied, they said, leaving 23-year-old Nyoka behind.

According to Lt Olivier of the SA Police press liaison division, the matter is under investigation. Therefore the SAP cannot comment on the allegations made by the three youths.

Cape Town's
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(25)

'12 bullet wounds' in body of student

Own Correspondent

JOHANNESBURG — East Rand student leader Mr Caiphus Nyoka, who was shot dead by police last month, had 12 bullet wounds, according to a pathologist who examined the body

Mr Nyoka, 23, was shot in his room in Daveyton township by police

Cape Town pathologist Dr Len Anstey said in a report for the family that Mr Nyoka was shot once in the forehead and six times in the chest. The shot in the forehead probably killed him. Five other bullet wounds were found in other parts of his body

Dr Anstey found there were no bruises or lacerations

Police yesterday declined to comment on the report. The public relations directorate referred queries to answers given in Parliament by the Minister of Law and Order, Mr Adriaan Vlok

Mr Vlok had said that a service pistol had been used without a silencer. He would not elaborate

Mr Nyoka was killed when a contingent of police arrived at the family home early in the morning. Three youths who were sleeping in a room with him were ordered outside. One of them said in an affidavit that the only sounds they heard were of "sounds like firecrackers"

Neither Mr Nyoka's father Moses nor his brother Cornelius, who were sleeping in an adjacent room, heard any shots. Police have consistently denied, however, that a silenced pistol was used

Mr Nyoka, who had been detained previously, was president of the Mabuya High School Students' Representative Council and an active member of the UDF-affiliated Transvaal Students' Congress

~~Cape Times 18/9/87~~
Weaver
trial a
huge
cover-up
— PFP

Political Staff

THE prosecution of Mr Tony Weaver, deputy news editor of the Cape Times, on charges under the Police Act could not be considered as anything less than part of a huge cover-up, the Progressive Federal Party spokesman on law and order, Mr Tian van der Merwe, said yesterday

He said the acquittal of Mr Weaver had "enormous consequences for the government"

"Not only has Mr Weaver been subjected to a lengthy prosecution costing him tens of thousands of rand in legal expenses, but he has been vilified and insulted and his professional integrity has been called into question

"I have personally asked a number of questions of the Minister of Law and Order about the shooting of seven alleged ANC guerillas in Guguletu last year, the incident which was the subject of the charge against Mr Weaver

"After some questions had been put, the minister refused to answer any further as he 'was not prepared to be cross-examined on the issue'

'Lie to public'

"The charge against Mr Weaver can in the circumstances not be considered to be anything less than part of a massive cover-up and attempt to lie to the public about the events of March 10, 1986, in Guguletu, a cover-up which was arrogantly supported by the then Minister of Law and Order, whether knowingly or unknowingly, one does not know

"I only hope that the judgment of Magistrate Lemmer, which put Mr Weaver in the clear, will lead to further investigations so that the truth can be established," Mr Van der Merwe said

Newsman is acquitted

Mr. Times 18/9/82

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By YVETTE VAN BREDA
Court Reporter

THE deputy news editor of the Cape Times, Mr Tony Weaver, was acquitted yesterday on a charge of making false statements to the BBC about a shootout in which seven alleged ANC guerrillas had been shot dead by police.

The charge arose from an interview he had with the BBC's Africa Service on March 4 last year about the shootout at the intersection of NY1 and NY111, Guguletu, the day before.

Three charges relating to the printing of untrue matter were withdrawn at the beginning of the trial. In acquitting Mr Weaver on the fourth charge, the magistrate, Mr J M Lemmer, found Mr Weaver had reasonable grounds to believe that what he had told the BBC was true.

He said medical evidence contradicted evidence of the state witnesses and the court could not say for certain what the truth was.

'True feelings'

"Before the court acquits the accused I have to say that even if the court had found that the matter about the police was false, the accused clearly stated that he had reasonable grounds to believe what he had been told was true," Mr Lemmer said. There was no evidence to show Mr Weaver did not publish the "true feelings" of the parents of two of the deceased.

In his 90-minute judgment, Mr Lemmer summed up evidence since the trial started five months ago. The state had alleged that Mr Weaver unlawfully published untrue matter by claiming that:

- Some of the men had been "set up" by the police.
- Weapons were "planted" on certain men to create the impression that they were guerrillas and to justify the killings.
- Two of the men were shot in cold blood while either trying to surrender to the police or while lying injured on the ground.
- A policeman took a pistol from the belt of one of the men, kned him in the stomach and punched him to the ground.
- Another policeman mentioned that they should

Sequel to BBC report on city shooting

Mr Tony Weaver



shoot the man whereupon police fired three shots into him with a rifle.

Previous evidence was that Mr Julian Borigers of the BBC had telephoned Mr Weaver on March 3 for details of the shooting. He had given Mr Borigers the police version.

Mr Weaver explained that he had not relayed the report of another Cape Times reporter, Mr Chris Bateman, as the report had not been cleared for publication.

The following day Mr Weaver was assigned to interview families of the deceased. He and a colleague, Mr Andre Koopman, had done so. He believed that the families were genuinely bereaved. They told him the dead men were not interested in politics and were not ANC members.

On his return to the office, Mr Borigers contacted him for an update and later interviewed him "live" on the BBC. He had related the feelings of the family members and the versions of the eye-witnesses as reported by Mr Bateman.

He had stressed the emotional state of the family in the interview and said he had no proof that what they said was true. Mr Bateman told the court he had interviewed three eye-witnesses who lived in the Dairybelle hostel overlooking the scene. The report appeared on the front page of the Cape

Times the following day. He said he had no reason to believe that the three were unreliable witnesses and he had spoken to them in Zulu, a language he was fluent in.

One of them, Mr Bowers Vumazonke, said he saw a policeman shoot a man lying on the ground. Another, Mr Cecil Msutu, said he saw a policeman shoot a man with his hands raised. Mr General Sibaca said he saw a man approach a policeman with hands raised and the policeman removed a gun from the man's belt.

Another policeman then grabbed the man by the back of the neck, kicked him in the small of his back and pulled him down.

"A policeman stationed in NY1 shouted 'shoot him' and then the policeman shot him. He was pointing the gun downwards," Mr Sibaca said.

The driver of a bus loaded with disabled children, Mr Ronald Bening, said a man wearing what appeared to be a police uniform had shot a motionless man on the ground at "point-blank range".

Medical evidence

Forensic experts Dr Johan van der Spuy and Dr David Klatzow said six of seven killed were shot at "very close range".

Dr Van der Spuy said that on the medical evidence he found the accounts of three different sets of eye-witnesses to the killings of three of the men more credible than that of the police evidence.

The police evidence was that they had received information that a police vehicle which passed a certain corner in Guguletu between 7am and 7.30am every day, would be attacked.

One of the policemen involved in the shooting, Major C A J "Dolf" Odendaal, said he was told the alleged attackers would be transported in a stolen minibus. Certain policemen had driven a vehicle to the intersection and others were placed in strategic positions in the area.

He described how a hand-grenade was thrown at a patrol van and how police retaliated with gunfire. Various policemen described how they had fired at each of the seven victims in self-defence. They all denied planting weapons on the deceased.

Miss W van der Merwe prosecuted Mr J J Gaunlett, instructed by Findlay and Tait, appeared for Mr Weaver.

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'12 bullet wounds' in body of student

Own Correspondent

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Mr Vlok had said that a service pistol had been used without a silencer. He would not elaborate

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Neither Mr Nyoka's father Moses nor his brother Cornelius, who were sleeping in an adjacent room, heard any shots. Police have consistently denied, however, that a silenced pistol was used

Mr Nyoka, who had been detained previously, was president of the Mabuya High School Students' Representative Council and an active member of the UDF-affiliated Transvaal Students' Congress.

Witdoeke attack on KTC — police 'did nothing'

Supreme Court Reporter

POLICE in Casspirs, parked 5m to 10m away, did nothing to intervene when witdoeke damaged cars at the Zolani Centre and then set the building alight, the Supreme Court was told

Mr Jimi Matthews, a television cameraman, was giving evidence yesterday in the R312 000 damages action brought against the Minister of Law and Order by 22 residents of the KTC squatter camp

The camp was largely destroyed during attacks, allegedly by witdoeke (vigilantes wearing white cloths) from Crossroads, on June 9, 10 and 11 last year

Mr Matthews said he had filmed several scenes, including the burning of the Zolani Centre, on June 9 and 10, but had been prevented from entering the area on June 11 by police at a roadblock.

On June 9 he filmed witdoeke entering the grounds of the Zolani Centre. Some climbed over the fence and others went through the gate

"They smashed the windows of cars (in the parking area) and set some of them alight," he said. "Some witdoeke entered the Zolani Centre and soon afterwards we saw flames which indicated they had set it alight"

Mr Matthews said he was confused as to why the police had not taken action against the witdoeke when they were so close to them

Mr Matthews said that while the witdoeke were near the Zolani Centre a man wearing a coat appeared from the direction of KTC and fired at them and the police with what someone later identified as an AK-47 rifle

"A police Casspir drove in the man's direction. He turned and ran into the KTC camp"

Journalists entered the Zolani Centre after the witdoeke left to record the aftermath of the fire, but left for the Dune Road area after hearing further shots

"We saw witdoeke torching KTC houses adjoining Dune Road," he said

Petrol bombs

"They were breaking windows, kicking and breaking down doors and throwing objects which to me looked like petrol bombs, which caused the houses to burn

"There were Casspirs right next to the witdoeke who were burning the houses. Police didn't make any attempt to stop the witdoeke burning the houses

"The next day we saw that a number of houses or shacks had been burnt on either side of the dune"

Mr Matthews said that although police monitored the sand-dune where KTC residents were meeting to discuss strategy, they failed to act when these people and witdoeke engaged in stone-throwing on June 10

"There were police in a Casspir behind the witdoeke, who fired teargas at the advancing KTC residents, forcing them to retreat to KTC

"About five Casspirs approached slowly with witdoeke around them. Later police twice fired teargas at the residents on the dune, on both occasions causing them and journalists to flee down the other side

"A French journalist, Patrick Durand, was shot in the arm and my camera lens was smashed by, I think, a bullet and I decided to leave the area because the situation was completely out of control"

(Proceeding)

(ii) A small number of Zebra batteries has been built for experimental purposes and put to trial. During a recent test a mini-bus converted into a battery driven unit covered a distance of 250 km on a single charge of the battery.

- (iii) Further development work still needs to be done with a view to commercial production of the Zebra battery. The establishment of production facilities will also require substantial capital resources. The production stage is likely to be developed and undertaken by the Anglo American Group which has an exclusive licence agreement to exploit the technology and patent rights in respect of the Zebra battery system. It is expected that the Zebra battery will be available commercially on a relatively small scale by 1992, but that the market will not develop to its proper extent before the early years of the next century.
- (3) No. An official announcement on the development of the battery was already made on 20 October 1986.

Messrs Whelpton/Blaauw

232 Mr S S VAN DER MERWE asked the Minister of Law and Order

- (1) Whether, with reference to the reply of the then Minister of Law and Order to Question No 21, standing over, on 18 June 1985, the investigation into possible violations of the law by Messrs F P van R Whelpton and J P D Blaauw has been completed, if not, why not, if so, (a) when and (b) what were the findings, (2) whether these persons have been charged with any further offences, if

HOA

HANSON

so, (a) in terms of what statutory provisions, (b) what were the charges and (c) what was the outcome in each case?

The MINISTER OF LAW AND ORDER

- (1) Yes
- (a) During May 1987
- (b) Mr F P van R Whelpton was tried and convicted on a charge of attempted extortion while Mr J P D Blaauw must still stand trial.
- The honourable member can obtain further particulars in connection with this matter from the honourable, the Minister of Justice
- (2) No, (a) to (c) Fall away

Durban North: police stations

260 Mr M J ELLIS asked the Minister of Law and Order

- (1) Whether there are any vacancies or shortages of staff at the police stations falling within the Durban North constituency, if so, (a) how many vacancies in respect of each rank, (b) how did these vacancies occur and (c) when is it anticipated that they will be filled,
- (2) whether these vacancies or staff shortages have had any effect on the ability of these police stations to combat crime in their area, if so, (a) to what extent and (b) what action is being taken in this regard?

The MINISTER OF LAW AND ORDER.

- (1) Yes
- (a) It is not policy to reveal information regarding vacancies and shortages of staff in general at individual police stations. I am,

however, prepared to furnish this information to the honourable member on a personal and confidential basis.

- (b) Due to staff turn over in the South African Police as a result of, inter alia, transfers, promotions and all forms of termination of service
- (c) Vacancies in the post structure of police stations are supplemented when suitable staff become available

(2) No, (a) and (b) Fall away

Unrest-related offences

311 Mr S S VAN DER MERWE asked the Minister of Law and Order

How many unrest-related incidents of (a) public violence, (b) malicious damage to property, (c) arson, (d) murder and (e) assault occurred in 1986?

The MINISTER OF LAW AND ORDER

I do not consider it to be in the public interest or the interest of the country to furnish these statistics

Group Areas Act

341 Mr J J S PRINSLOO asked the Minister of Constitutional Development Planning

- (1) How many non-White persons applied to his Department for residence permits in terms of the provisions of the Group Areas Act during (a) 1985, (b) 1986 and (c) the period from 1 January 1987 up to the latest specified date for which information is available, in order to occupy premises in White group areas,

- (2) (a) how many such persons in each of the three above-mentioned periods contended in their applications that there was no alternative housing available for them and (b) in how many cases in each of these three periods did his Department make alternative housing available or cause alternative housing to be made available to the persons concerned
- (3) whether he will make a statement on the matter?

The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

A The following information has been received from the various Provincial Administrations in respect of Questions 1 and 2 (a)

Transvaal

- (1) (a) Not available
- (b) and (c) 1 October 1986 to 27 August 1987 756

- (2) (a) 24 for the period 1 October 1986 to 27 August 1987

Natal

- (1) (a) 45
- (b) 35
- (c) 27 for the period ending 31 July 1987

338 Mr P G SOAL asked the Minister of Law and Order

What quantity of tear-gas was (a) issued to and (b) used by the South African Police in 1985, 1986 and 1987, respectively?

The MINISTER OF LAW AND ORDER

(a) and (b) I do not consider it to be in the public interest or in the interest of the country to furnish the information

HOA

HANSON

751

(2) (a) All the persons referred to in 1 above

(1) (a) Not available

(b) Only available from 1 October 1986 83

(c) 160

(2) (a) Applications from 1 October to 31 December 1986 42
Applications during 1987. 79

Orange Free State

(1) (a) 7

(b) 6

(c) 8 for the period ending 28 August 1987

(2) (a) None

B In reply to question 2 (b)

Neither this Department nor the Provincial Administrations are in a position to provide alternative housing or to cause such housing to be made available to the persons concerned

Special constables

356 Mrs H SUZMAN asked the Minister of Law and Order

(1) (a) How many special constables had been trained by the South African Police as at the latest specified date for which information is available (b) what is the duration of the training course undertaken by these constables and (c) where are they trained,

(2) whether any complaints against constables have been laid with the Police, if so, (a) how many, (b) what was the nature of the complaints and (c) in respect of what period is this information furnished.

HOA

honourable member to the fact that the presence of special constables in the Black residential areas, causes a great deal of antagonism among radical elements. These members are often exposed to provocation and situations of necessity. Out of revenge, allegations of excessive force and criminal behaviour are often made against these members when they consequently take action against criminal elements. In some instances the allegations are well-founded, while in the majority of cases it is evident that the allegations are meant to discredit special constables in the community and with the outside world.

All allegations are carefully investigated. In those instances where it is clear that special constables have committed crimes, criminal charges are investigated without hesitation and their services are summarily terminated. It is brought to the attention of special constables daily that they, like any other citizen, should not act beyond the limits of the Law.

I further wish to point out to the honourable member that the Commissioner of the South African Police and I, irrevocably undertook to eradicate criminal behaviour within the South African Police, including criminal behaviour of special constables.

Group Areas Act

401 Mr S S VAN DER MERWE asked the Minister of Law and Order

(1) Whether members of the South African Police recently visited any residences in Woodstock, Cape Town, in connection with possible offences in terms of the provisions of the Group Areas Act, if so, (a) how many and (b) over what period did these visits take place,

(2) whether these visits were made as a result of complaints made to the

HOA

Police, if so, in respect of how many of the residences visited had complaints been received, if not, why were these residences visited by the Police,

(3) whether any similar visits have been made by the Police in other areas in Cape Town, if so, in what areas?

The MINISTER OF LAW AND ORDER

(1) Yes

(a) 16 residences

(b) 10 until 25 August 1987

(2) Yes, 16 residences

(3) Vredehoek

Tamboerskloof

Cape Town Gardens

Roggebaai

Sea Point

Rugby

Milnerton

Port Natal: offences

418 Mr R M BURROWS asked the Minister of Law and Order

How many cases of (a) murder, (b) culpable homicide, (c) assault with intent to do grievous bodily harm, (d) common assault, (e) rape, (f) burglary and/or house-breaking, (g) robbery, (h) theft of vehicles and cycles, (i) damage to property and (j) possession of drugs were reported in 1986 at the police stations in (1) Chesterville and (ii) Newlands East in the Port Natal Division?

The MINISTER OF LAW AND ORDER

(1) Cato Manor (a) 36, (b) 5, (c) 40, (d) 134, (e) 13, (f) 35, (g) 23, (h) 11, (i) 141 and (j) none

(ii) Greenwood Park (a) 35, (b) 40, (c) 143, (d) 422, (e) 30, (f) 586, (g) 114, (h) 204, 424 en (j) 1

Note Chesterville forms part of the

HOA

File ARGus 19/9/87

~~251~~ ~~251~~ (251)

A-G: 'I only 'pd known'

Weekend Argus Reporter

THE Attorney-General of the Cape, Mr Niel Rossouw, said if he had known about the existence of the witnesses called in Cape Times deputy-news editor Tony Weaver's defence it might have "changed his attitude" towards the prosecution

In a statement issued yesterday Mr Rossouw outlined his reasons for dropping the first three counts against Mr Weaver and continuing with the fourth count of publishing untrue statements about the police

Tony Weaver

The statement said "In a tri-

al which received immense publicity right from its inception Mr Weaver was originally charged with four counts of contravening Section 27 B (1) of the Police Act, that is, in abbreviated form, to publish untrue reports about the SA Police.

"The first three counts relate to the taking of a statement from a Mr Msutu, the burial of seven men on a particular day and a demand that the burial take place immediately Count 4 related to a report to the BBC purporting to describe the circumstances under which the seven men had died and reac-

tion of their relatives

"The first three counts were not proceeded with because unforeseeable changed circumstances did not justify their continuance. It is not expedient in a statement of this kind to elaborate on all the circumstances leading to that decision

"Before the trial I was never apprised from any source whatever of the existence of witnesses who might have lent creditable factual support to the report that Mr Weaver had rendered to the BBC

"Had knowledge of the evi-

dence of the bus driver and his passenger (which only emerged during the defence case) been available to me earlier, it may well have influenced my attitude

"The investigation which must now follow could consequently have taken place at a much earlier stage. In this regard I have already, been in communication with the divisional commissioner of the South African Police in the Western Cape. The question of the reopening of the inquest must await the results of the present investigation"

Cape Times 19/9/87

Crimes by 'kitscops': PFP wants statistics

By ANTHONY JOHNSON
Political Correspondent

"SEVERAL" of the 4 000 special constables trained at Koeberg over the past year have been charged with serious offences including murder, attempted murder, rape, assault, robbery, theft and housebreaking, the Minister of Law and Order, Mr Adriaan Vlok, confirmed yesterday

There had also been "several instances" in which firearms issues to special constables had been used in the commission of crimes, Mr Vlok disclosed in reply to a written question from Mrs Helen Suzman (PFP Houghton)

Mr Vlok did not however supply detailed statistics to Parliament because the work involved in compiling these

statistics would be "so voluminous and time-consuming" it would not be practically feasible to furnish the information

Mrs Suzman last night described Mr Vlok's reply as "highly unsatisfactory and very disturbing"

"No actual statistics are given so that we can gauge the extent to which these 'kitscops' are abusing their powers

"I consider that six weeks of basic training is grossly inadequate for policemen in view of the highly responsible duties they are expected to perform, and this is borne out by the many complaints across the country which one is receiving of these badly trained men"

Mrs Suzman called for an urgent review of the system of selection and training of constables "before they are turned loose armed with lethal

weapons on the unfortunate residents of the black townships"

In his reply to Mrs Suzman's questions, Mr Vlok said that besides the six weeks' training special constables received at the Koeberg Training Centre outside Cape Town, they also participated in "regular in-service training"

He said the presence of special constables in the black residential areas "causes a great deal of antagonism among radical elements" and that they were often exposed to provocation

"Out of revenge, allegations of excessive force and criminal behaviour are often made against these members when they take action against criminal elements"

Mr Vlok conceded that in "some instances" the allegations were well-founded, but

submitted that in the majority of cases "it is evident the allegations are meant to discredit special constables in the community and with the outside world"

Allegations were carefully investigated and in those instances where it was clear the special constables had committed crimes "criminal charges are investigated without hesitation and their services are summarily terminated"

Mr Vlok said that daily it was brought to the attention of special constables that they, like ordinary citizens, should not act beyond the limits of the law

"I would further wish to point out that the Commissioner of Police and I irrevocably undertook to eradicate criminal behaviour with the SAP, including criminal behaviour of special constables," Mr Vlok said

Minister's counsel to consult with police

Cape Times 19/9/87
Supreme Court Reporter

COUNSEL for the Minister of Law and Order in the R312 000 KTC suit were given a postponement yesterday to enable them to consult with the occupants of various Casspirs filmed by the first witness called

The witness is Visnews cameraman Mr James "Jimi" Matthews, who has identified portions of video material "discovered" by the minister as film shot by himself in June last year when most of KTC was destroyed.

He also told the court he had no idea how whoever put the material together had obtained his film

Yesterday counsel for the Methodist Church and 21 families who lost their homes in the attack on KTC handed in a copy of the video material identified by Mr Matthews as shot by him, including portions of an SABC "Netwerk" programme.

The footage included shots of police Casspirs among the witdoek mob which advanced on KTC and it is the occupants of these Casspirs that counsel for the minister wish to consult before cross-examining Mr Matthews

The minister is being sued on the basis of an allegation that police helped witdoeke destroy KTC — by planning the attack, protecting and escorting witdoeke, providing transport and other logistical support, preventing KTC residents from protecting their property, and setting fire to dwellings.

Another development in the trial, on which the R5-million outcome of a further 3 198 similar suits may depend, is that counsel for the minister

have agreed in principle that evidence may be taken on commission in London from cameraman Mr Dave Hartman — a step initially opposed by the minister.

Mr Hartman, an Agence France Presse photo-journalist at the time, was one of many witnesses who filed affidavits in a Supreme Court application for an urgent interdict brought last year in an attempt to save KTC from the destruction suffered by the three satellite camps of Nyanga Bush, Nyanga Extension and Portland Cement.

Photographs taken by him are to be handed in to the current trial

But, according to an affidavit filed by Legal Resources Centre attorney Mr Matthew Walton, Mr Hartman is in London and is "not prepared under any circumstances to return to the Republic" because he fears being jailed or detained.

Mr Hartman refused to be conscripted into the SA Defence Force and also refuses to do the six years' service with a government department required of someone classified as a religious objector, as he is.

Details of the agreement on taking evidence from Mr Hartman in London have not been finalized and the court has made no order yet.

The trial continues on Monday with the calling of a "short" witness Mr Matthews will be cross-examined on Tuesday.

Mr Justice M R de Kock presided Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs Mr G D Griesel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister

Shoot-out: AG orders investigation

CAPT. TIMES 19/9/82

152

Staff Reporter

THE Attorney-General, Mr Niel Rossouw, yesterday ordered a full investigation into "all the questions raised" at the trial in which the deputy news editor of the Cape Times, Mr Tony Weaver, was acquitted on a charge under the Police Act this week.

In a prepared statement released yesterday, Mr Rossouw said he had "never been apprised from any source whatever" of the existence of witnesses who might have lent creditable factual support to the report that Mr Weaver rendered to the BBC.

In a telephone interview later he clarified this to mean a bus driver and his passenger.

Mr Rossouw said that had knowledge of the evidence of a bus driver and his passenger (which emerged only during the defence case) been available to him earlier, it "may well" have influenced his attitude.

The investigation which would now follow could subsequently have taken place at a much earlier stage, he added.

He had already contacted the Divisional Commissioner of Police in the

Western Cape, about this investigation.

Mr Rossouw said the reopening of the inquest into the death of the seven alleged guerillas "must await the results of the present investigation".

Asked why the initial three charges relating to the taking of a statement from an eyewitness, Mr Cecil Msutu, the burial of the seven men on a particular day and an alleged demand that the burial take place immediately, were dropped early in the trial, Mr Rossouw replied:

"Unforeseeable changed circumstances did not justify their continuance and it is not expedient in a statement of this kind to elaborate on all the circumstance relating to that decision."

Mr Rossouw began his statement by outlining the four charges and saying that the trial had received immense publicity "right from its inception".

The magistrate, Mr J M Lemmer, found that even if Mr Weaver had published false matter about the police, he clearly stated that he had reasonable grounds for believing it to be true.

Policemen

20/9/87

C/Pres

acquitted

251

TWO policemen accused of murdering a woman and attempting to murder three others in Bellville South during the 1985 unrest were acquitted by the Supreme Court this week because they were carrying out the order of a superior officer.

However, in a minority finding, Judge Howie said he believed the order by former Bellville riot unit head Captain Ockert Van Schalkwyk - to shoot ringleaders or those taking part in unrest - was so unlawful that a reasonable man would not have felt duty-bound to carry it out.

Immediately after the verdict, the commissioner of police, General Hennie de Witt, announced that charges of defeating the ends of justice and perjury were being investigated against Van Schalkwyk and Brigadier Martinus Mans, former district commandant for Bellville, both of whom testified in the trial.

Howie said he differed from his assessors, AJ Van Niekerk and JP Van Niekerk's findings, and would have convicted Constable Ernest Villet of attempted murder.

The court found that Van Schalkwyk ordered the policemen to shoot ringleaders or those taking part in unrest at the corner of Armanda Crescent and Industry Road on August 29, 1985.

Both Van Schalkwyk and Mans had known fully well that shooting would take place - at least to injure seriously, the judge found.

It was not the majority opinion that the order was lawful or even justified.

However, the majority opinion of the court was that the state had not proved beyond reasonable doubt that the policemen had acted unlawfully or with guilt in executing the order.

The court found that Van Schalkwyk's evidence

was untrue and that he had lied to protect himself.

Mans had made a bad impression as a witness and his evidence in court differed from a report on the incident which he had signed.

The judge said he believed that Van Schalkwyk's order was unlawful and that it was the responsibility of the policeman to way the implications of such orders.

In contrast, the assessors believed that property was in danger and that drastic action was called for.

They believed that Van Schalkwyk's order would not have been questioned by a junior.

De Witt said he had taken cognisance of the evidence of Mans and Van Schalkwyk.

"In view of the evidence of these two officers, the commissioner of police has ordered that possible criminal offences be investigated. - Sapa

Staff Reporter

A NEWSMAN and a woman were shot by special constables in the Oudtshoorn township of Bongolethu outside a party on Saturday, according to residents

The official police version was included in yesterday's unrest report

"At Bongolethu, near Oudtshoorn, shotgun fire was used when a member of the security forces was attacked and stoned. One black woman and one black man were wounded and arrested"

Residents said the shootings took place outside a hall where the release of two men who had completed jail terms for public violence was being celebrated.

A township source, who asked not to be named, said he had visited 20-year-old Mr Patrick Nuyuka — who works for the newspaper

Newsman, woman shot by 'kitscops'

Saamstaan — in George Hospital yesterday

Mr Nuyuka was taken to hospital by the police after being wounded in the back and arms

The source said Mr Nuyuka was apparently at the party with a camera and "a piece of paper" and went outside for some fresh air

According to him there was a disagreement with special constables who demanded the camera and paper. A scuffle broke out and shots were fired.

The wounded woman was Ms Lindiwe Phillips, aged about 29, the source said. She was also in George Hospital but her condition was unknown

In other incidents of

unrest reported by police at the weekend

● A member of the security forces in Mbekweni, Paarl, used shotgun fire to disperse a group stoning his home

● In Dobsonville, Soweto, a member of the security forces was shot at and wounded

● In Forty Second Hill, Harrismith, two arrests were made after two homes were set alight. A security force member opened fire with a pistol after stones and a petrol bomb were thrown at his vehicle

● In KwaMashu an illegal gathering was dispersed with teargas and shotgun fire after people surrounded a security force vehicle

Newsman sues minister for R115 000

Cape Times
22/9/87 (251)

Staff Reporter

LEGAL counsel for Mr Tony Weaver, deputy news editor of the Cape Times, served notice yesterday on the Minister of Law and Order, Mr Adriaan Vlok, for R115 000 in damages for "wrongful and malicious" prosecution

Mr Weaver was acquitted last week by a Regional Court magistrate on a charge of making untrue statements to the BBC about a shootout in which seven alleged ANC guerillas were shot dead by police.

He was acquitted 18 months after the shootout and the trial lasted five months. The day before the hearing began, three other Police Act charges against him were dropped without explanation.

The magistrate, Mr J M Lemmer, found that even if the court had found that the matter about the police was false, Mr Weaver had clearly stated that he had reasonable grounds for believing what he had been told to be true.

Mr Weaver's lawyers said in the notice served on Mr Vlok that "notwithstanding the submission by Mr Weaver of a full affidavit setting out his defence three charges were dropped after substantial legal costs had already been incurred"

They contended that "in all the circumstances — regard being had in particular to the fact that the evidence of five eye-witnesses, and two medico-forensic experts, which demonstrated conclusively that certain of the police witnesses had lied to the court" — the prosecution against Mr Weaver was wrongful and malicious.

This maliciousness was further indicated by "certain public statements of the then Minister of Law and Order, and by an exchange of correspondence between Mr A H Heard, then editor of the Cape Times, and General Coetzee, then Commissioner of the SAP".

Mr Vlok's office has been given a month's notice to pay or face a court summons.

CM-Times 22/9/87

Staff Reporter

A MINISTER of religion yesterday told the Supreme Court he saw Warrant Officer Hendrik "Barrie" Barnard, in plain clothes, and several "witdoeke" enter his church in KTC, after which it burnt down.

Mr Elliot Samuel, preacher and caretaker of the KTC Methodist Church, was giving evidence in support of a damages claim of R312 000 by the church and 21 KTC residents against the Minister of Law and Order.

They claimed police planned attacks against KTC residents and protected and escorted witdoeke before, during and after their attacks.

They also alleged that

'Church burned' after visit by cop, 'witdoeke'

police prevented residents from protecting their property by firing on them with teargas and ammunition

Mr Samuel told the court that on June 10 "a policeman in plain clothes, who I recognized as Warrant Officer Barnard, went into the church with witdoeke".

"They came out again and I saw smoke coming from the roof. The church started to burn"

The next day he returned to find the church had burnt down

In the afternoon he heard the police making an announcement from a Casspir that had been patrolling NY78 in KTC

The announcer had said over a loudhailer in Xhosa. "Knock off men, we have finished the job"

Witdoeke who had been burning shacks at the time "came out immediately after the an-

nouncement", Mr Samuel added.

He also described how on another occasion he had seen a Casspir driving in front of a group of witdoeke while, a van brought up the rear.

The witdoeke had attacked the Zolani Centre while they were fighting with the people in the centre another group of residents had tried to come to the aid of those in the centre — but "police shot at them from the Casspir and they had to run back", Mr Samuel said.

The hearing was adjourned till tomorrow

Mr Justice M R de Kock presided Mr Sam Aaron SC Mr P Pretorius and Mr A M Omar instructed by the Legal Resources Centre, appeared for the KTC residents Mr G D Griesel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw all instructed by the State Attorney appeared for the Minister of Law and Order

(S1)

Sumner 23/9/87

REPORTER SUES VLOK

'Minister must pay R115 000 to Weaver'

LEGAL counsel for Mr Tony Weaver, deputy news editor of the *Cape Times*, served notice yesterday on the Minister of Law and Order, Mr Adriaan Vlok, for R115 000 in damages for "wrongful and malicious" prosecution.

Mr Weaver was acquitted last week by a regional court magistrate on a charge of making untrue statements to the BBC about a shootout in which seven alleged African National Congress guerillas were shot dead by police.

He was acquitted 18 months after the shootout and the trial lasted five months. The day before the hearing began, three other Police Act charges against him were dropped without explanation.

The magistrate, Mr J M Lemmer, found that even if the court had found that the matter about the police was false, Mr Weaver had clearly stated that he had reasonable grounds for believing what he had been told to be true.

Mr Weaver's lawyers said in the notice served on Mr Vlok that "notwithstanding the submission by Mr Weaver of a full affidavit setting out his defence... three charges were dropped after substantial legal costs had already been incurred."

Mr Vlok's office has been given a month's notice to pay or face a court summons. — Sapa.

Municipal cops for townships

251
570



Striking Sea Harvest workers at their meeting place in Saldanha. Their spirits remain high in spite of the arrests and shootings in the area the past week

From page 1

after shots were fired Abraham's distraught parents said they were deeply distressed that a boy so young had to die in such a manner

He will be buried from the local Apostolic Faith Mission Church on Saturday

According to a police unrest report a "coloured" male was fatally wounded on Sunday evening

"A security force patrol came across a burning barrier in the road," the report said

"A youth was fuelling the fire. He fled and was pursued by a security force member. During the pursuit stones were hurled and the security force member fired birdshot."

Felicia was shot on Sunday afternoon after a man in a white car allegedly fired several shots after his car was stoned

A witness said Felicia was hit in the face

Her father, Mr Jacobus Cloete, said she was taken to a Vredenburg hospital and later transferred to Tygerberg Hospital where she was under police guard

"A bullet penetrated her face and lodged behind her right ear. The doctor

said there was no brain damage, but she could suffer eye problems at a later stage"

Two other youths, Gert Cloete and Rochelda Samuels, were reported to be under police guard at a Vredenburg hospital where they were treated for leg wounds

Trouble started in Saldanha after about 280 Sea Harvest workers went on strike last Monday. All were later fired.

Eleven striking women were arrested while police dispersed a group outside

the local civic centre last Thursday

The women have since been released on R100 bail after appearing on illegal gathering charges

Last Saturday afternoon youths, rugby players and spectators went on the rampage after a tussle between the chairman of the SARU (South African Rugby Union) sports control board, Mr Maxwell Moss, and members of a SARF (South African Rugby Federation) team

Two police vans were

allegedly stoned when it appeared on the scene. At least two policemen's houses were allegedly stoned

The same night a second crowd allegedly attacked a policeman's car. Moss and 10 others were arrested on Sunday

Meanwhile the Sea Harvest strike had entered its second week and about 500 workers gather at the local civic daily

At a Tuesday meeting workers reaffirmed their intention to continue the strike 17-23/9/87

Bid to halt fighting

THE executive committee of the Boland Council of Churches (BOCC) has been asked to mediate among warring factions in the Worcester township of Zwelethemba where another person is believed to have been arrested

Months of fighting among opposing factions came to a head last week with youth leaders and activists fleeing the township, at least three residents being arrested, several homes being damaged and scores of people being injured

The three appeared in court on charges of public violence. Their bail applications were refused

The arrest this week of Ms Nomfanelo Xenxe could not be confirmed with po-

lice. According to a member of the Zwelethemba Civic Association, a meeting with the executive of the Boland Council of Churches (BOCC) is being set up in an attempt to halt the violence. Representatives from the youth, civic, unemployed and the women met the Rev Frank Chikane this week about problems in the township

Chikane is said to have referred them to the executive of the BOCC

Residents fear that the violence has not ended and described the atmosphere in the township as very tense

Chikane could be contacted for com-

SOUTH REPORTER

SIXTY municipal constables are to be introduced in the Peninsula townships soon to protect, among other things, community councillors

The UDF this week expressed grave concern about the new police who are presently undergoing five months training at the Ibhayi Town Council Centre in Port Elizabeth

The training of constables — employed by the Town Committee, a black local authority body — began in August after recruitment in the townships. They are expected to be ready for duty in December

Protect houses

Mr Boy Mafunga, the secretary of Town Committee of the Western Cape, welcomed the move, saying that the constables would act as peace-officers and would protect the properties of the Community Provincial Administration and the community councillors' houses

Mafunga said that the constables would not be involved in unrest situations, unless the CPA properties were involved

"They will also help keep the township clean, and issue summonses to people littering the area," he said

Carry guns

Asked about whether the constables would be armed, Mafunga said

"It will not compulsory for them to carry guns. I think that depends on whether they succeed in striking up good relationship with the community"

But Hilda Ndude, publicity secretary for the UDF, in the Western Cape said "We have experience of the vigilantes in our community - our people have been killed and injured. Vigilante activities were given legal cover by the creation of kitsies. Now the state is coming with something new again, they are busy training municipality guards

"We, in the UDF, totally reject these dummy bodies for they are not solving the problem but causing more disunity among the people"

81 275
17-23/9/87
35 340 11A

Hansard

employees after the strikes, if so, (a) why and (b) how many,
(3) whether he will make a statement on the matter?

†THE DEPUTY MINISTER OF TRANSPORT AFFAIRS

- (1) Yes, 3 835 persons, including schools
- (2) Yes

(a) In terms of the agreement reached, the employees who took part in the strike were re-employed as a result of which it became necessary to terminate the services of the White employees who were engaged on a day to day basis

(b) 3 688 persons from the beginning to the end of the strike

(3) No

†Mr J J S PRINSLOO Mr Chairman, arising out of the reply of the hon the Deputy Minister, could he please indicate how many of the persons who were initially employed on these conditions, were not scholars and how many of them were fired eventually when the striking workers returned?

†The DEPUTY MINISTER Mr Chairman, unfortunately I do not have a breakdown of figures at my disposal now but I shall furnish the hon member with that reply

Hillbrow: exemptions from Group Areas Act

*12 Dr M S BARNARD asked the Minister of Constitutional Development and Planning

- (1) Whether, since 1 January 1986, his Department has received any applications for exemptions from the provisions of the Group Areas Act, No 36 of 1966 in respect of residential premises in the Hillbrow constituency if so, (a) how many such applications had been (i) granted and (ii) refused as at the latest specified date for which information is available and (b) what were the reasons for (i) granting and (ii) refusing each application.

(Handwritten initials)

Hansard

amount was saved in this manner and (b) on what date did the strike (i) commence and (ii) end,

(2) whether his Department employed any temporary workers to assist in doing the work of striking employees, if not, what steps were taken to maintain services while the strike was in progress, if so, (a) at what total cost and (b) what steps will be taken in respect of the temporary workers employed for this purpose,

(3) whether this strike was legal, if not, what steps will be taken against the strikers?

†THE MINISTER OF COMMUNICATIONS

- (1) Yes,
- (a) R6 million,

(b) (i) 23 June 1987 in respect of a specific construction gang near East London and gradually spread to other areas in the country, and
(ii) 7 September 1987,

(2) yes,

(a) approximately R1 million,
(b) depending on the quality of their services they are being retained in replacement of workers who have been dismissed as a result of the strike,

(3) Unlike the Labour Relations Act (Act No 28 of 1956), which is not applicable to Post Office officials, the Post Office Service Act (Act No 66 of 1974) does not make provision for either legal or illegal strikes. However by striking the employees concerned contravened stipulations of their service contracts. Strikers were from time to time and during the course of negotiations served with suitable ultimatums and those who failed to resume duty on or before specified dates were dismissed. At the time the strike ended, approximately 4 000 workers had been dis-

missed in this way. Only 1 431 have to date been re-employed

Cordless telephones for disabled persons

*15 Mr M J ELLIS asked the Minister of Communications

(1) Whether his Department has given any consideration to allowing severely disabled persons to use cordless telephones, if so, (a) when and (b) what was the decision taken, if not,

(2) whether he will give consideration to this matter, if not, why not, if so, when,

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

†THE MINISTER OF COMMUNICATIONS

(1), (2) and (3) The use of cordless telephones has up till now not been allowed as tests carried out on various types of these instruments have shown that they have technical disadvantages which render them unacceptable for use on the telephone network. It was namely found that poor transmission performance, the occurrence of blind spots within a dwelling, noise interference and limited range restrict the use of these present generation cordless telephones, which all operate in the frequency bands below 100 megahertz

Unlike the limitations of the present models, the indications are that the models of the future, which will operate in the 900 megahertz band, will bring about a great improvement in so far as quality and work performance are concerned. These models are not yet freely available, but the Post Office is watching developments closely and if it should be found that the new generation cordless telephones meet with requirements, consideration will be given to allowing their use on the telephone network

*16 Mr J VAN ECK—Defence [Reply standing over]

(Handwritten initials)

R103 000 to quadraplegic

SUSAN RUSSELL

b/day
A 34-year-old taxi driver, who became a quadraplegic confined to a wheelchair after a collision between his vehicle and a Buffel, is to be paid R103 000 by the Defence Minister

(251)
Bongani Wilfred Dladla's vehicle and the Buffel collided in Vosloorus, Vereeniging, in November 1984

The Defence Minister conceded 70% liability for the accident, and R84 000 of the award is for loss of amenities and suffering.

24/9/87
The rest of the money is for loss of earnings and hospital expenses

In terms of the order granted by Mr Justice R J Goldstone, a certificate from the Minister was made an order of court

The effect of the certificate is that Dladla will get amounts for medical

and other expenses from the Minister for the rest of his life.

The judge said without the certificate he would have had to have made a finding on Dladla's life expectancy

If Dladla lived longer than estimated, the money would not have been enough to keep him, the judge said.

If, on the other hand, the estimate was too long there would be money over which would go to people for whom it was not intended.

Mr Justice Goldstone said on the assumption that Dladla had no finances of his own, it was important that he used and invested the money wisely.

The Minister was also ordered to pay the costs up to the fourth day of the trial

CAP TUES 25/1/87

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Vlok: SAP don't favour civic patrols

By BARRY STREEK
Political Staff

HOUSE OF ASSEMBLY — The police were not in favour of crime-prevention civic patrols because this would lead to "fragmented, smaller law enforcement components", the Minister of Law and Order, Mr Adriaan Vlok, said yesterday in reply to a question tabled here by Mr Ken Andrew (PFP Gardens)

The police viewpoint had been conveyed to the Cape Town City Council after the council made representations for civic patrols to enforce municipal by-laws

Mr Vlok said the representations were received by the Divisional Commissioner of Police in the Western Province on February 20 this year

The commissioner had held discussions with the council's executive committee and had also attended

their meetings

"For reasons of efficiency, it is, however, the viewpoint of the South African Police that it is a priority to rationalize law enforcement bodies in the South African context, instead of having fragmented smaller law enforcement components that possess separate executive powers throughout South Africa

"After a meeting of the United Municipal Executive on February 4, 1987, during which the South African Police explained the benefits of a national police force with a uniform system, the United Municipal Executive decided at its annual meeting on March 12, 1987, not to negotiate the institution of municipal police for white, Asian and coloured local authorities

"This was not raised again"

Mr Vlok also said no requests for financial assistance to form civic crime-prevention patrols had been received

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28/9/87

D'Ath film shown at trial

FILM shot by ITN cameraman George D'Ath hours before he was fatally wounded by panga-wielding witdoeke during the destruction of KTC, was shown in the Cape Town Supreme Court yesterday by counsel for the Minister of Law and Order.

The Minister is being sued for damages of R312 000 by the Methodist Church and 21 families who lost their homes when the camp was torched by witdoeke and, it is alleged, police.

The footage shot by Mr D'Ath was shown to Visnews cameraman Mr James "Jimi" Matthews, the first of a possible 200 witnesses to be called in the damages suit against the Minister on which may depend the outcome of 3 198 similar suits involving claims of over R5-million.

Mr Matthews, who was cross-examined for the third day on Saturday, was asked to comment on scenes in the D'Ath footage and on a series of affidavits made by other people.

The D'Ath video included shots of a group of KTC residents gathered around a copy of the *Cape Times* of June 10 last year headlined "KTC battles rage", a man wearing a T-shirt saying "Brecht" and people taking what appeared to be petrol bombs from a cardboard SA Breweries box.

It also showed Casspirs driving up and down.

The D'Ath footage was not completed before the court adjourned for the day.

Earlier, while police witnesses sat in court, a number of the plaintiffs and their witnesses were denied access to the same area and were told by policemen to go up to the public gallery.

The plaintiffs gained admittance only after their counsel went to see the judge in chambers, and were warned not to enter or leave while the court was in session.

The plaintiffs also do not have the right to have proceedings conducted mainly in English, but also in Afrikaans — interpreted into Xhosa and often do not understand what is happening.

The trial continues today. — Sapa

Care Times 28/9/87

Police Casspir led witdoek hordes to KTC court hears

251 Supreme Court Reporter

WITDOEK hordes massed outside the Administration Board offices near KTC were spoken to by "a policeman called Barnard" minutes before they marched, behind a police Casspir, on the Zolani Centre, the Supreme Court heard yesterday

Mr Elliot Samuel, preacher and caretaker of the KTC Methodist Church, was being cross-examined by counsel for the Minister of Law and Order, who is being sued for damages of R312 000 by the Methodist Church and 21 families who lost their homes when KTC was destroyed

The Minister is being sued on the basis of an allegation that police played an active role in the destruction

Mr Samuel said Barnard pulled up beside the witdoeke in a blue van, got out and spoke to them. As Barnard got back into the van, a yellow Casspir turned into NY5 and led the witdoeke down the road

Barnard's van followed behind the witdoeke, he said

Mr Samuel said he then went back to KTC and climbed on to the sand dune bordering the camp where many KTC residents were gathered. From there he saw the witdoeke coming down Zwelitsha Drive with "a Casspir leading them all the time"

He said he did not notice whether Barnard's van was still bringing up the rear at this stage.

He was challenged about this by counsel for the Minister, Mr G D Griessel SC, who said Mr Samuel had told the court in evidence-in-chief that he did see the van in Zwelitsha Drive.

Mr Samuel, who reprimanded the interpreter several times for mistranslating his words, said Mr Griessel was "mixing up what happened in NY5 with Zwelitsha Drive"

"My lord," said Mr Griessel to the Bench as 4pm approached, "we are about to burn the Zolani Centre. Would this be a convenient time?"

"Yes," the Bench said with a smile, and adjourned proceedings to 10am today

Mr Justice M R de Kock presided. Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr Griessel appeared with Mr L Visser SC, Mr F D J Brand and Mr C Y Louw and was instructed by the State Attorney.

First, a ritual of blood. Then a spree of beatings... and a death

A POLICEMAN told the Graaff Reinet-Supreme Court this week of a "blood ritual" between members of the Port Elizabeth Reaction Unit, after which they went on a foray into Cradock's Lingehele township, killing one resident and stabbing another.

Sergeant Heinrich Blumenthal was giving evidence against colleagues Warrant Officer Leon de Villiers and Constable David Goosen, who face two charges of murder, two of aggravated assault, and one of attempting to defeat the ends of justice.

Last week Blumenthal told the court how members of the Reaction Unit who, 24 hours before, had made *potjiekos* and performed a ritual of blood brotherhood, decided to execute a suspect who had been badly injured during interrogation.

He said a unit of ten unrest policemen were dispatched under de Villiers, 36, to Cradock on 25 July last year to monitor a funeral in the township the next day.

It is alleged that de Villiers and Goosen, 26, murdered Wheanut Stuurman, 18, and Andries Plaatjies, 25; and assaulted Zixolisi Goniwe, 20, and Michael Quina, 45, on 26 July.

Blumenthal, formerly a member of *Koevoet* in Namibia, told the court he joined the PE unit three days before they were ordered into Cradock. On their way there, they drank brandy, and on arrival in Cradock, made *potjiekos* and continued drinking.

By 2am they were all under the influence of liquor, with the exception of Goosen, who did not drink. On hearing a radio report that incidents of stone-throwing were occurring in the township, they decided

A policeman told a court this week how he and his colleagues performed a ritual of blood brotherhood before joining a spree through a township which ended in beatings and a death. **EDYTH BULBRING reports from Port Elizabeth**

that the unit should go on patrol to observe and interrogate township residents.

According to Blumenthal, before they went, members of the unit performed a ritual of brotherhood by cutting their forearms and mixing the

blood by pressing their arms together.

Immediately upon entering the township, someone said "there he is — suspect number one". Men jumped out of the van and surrounded the man. When they left, he was lying on the ground. Similar incidents occurred before the unit withdrew from the township.

Under cross examination, Blumenthal denied the state's allegation that the purpose of the patrol was to "terrorise and assault people on the streets". He was adamant that their aim was to look for "stone-throwers" and to gather information about the next day's funeral.

He denied that he was involved in any of the assaults, but could not explain why — as a senior member of the patrol — he had not queried any of the men's actions.

Last week Blumenthal testified that as the policemen gathered at the van on their return, Goosen told them: "I have just stabbed a man, I felt the knife go in". He said he did not take the remark seriously, as he had not seen Goosen carrying a knife.

At 7am the following morning, the unit was ordered back into the township. During the patrol, several township residents were arrested, assaulted and interrogated while plastic bags were placed on their heads. Most were released.

During one such interrogation, however, Blumenthal said he noticed the suspect bleeding badly. A member of the unit said the man was injured and should be "taken out". The man was Wheanut Stuurman.

De Villiers said they must find a "quiet place". Blumenthal helped to carry Stuurman to the van, where the injured man was given a plastic mug of brandy to drink.

On the way to the Fish River, de Villiers remarked that it was sad that a man should die so young. At the Fish River, Goosen and two others left the van with Stuurman. While they were away, de Villiers said he wondered when they were going to shoot him. Presently, he heard a shot.

After a while, the three policemen returned to the van without Stuurman. Goosen reported that he had put a gun against the back of Stuurman's neck and shot him. Blumenthal said he could not believe it at the time, because it would be "plain murder".

De Villiers and Goosen have pleaded not guilty to all charges, but have not yet revealed their defence. Under cross examination last Friday, it was put to Blumenthal that Goosen had told his colleagues that, on reaching the river, he had slipped and fallen — a shot had gone off, hitting Stuurman in the neck.

Blumenthal denied any suggestion that the shooting had been an accident.

On Monday, Blumenthal told the court that the unrest team had got together after the incident and agreed to say that the shooting had been an accident. The decision was confirmed when the policemen were taken to Cradock to make statements.

Blumenthal admitted that he had lied to the police officer who had questioned him, and again when he made his original statement. Challenged by the investigating officer, he said he volunteered to tell the truth because he was worried about a possible jail sentence, or suspension from the force.

The trial continues, with Mr Justice Zietsman on the bench, and BP Loots and W van der Riet at Assessors.

Own Correspondent

GRAAFF-REINET — Although he had heard that a "boy" must be "taken out", the possibility of murder never occurred to him as he drove the victim and members of the Unrest Unit to the Great Fish River, a witness told the Supreme Court yesterday

Constable Michael Douglas Neveling was spending his third day in the witness box at the trial of his colleagues, Warrant Officer Leon De Villiers, 36, and Constable David Patrick Goosen, 26, on two charges of murder, two of assault and one of attempting to defeat the ends of justice

Const Neveling said although he knew Mr Wheanut Mlungisi Stuurman had been assaulted, and WO De Villiers said he was too badly injured to be detained and must be taken out, he never dreamt a man would be killed as he drove them to the river

On the way, Const D Hanekom asked him what "taken out" meant, and he explained it meant shot

It was only after Const Goosen, Const R Fourie and Const Booyens had walked to the river

CAP 30/10/87
Cop never
dreamt
man would
be killed

with Mr Stuurman, and WO De Villiers said "I wonder when Goosen is going to shoot that boy" that the possibility occurred to him

Even then he was not certain And even after he heard a shot he did not think of asking WO De Villiers what was happening

He had actually gone to meet Consts Fourie and Booyens when he heard them returning, but he did not ask them either

Later in the bus, WO De Villiers asked Const Goosen how he had shot the boy

WO De Villiers did not ask "if", but "how"

Const Goosen said "I shot him from behind, through the neck I saw the bullet come out his face

and hit the opposite bank. Sand flew

"The boy fell like an ox. We grabbed him and threw him in the river"

WO De Villiers asked how deep the river was and Const Goosen replied: "Very shallow. We threw the boy on a sandbank and he landed face down"

Const Neveling denied that in fact Const Goosen had made a spontaneous report about slipping and shooting the boy accidentally when he returned to the bus

He also denied Const Goosen had said he pressed the gun against the boy's neck and fired as testified to previously by Sergeant H Bloementhal

He admitted that a photograph of the scene showed no sandbanks and that the opposite bank was not visible because of vegetation

Dealing with the subsequent investigation, he agreed that Const Goosen's alleged suggestion that they swap guns or change the barrels was absurd, as they had already handed their pistols to Colonel D Blignaut

The trial will continue today

477C Tents 3/11/87

Witness tells of tents burning

Supreme Court Reporter

251
MOMENTS before witdoeke set fire to two big tents sheltering homeless refugees on the border of KTC on June 9 last year, three witdoeke jumped out of a police Casspir that stopped at the scene, the Supreme Court heard yesterday

This was the evidence of 20-year-old Ms Phyllia Kwinana, now a Std 9 pupil at Malizo High in Khayelitsha, but also a Red Cross voluntary worker

She is the sixth witness to give evidence in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when most of KTC was destroyed

The minister is being sued on the basis of an allegation that police played an active role in the destruction. Some 3 198 similar suits, with claims of over R5 million, are pending against the minister and may depend on the outcome of the KTC suit

Ms Kwinana told the court she had been working at the Divco clinic in Terminus Road from 7am on Monday, June 9. They were very busy and had

no clocks or watches so she had no idea of how much time went by

"While we were working I heard a noise. People screamed 'the witdoeke are coming' and then I heard shots," she said

"I went to the window and saw people running in all directions. After about five minutes, I'm not sure of the time, I saw a yellow Casspir, a brown Casspir and a white police van with a lot of witdoeke in front of and next to the vehicles"

Ms Kwinana said the procession moved slowly, halting at intervals, till it stopped near the corner of Terminus Road and Zwelitsha Drive

"Three witdoeke wearing blankets jumped out of the open back door of the yellow Casspir and joined the crowd of witdoeke on the corner. Then I saw about eight witdoeke running towards the tents and after that we saw smoke and flames coming from the tents"

Mr Justice MR de Kock presided. Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister

NEWS

Our widows and orphans contest legal — say police

By STEPHEN WROTTESELEY, Weekend Argus Reporter
"We're legal," police said this week when confronted about a competition which the public claim should be investigated with those organised by schools and churches

The competition, organised to raise funds for the police widows and orphans fund, was held earlier this year

But when police announced a nationwide investigation into similar competitions organised by schools and churches, buyers of tickets said "People in glass houses shouldn't throw stones"

One said he bought a ticket for the competition with the answers given to him by the uniformed policeman who sold it

"I find it a bit strange that they are now going after the schools," he said

"Earlier this year I bought a R5 lottery ticket from a policeman in uniform for their widows and orphans fund

"I was quite willing to buy it because it was for a good cause and on top of it they had good prizes — an expensive German car, a skiboat with outboard motors and R5 000 cash

Gave the answers

"They also gave me the answers to the questions they asked on the ticket. You had to say when the fund was established, where the fund was developing a new holiday resort and suggest a name for the resort. This competition closed on April 30

"The schools and churches are doing the same thing. Why should the police come down on them now?"

"People who live in glass houses shouldn't throw stones."

Asked for comment, the police directorate of public relations in Pretoria said "Each case is investigated on its own merit. This fund falls within the ambit of the law"

When police announced their investigation into other competitions in terms of the Gambling Act, a spokesman said they were looking into the question of whether they involved skill or chance

OWN TIMES 31/10/87

Constable: Arrests were unlawful

Own Correspondent

GRAAFF-REINET. — Arrests made in Cradock by a police unrest unit on July 26 last year were unlawful, a policeman conceded in the Supreme Court yesterday.

When Constable Michael Douglas Neveling was asked whether he thought the fact that a man was wearing a Cradora shirt and ran away when approached by police was sufficient reason for arrest, he admitted the arrest was illegal.

Const Neveling was rounding off three-and-a-half days in the witness box during the trial of two of his colleagues, Warrant Officer Leon de Villiers, 36, and Const David Patrick Goosen, 26, on two charges of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arose out of alleged incidents that occurred when a 10-man squad of the Unrest Unit under WO De Villiers was sent to Cradock to "monitor" a funeral there on July 26 last year.

During the trial, it emerged that a number of people — including one of the dead men, Mr Wheanut Mlungisi Stuurman — were arrested, interrogated and assaulted by the unit.

After Const Neveling's evidence, one of the assessors, Mr B P Loots, questioned him about arresting Mr Stuurman.

Ran away

He replied that it was because Mr Stuurman was wearing a Cradora shirt and ran away when they approached. Up to then, he had been lying peacefully with two others on a patch of grass.

When Const Neveling was asked whether he thought this was sufficient reason, he admitted the arrest was illegal.

Pressed, he conceded that all the other arrests they had made were unlawful too.

Mr Loots "What did you hope to achieve by them?"

Const Neveling "You never know until you try. It's pure luck if you get anything."

Mr Loots "And if the person does not want to talk?"

Const Neveling "You make them talk."

GRAAFF-REINET. — Two members of the Port Elizabeth Reaction Unit face two charges of murder, two of aggravated assault and one of attempting to defeat the ends of justice.

They are Warrant-Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, both of Port Elizabeth. It is alleged that on July 26, 1986, they.

● Murdered Mr Wheanut Mlungisi Stuurman, 18

● Murdered Mr Andile Plaatjies, 25.

● Assaulted Mr Zixolisile Goniwe, 20, with the intention of causing him grievous bodily harm.

● Assaulted Mr Michael Qhina, 45, with the intention of causing him grievous bodily harm.

On July 28, 1986, they are alleged to have attempted to defeat the ends of justice by ordering or persuading other members of their unit to give an incorrect version of the events.

They have pleaded not guilty.

Mr Loots "How?"

Const Neveling "As we did, assaults, plastic bags and so on"

Mr Loots "Is that legal?"

Const Neveling "No"

Mr Loots "You mentioned a water method"

Const Neveling "Yes, you hold them under until they talk"

Mr Loots "Did you think that was what was going to happen when Mr Stuurman was taken to the river?"

Const Neveling "It was a possibility"

Mr Loots then asked whether he or any of the other members had got any information from the people they had arrested in Cradock. Const Neveling replied that they had not.

Mr Loots "But how did you expect to, when you did not even have anybody who could speak Xhosa?"

Const Neveling "If you take them far enough, they talk Afrikaans"

Const Neveling also said it was common for the unit to collect liquor from shebeens without paying and drink it on duty.

He said the unit's vehicles and men were never inspected by officers while they were on patrol. He agreed that it was against regulations.

The trial will continue on Monday.

Political Correspondent
THE SA Police was backing the UDF in the violent clashes between the organization and Inkatha that left scores dead in recent weeks in Natal, Inkatha secretary-general Dr Oscar Dhlomo charged yesterday.

Earlier this week, a

Cape Times 3/11/87 (UDF) (ZS)
Dhlomo: SAP backing UDF

spokesman for the Minister of Law and Order, responding to Inkatha's claims, said it was ridiculous to suggest the SAP was favouring the UDF.

"It is not police policy to favour the UDF or any other organization and we have no knowledge of

ill-feelings towards police there," he said

Answering questions at a Cape Town Press Club meeting, Dr Dhlomo noted that two SAP members were on trial in Maritzburg for their involvement in the conflict: "UDF members

admit that they have enlisted SAP members and prison warders to attack Inkatha."

Later he said during an interview that the UDF may have infiltrated the police force or "the UDF may have been infiltrated by members of the police"

ARGUS 2/11/07

Special constable stabbed to death in Khayelitsha

Crime Reporter 251 ~~251~~
AN OFF-DUTY special constable has died, apparently while trying to get to the Khayelitsha police station for help after he was assaulted.

Police said the body of Constable Victor Xmakana, 44, was found about 11.40 last night about 200m from the police station.

He had been stabbed in the chest.

A spokesman said it ap-

peared as if Constable Xmakana was assaulted and tried to reach the police station, but collapsed and died.

In another incident shots were fired at two special constables as they were walking to work in Nyanga.

Neither was injured.

Police said two shots were fired at the men in Mahobe Drive about 9.30 last night. They responded by firing warning shots into the air and then retreated.

Natal death toll tops 150 as more killed in clashes

The Argus Correspondent

MARITZBURG. — Three men were killed as fighting between rival groups in Maritzburg's townships continued at the weekend, pushing the death toll to well over 150. More than 70 people have been killed in the past six weeks.

The violence, which has dominated the country's unrest in the past few months, has been characterised by bloody clashes and massacres, reportedly between UDF and Inkatha members.

Police, unable to stamp out what they call "inter-group or faction fighting", have been accused by Inkatha of siding with the UDF.

This claim has been denied by police.

They have sent reinforcements, including helicopters, to the area. But policing its townships had been complicated by flood damage to the infrastructure of Natal and the hilly and rough nature of the terrain, according to Brigadier Leon Mellet, press secretary for the Minister of Law and Order.

AGENCY

Another factor was that much of the violence was committed by gangs of children, he said.

Brigadier Mellet said individual policeman had taken sides in the fighting. "But four of them have already been arrested and have appeared in court."

According to the latest police unrest report, a man was stoned and hacked to death by a mob at Sinathing near Maritzburg. Security forces used shotgun fire and tearsmoke to disperse the crowd.

Stabbed

At Kaluza near Maritzburg a shot was fired at security forces from a group. The security force patrol opened fire with shotguns and fatally wounded a man, according to the report.

A youth was seriously injured when a group stabbed him at the Mphophomeni township near Howick outside the city. The security forces dispersed the group with shotgun fire and tearsmoke and arrested a man.

At Edendale a shop was extensively damaged by arsonists and a nightwatchman was stabbed and killed. Six youths and a man were arrested.

Seven men were wounded after security forces opened fire with shotguns following "an illegal gathering" near Hofmeyr in the Free State. The seven wounded men were arrested and are under police guard in hospital.

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4 Cape Times, Tuesday, November 3, 1987

Police on trial: Man 'was beaten'

Own Correspondent

GRAAFF-REINET. — A man told the Supreme Court yesterday that he had been beaten, suffocated with a plastic bag and threatened with death by members of the unrest unit for no reason at all.

Mr Zixolisile Goniwe was testifying here in the trial of Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, on two counts of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arise out of alleged incidents in Cradock when a 10-man squad from the unrest unit under WO De Villiers was sent to monitor a funeral there on July 26 last year.

Mr Goniwe said he was standing in his yard in Zambodla Street on the morning of July 26 last year. Three other men were standing on the corner.

A police bus pulled up and they were all arrested. Mr Goniwe said he had done nothing to warrant arrest.

When he sat on a seat in the bus, a coloured policeman hit him on the back of the head with a rifle butt and told him to sit on the floor.

The man in charge of the squad came and sat opposite him. When the bus stopped near the

TWO members of the Port Elizabeth Reaction Unit face two charges of murder, two of aggravated assault, and of attempting to defeat the ends of justice.

They are Warrant Officer Leon de Villiers, 36, and Const David Patrick Goosen, 26, both of Port Elizabeth.

It is alleged that on July 26, 1986, they:

- Murdered Mr Wheanut Mlungisi Stuurman, 18.
- Murdered Mr Andile Plaatjies, 25.
- Assaulted Mr Zixolisile Goniwe, 20, with the intention of causing him grievous bodily harm.
- Assaulted Mr Michael Qhina, 45, with the intention of causing him grievous bodily harm.

On July 28, 1986, they are alleged to have attempted to defeat the ends of justice by ordering or persuading other members of their unit to give an incorrect version of the events.

They have both pleaded not guilty.

Methodist church, the "Chief" started punching him.

The other arrested men were allowed to alight and the police chased them away.

"Chief" then placed a plastic bag over Mr Goniwe's head while the coloured policeman held his arms. He struggled till they took it off.

"Chief" then throttled him with a fanbelt till he lost consciousness. He came round near the house of the "deceased" (Mr W M Stuurman, 18).

"Chief" then told the driver to go

to a farm called 'Mission', where he was going to kill me," said Mr Goniwe.

Policemen got out of the bus, returned with the "deceased" and placed him in the bus.

Mr Goniwe was told not to look in that direction, but thought he heard blows.

Near the NG church the bus slowed down and he was told to get out. The coloured policeman wanted to push him out, but "Chief" restrained him.

He then went to hospital for treatment, as his ears and head were painful.

He said he did not lay a charge because he was unable to identify the people involved.

Mr W Kingsley, counsel for the state, then directed his attention to the accused. Mr Goniwe said he recognized WO De Villiers as "Chief". He said he was unable to recognize Const Goosen, as the coloured policeman was wearing a full beard the day he was assaulted.

Mr Justice Zietsman "What did they want from you, did they ask you any questions?"

Mr Goniwe "They did not want anything, they did not ask any questions."

Mr Goniwe said he was terrified when he heard he was to be killed, and begged forgiveness.

The trial will continue today.

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Arrested, beaten for no reason, says Karoo man

GRAAFF-REINET — A man said he was beaten, suffocated with a plastic bag and threatened with death by members of the unrest unit for no reason at all.

Mr Zixolisile Goniwe was testifying before the Supreme Court here yesterday in the trial of Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26. They are charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arise out of alleged incidents in Cradock when a 10-man squad from the unrest unit under W/O de Villiers was sent to monitor a funeral there on July 26 last year.

• ALL ARRESTED

Mr Goniwe said he was standing in his yard in Zambodla Street on the morning of July 26 last year. Three other black men were standing at a nearby corner. A police vehicle pulled up. They were all arrested.

Mr Goniwe said he had done nothing to warrant arrest. He said he was

told not to look in a certain direction, but could hear what sounded like blows. During this time the alleged assault took place.

Mr Goniwe said he had then gone to hospital for treatment to his ears and his head, which were both painful.

He did not lay a charge because, he said, he was unable to identify the people involved. However, questioned by Mr W Kingsley (for the State) Mr Goniwe said he recognised W/O de Villiers as the "chief".

He said he was unable to recognise Constable Goosen. The coloured policeman involved had worn a full beard on the day of the events.

Mr Justice Zietsman said "What did they want from you? Did they ask you any questions?"

Mr Goniwe replied "They did not want anything, they did not ask any questions."

He said he was terrified when he heard he was to be killed.

The trial continues today — Sapa.

Man claims he was 251 beaten by policemen 3/11/87 SAPA

GRAAFF-REINET — A man said he was beaten, suffocated with a plastic bag and threatened with death by members of the unrest unit for no reason at all

Mr Zixolisile Goniwe testified yesterday before the Supreme Court at the trial of Warrant Officer Leon de Villiers (36) and Constable David Patrick Goosen (26) on two counts of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arise out of alleged incidents in Cradock when a 10-man squad from the unrest unit under Warrant Officer de Villiers was sent to monitor a funeral on July 26 last year.

Mr Goniwe said on July 26 last year a police vehicle pulled up at his home

and he and three other men were arrested for no reason

He was taken into the police bus and when he sat on a seat, a coloured policeman hit him on the back of the head with the butt of a rifle and told him to sit on the floor

Later Warrant Officer de Villiers, whom the other policemen called "chief", came and sat opposite him.

LOST CONSCIOUSNESS

The "chief" hit him with his fists, then placed a plastic bag over his head while the coloured policeman held his arms. He struggled until they took it off

He said Warrant Officer de Villiers asked for a fanbelt, which was twisted around his neck, throttling him until he lost consciousness

He recovered near the deceased, Mr Stuurman's, house. He saw the police get out of the bus

The policemen returned with the deceased. He was placed in the back of the bus.

Mr Goniwe said he was told not to look in that direction, but could hear what sounded like blows.

Near the NG Kerk he was told to get off.

The case continues — Sapa.



Court told of two cops shot dead

By MATHATHA TSEDU

HOURS after a captured guerrilla was tied with shoelaces and loaded at the back of an open police van, the two policemen with him were found shot dead — and the guerrilla gone.

This evidence came on the fifth day of the Messina landmine blast trial and was given by Major Petrus Oosthuizen of Special Task Force of the SADF.

The major was testifying in the trial of Mr Mthetheli Mncube (27) and Mr Msondeleli Nondula (24) who are appearing before Mr Acting Justice J P O de Villiers charged with ten counts of murder, 24 of attempted murder, five

counts of possession of arms and ammunition, one charge of terrorism and an alternative charge of treason.

They have both pleaded not guilty to all the charges.

Major Oosthuizen said Mr Mncube was captured after three other guerrillas had been killed

on December 26 last year. The overall he had been wearing was taken from him and he was only left in underpants,

he said.

“He was tied with shoelaces before he was put at the back of an open police van where he was with Sergeant Nel Warrant Officer Gerber

was driving when the van left. Four AK47 rifles were also loaded in the van,” he said.

The major said that after he had loaded the three guerrillas who had been killed, he had driven to Messina and had parked the police van about 10km outside town.

“Later that night I received a report and drove back to the spot where I had seen the van. Both policemen were inside and dead.”

Mr Mncube, as well as one AK47 rifle, was missing.

He said the fourth guerrilla was killed the following day and added

“Earlier, a farmer had told me how he had come across the group of guerrillas who had fled from him as he shot at them.”

Mr J. P. O de Villiers is sitting with two assessors, Mr Frans Roets is prosecuting and Mr Rodney Black is appearing for both accused.

that all the guerrillas were found with fully loaded AK47 rifles which were not used.

Cop dies in shooting

A POLICEMAN was shot dead during an alleged argument with a "special" constable in Soshanguve near Pretoria at the weekend.

Warrant Officer M W Molema (44) was shot with a service revolver at Section F

Lt Henne Crowther, public relations officer for the South African Police in the Northern Transvaal confirmed the incident. Both policemen were stationed at the Soshanguve police station.

Meanwhile a young man was found hanging from a tree outside his girlfriend's home in Mamelodi East Pretoria yesterday morning.

IS DETAINED

THE president-elect of the Methodist Church of Southern Africa, the Reverend Stanley Mogoba, was detained by security police at his home in KwaMashu, Durban, on Monday.

Mr Mogoba was arrested at about 10 30pm under Section 29 of the Internal Security Act and the Methodist Church has begun negotiating with the Government for his release.

Rev Mogoba raided at his Durban home

He is also secretary of the Conference, and is the first president to be elected to hold office for a three-year period.

The chairman of the Methodist Church for the Natal coastal district.

Handwritten initials and scribbles

the Reverend John Borman, yesterday said that the church had sent a telex to the Government appealing for Mr Mogoba's release. "We are negotiating with the authorities for

"Mr Mogoba is a man of peace and a promoter of dialogue with all groups in southern Africa. "He is a reconciliator and a man of dialogue, which was the reason for his election as president of the Methodist Church in Southern Africa."



Two men found guilty of slaying policeman

MS
4/11/87

Two young men were found guilty yesterday of "brutally assaulting" and killing a Pretoria security policeman.

They were also found guilty by the Pretoria Regional Court of stealing his car containing explosives, ammunition, and two Uzi submachine-guns

Ryan Craig McKenna (18) of Cape Town, and Paul Cornelius Griesel (19) of Verwoerdburg were found guilty on six charges, including culpable homicide, robbery with aggravating circumstances, and possession of arms, ammunition and explosives.

They had pleaded not guilty to all charges

The magistrate, Mr D J Pieterse, found that on December 11 last year the two accused assaulted and killed Lieutenant Johan du Toit (40), an explosives expert in the South African Security Police.

They stole his car and drove to Dur-

ban, then to the Cape, where they were arrested at a roadblock at Mossel Bay. Lieutenant du Toit died as a result of "multiple injuries with a blunt instrument".

A probation officer said the two accused should be jailed because they did not function properly in the community. He also recommended that Griesel receive "prolonged psychiatric treatment"

McKenna claimed that Lieutenant du Toit had approached him while he was sitting in a park at an art gallery in Arcadia, Pretoria

He said Lieutenant du Toit had offered him money to go home with him. McKenna said, thinking the policeman was "gay", he decided to "play along" and went to fetch his friend Griesel

They said they intended robbing the policeman

Sentence will be on November 10.

(251)

Cop tells of potjiekos, brandy - then killing

From EDYTH BULBRING

PORT ELIZABETH — Two policemen gave evidence in the Supreme Court sitting in Graaff-Reinet this week against fellow members of the Reaction Unit here

Warrant Officer Leon de Villiers and Constable David Goosen face two charges of murder, two of aggravated assault and of attempting to defeat the ends of justice

Last week Sgt Heinrich Blumenthal told the court how members of the unrest unit, who 24 hours before had made potjiekos and performed a ritual of blood brotherhood, decided to execute a suspect who had been injured during interrogation

He said 10 policemen were dispatched under De Villiers, 36, to Cradock on July 25 last year to monitor the activities of a funeral in the township the next day

It is alleged that De Villiers and Goosen, 26, murdered Wheatnut Stuurman, 18, and Andile Plaatjes, 25, and assaulted Zixolisi Goniwe, 20, and Michael Qhama, 45, on July 26.

Sgt Blumenthal, formerly of Kooevet in Namibia, said he joined the unit three days before they were ordered to Cradock

On the way, they drank brandy and on their arrival at the camp in Cradock, they made potjiekos and drank more brandy.

By 2 am they were all under the influence of liquor, except for Goosen, who did not drink

On hearing a radio report that there were stonings in the township, they decided the unit would go on patrol, observe and interrogate the residents

He said before they went, members of the unit went through a ritual of blood brotherhood by cutting their

forearms and mixing the blood by pressing their arms together

He described how they entered the township and immediately somebody said "there he is, suspect number one"

The members jumped out of the van and surrounded the man

When they left, he was lying on the ground. Other similar incidents occurred before the unit left the township.

Terrorise people

Under cross examination, Blumenthal denied the state's allegation that the purpose of the patrol was to "terrorise and assault people on the streets"

He was adamant that their aim was to look for stonethrowers and gather information for actions during the funeral the next day. He denied that he was involved in any of the assaults but could not explain why, as

a senior member of the patrol, he did not query any of the actions

He testified last week that as they gathered at the van for their return, Goosen had said "I have just stabbed a man, I felt the knife go in"

He said he did not take the remark seriously as he had not seen Goosen with a knife.

The following morning at 7am, they were again ordered into the township

During the patrol, several township residents were arrested, assaulted and interrogated while plastic bags were placed on their heads

Most of them were then released.

During one interrogation, however, he saw the suspect was bleeding badly. One of the members of the unit said the man was injured and should be "taken out"

The injured

man was Wheatnut Stuurman.

De Villiers said they should find a "quiet place". Blumenthal helped to carry Stuurman to the van where he was given a mug of brandy to drink

On the way to the Fish River, De Villiers remarked it was sad a man should die so young

Stuurman was 18 when he died

At the Fish River, Goosen and two others left the van with Stuurman. While they were away, De Villiers said he wondered when they were going to shoot him

Later, he heard a shot

Gun on back

After a while, the three policemen returned without the man. Goosen said he had put the gun against the back of Stuurman's neck and shot him

Blumenthal said he could not believe it at the time because it would be plan murder

Both men have pleaded not guilty to all the charges but they have not yet revealed their defence

Under cross examination, it was put to Blumenthal by the defence counsel, C Jansen, SC, that Goosen had told his colleagues that on reaching the river, he had slipped and fallen, and a shot went off which hit Stuurman in the neck

Blumenthal denied the suggestion that the shooting was an accident

In his fourth day under cross examination on Monday this week, Blumenthal told the court that the whole unrest team had agreed to say that Stuurman was accidentally shot.

Blumenthal said when the investigation started on the Monday, following the incident, the whole team got together and decided on the accident story

Admitted

When they agreed to make statements, they were all taken to Cradock by bus and on the way they discussed the matter and again in the hall when they gathered to make their statements

He admitted he had lied to the police officer who questioned him and again when he made the original statement in the hall

When he was challenged by the investigating officer, Major G Goosen, he volunteered to tell the truth because he was worried about a suspension or jail sentence

This week Constable Michael Neveling said he saw Goosen plunge a divers knife into a man's chest. The man is believed to be Andile Plaatjes

He described the blood brother ceremony around the campfire to ensure that the squad would "stick together", keep its secrets within the group and ensure that nobody would be "dropped" by colleagues if they got into trouble

Knives, spade

He said after they heard of a stoning in the township they armed themselves with a variety of knives, a spade and an axe, and went on an unofficial foray in the township

After various stabbing incidents, the night ended with another constable firing a shotgun at a group of people

He said the next morning as the unit patrolled the area during the funeral, they made various arrests

Four of the men were interrogated, using plastic bags placed over their faces

Three of the men were released and the other was executed at the banks of the Fish River by Goosen

After the execution, Goosen told De Villiers that he had shot the boy in the back of the neck and saw the bullet emerge through the left cheek and hit the sandbank

He said the boy had dropped like an ox and they had thrown him into the river

He landed face down on a sandbank. De Villiers had told the squad to "keep quiet about it"

Neveling said when they heard an investigation into the death of the two men was to be carried out, the squad had gathered at the house of De Villiers

Here they decided on a story that Goosen had taken Stuurman to the river alone to wash the blood off his face

Stuurman had allegedly broken free, causing Stuurman to slip

The gun had accidentally gone off, hitting Stuurman in the neck — PEN

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251

Judge

After a shootout near Messina...

remains on Bench 2 policemen killed,

MESSINA - Mr Justice J.P. O de Villiers remained on the Bench here when the Supreme Court trial resumed yesterday, despite rumours that he was considering focusing himself from the case.

Earlier Mr Rodney Black, appearing for the two accused, had queried the fact that a State witness had been given the task of escorting the judge to and from the court each day.

No further mention was made of the matter yesterday.

But the prosecutor, Mr Frans Roets, expressed dissatisfaction with the repeated delays that have dogged the hearing.

The hearing was scheduled to start at 8.30 am, but Mr Black only arrived at 10 am.

Judge de Villiers said he understood Mr Black's reasons for being late, but added he would like to see proceedings begin more punctually.

2 policemen killed, suspect fled custody

By Dirk Nel
Northern Transvaal Bureau

MESSINA — Mr Mthethleli Mncube (27), an accused in the Messina terrorism trial, was arrested after a shootout with a group of insurgents on a rocky hillock near Messina on December 26 last year, a defence force officer, Major P M Oosthuizen, said yesterday.

But Mr Mncube escaped on the same day whilst in the custody of two policemen who were found shot dead, Major Oosthuizen said.

Mr Mncube and Mr Mzondeleli Nondula have pleaded not guilty to 10 charges of murder, 14 of attempted murder, as well as others of terrorism, treason, and contraventions under the Internal Security Act and the Arms and Ammunition Act.

Major Oosthuizen, the commanding officer of a reaction unit which followed the footprints of a group of alleged insurgents, said the unit slept in the veld on the night of December 25 last year and continued their tracking the next day.

When they reached a river bed between two kopjes, Major Oosthuizen was told that one of his men had killed a suspect and that an AK47 rifle and 30 rounds of ammunition had been found near the dead man. The unit was instructed to search the nearest hill for possible escape routes.

Soon after that, a lieutenant reported that two men in blue overalls were hiding in a rock crevice

Major Oosthuizen advised him not to shoot, but the lieutenant opened fire when one of the suspects produced a handgrenade.

The two suspects were shot dead and fully-loaded AK47 rifles, rucksacks and handgrenades were found among the rocks.

An unarmed man, who was seen running away, was arrested and brought to Major Oosthuizen.

"That man is accused no 1 here in this court," Major Oosthuizen told Mr Justice De Villiers.

He said the man's hands were then tied behind his back and he was later sent in a police vehicle to Messina, accompanied by Sergeant Joachim Nel and Warrant Officer Theunis Gerber. Four AK47 rifles and two rucksacks were sent along in the vehicle.

At midnight on December 26, the vehicle was found about 10 km from Messina. The policemen had been shot dead, and their captive and an AK47 rifle was missing.

According to documents before the court, the escapee was later rearrested.

Earlier another witness, Mr Louis Schubert, testified that a farmworker pointed out five men in blue overalls resting under a tree while he was travelling along a game track on his farm with some visitors.

They ran away when he confronted them, leaving AK47 rifles, handgrenades, explosives, tinned food, and a booklet "The South African Communist" behind.

The hearing continues

Fireman tells how workers beat policeman

By Bruce Anderson

Thirteen SATS workers appeared in a Johannesburg Magistrate's Court yesterday on charges of public violence arising out of an incident that took place at the same time as the recent SATS strike.

The accused are Mr Johnson Klaas (32), Mr Sakhino Mbele (24), Mr Mathews Moseke (20), Mr Fraus Malatji (32), Mr Wilson Baloyi (46), Mr Peter Lebogo (30), Mr Silas Mbele (28), Mr Jonas Mokoana (32), Mr Abel Taung (27), Mr David Khangale (36), Mr Andries Tshuskutswane (21), Mr Israel Mlendu (43) and Mr Mbuliselwa Makhobatlwa (49).

All have pleaded not guilty to a main charge of public violence and four alternative charges of attempted murder.

Mr Willem van Schalkwyk, a fireman at the Randfontein Fire Station,

told the court he had seen a crowd of between 50 and 70 men moving down Davies Street in Johannesburg on April 22 this year, carrying kerries, bottles and sticks with sharpened metal points.

Two police vehicles followed the crowd. A police car moved around the crowd and parked in front of it. A police major got out of the car and told the crowd to stop before fetching a teargas canister from the car and spraying members of the crowd, said Mr van Schalkwyk.

The crowd trapped the policeman against a steel door bordering on the street and assaulted him. Mr van Schalkwyk said he saw a policeman get hit on the head with a bottle.

Shots were then fired and the crowd dispersed.

During cross-examination, Mr M. Luitingh, appearing for the 13 workers, told Mr van Schalkwyk it was unlikely he could have seen metal points on sticks carried by the workers from his vantage point on the first floor of a building. He said Mr van Schalkwyk's version of events would conflict with that of another state witness who would tell the court that the major had emerged from the car with a teargas canister already in his hand.

The hearing continues.

Mr C C Butler was on the Bench. The public prosecutor was Mr. H J Heystek.

~~SP~~ (251) STAL 4/11/87

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Police man beckoned to Witdoeke to charge

Supreme Court Reporter WITDOEKE gathered in front of the Divo clinic in Nyanga surged forward and torched the Zolani Centre and refugee tents pitched beside it after a policeman in a Casspir beckoned them into a charge the Supreme Court heard yesterday.

This was the evidence of 26-year-old Dr. Mark Blecher, the seventh witness to testify in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when most of KTC was destroyed last year.

From a window in the clinic where he was man in a Casspir sta-

working on June 9, Dr Blecher saw several hundred armed witdoeke approaching from Old Crossroads.

"They charged a group of so-called comrades who were opposite the clinic and a battle ensued. Four Casspirs and Buffels were patrolling the area but did absolutely nothing to prevent the attack, let alone stop it," he said.

"The witdoeke then gathered in front of the clinic and I saw a policeman in a Casspir sta-

tioned next to them beckon with his hands to the witdoeke to charge in the direction of the Zolani Centre.

"He then turned and aimed his gun and from where I was it looked as if he was shooting at the comrades in the direction of the Zolani Centre. The witdoeke then surged forward on to Zolani Centre."

Dr Blecher said about four other witdoeke came from the other refugee tents after this and all the tents were

afame.

"All this was done a mere ten to 15 metres away from a stationary Casspir. The policemen in the Casspir did nothing to prevent the tents being burned, nor did they take any action whatsoever against the witdoeke who burned the tents," he said.

"The hearing continues."

Mr Justice M R de Kock presided. Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griesel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister.

Cape Times 4/11/87

Churchgoers found boy's body in river

251 Own Correspondent

GRAAFF-REINET — A man going to church with his girlfriend found the body of a boy lying in the Great Fish River, the Supreme Court heard yesterday.

Mr Joey Ndunyana was testifying at the trial of two unrest unit policemen, Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, on two charges of murder, two of assault and one of attempting to defeat the ends of justice.

The state alleges that Mr Wheanut Mlungisi Stuurman was "taken out" next to the river on July 26 last year after he was too badly injured during "interrogation" to release or detain.

Mr Ndunyana said that on Sunday, July 27 last year he and his girlfriend, Miss N Maseti, were going to church on a farm nearby about 10am.

As they prepared to wade the river, Miss Maseti said "Look, there is a child in the river." He saw a body floating face down about two metres away.

He later returned with the police. He noticed the body had a wound in the left cheek and a bandage wrapped loosely around the head and neck.

The feet were on the shore, the chest on a sandbank and the head in the water. Seeing bloodspots on the reeds nearby, he realized the body had not been washed down the river.

Detective-Sergeant G T Smith said he also noticed the cheek wound, bloodspots on the reeds and higher up the bank, a number of boot tracks.

When he returned with the investigating officer, Major G P S Goosen, the next morning, he found a spent 9mm shell at the scene.

The trial continues today.

Court told of campaign to persecute Alex policemen

An Alexandra Town Council official told the Rand Supreme Court yesterday that municipal policemen could not buy from Alexandra shops and stopped taking public transport during last year's campaign to isolate them

The witness, who may not be identified, was giving evidence in the trial of Mr Moses Mayekiso, general secretary of the National Union of Metalworkers of SA (Numsa), and four other Alexandra community leaders

Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28) and Mr Mzwanele Mayekiso

(22) have pleaded not guilty to treason, alternatively subversion, alternatively sedition. They are alleged to have tried to seize control of Alexandra in 1985 and 1986

Yesterday, the official said the municipal police started to have problems early last year "The comrades said all policemen must resign and join the struggle or leave the township"

He said pamphlets in the streets called on residents to isolate collaborators. The pamphlets said residents should not board buses or taxis with collaborators and should end personal relations with them

The hearing continues.

(525)
20/11/87

Police in door-to-door survey

251 South 29th 4/11/87

POLICE have started a door-to-door survey in strife-torn Bonteheuwel, raising fears among political activists of a possible major security swoop on the area.

But police have denied the survey was politically motivated. They said it was "to build a better relationship with the community".

Members of the Bonteheuwel Interschools Congress (Bisco) said police were seen in the area at least twice a week.

"They ask questions about the number of people in the house, where people work and which schools the children attend.

"They have also handed out pamphlets suggesting they should contact the police if there is any unrest in the area," a Bisco spokesperson said. She said Bisco believed the reason

for the survey was to get information about activists and to find out where students live.

"Policemen told people they could make anonymous phone calls if they wanted to give information.

"Even primary school pupils were asked detailed questions about activists.

"We are preparing ourselves for a swoop on Bonteheuwel. The survey could also be related to the planned visit to the area by Law and Order Minister Adnaam Vlok

"Vlok is welcome to visit the area if he comes in peace and not to harass us," she said.

A Vlamboom Road resident said she was asked if she had problems with a nearby liquor outlet and nightclub. "I was also told to contact the police if I have any information about

people who throw stones and burn the buses," she said.

Labour Party MP for the area Patrick McKenzie said "All I know about the survey is what people came to tell me

"The most surprising thing is that people are so pleased with what the police are doing I did not find anyone who was upset."

He did not know if the survey was linked to the Joint Management Centre (JMC) sub-committee in the area.

"I have not been to JMC meetings for months because of my commitments in Parliament," he said. Bishop Lavis police station commander Captain D A Langeveldt confirmed the survey, but referred questions to the Western Cape police liaison department. Western Cape police liaison officer

Lieutenant Attie Laubscher confirmed that "senior policemen and officers are visiting the residents to obtain personal contact".

"They act like a deacon would, to find out if people have any problems which they are reluctant to talk about.

"It's purpose is also to win the confidence of residents. It is to build a better relationship between the police and the community.

"The police are not just those on a patrol van or Casspir

"These policemen are specially trained for the task. It has been going on for a month and it will go on longer as we hope to reach all the houses in Bonteheuwel. It is not unrest-related."

He said the operation was being run by the Western Cape regional office.

AKGS 4/11/87

CITY/NATIONAL

'Witdoeke', policeman beckoned to

Supreme Court Reporter

A policeman on a Casspir beckoned to "witdoeke" and then pointed towards the Zolani Centre with his firearm, the Supreme Court heard.

Dr Mark Blecher was giving evidence in the R312 000 damages claim by residents of KTC squatter camp against the Minister of Law and Order for allegedly assisting, alternatively failing to prevent, attacks by "witdoeke" which destroyed their camp last year.

Dr Blecher said he was tending patients at the Divisional Council clinic near the Zolani Centre on June 9 when he saw various incidents through the window

Among these were a brief skirmish between "witdoeke" and "comrades", a "witdoek" pouring liquid on a refugee tent and setting it alight and the beckoning policeman

In cross-examination, Mr G D Griessel SC, for the Minister, said evidence would be that the policeman had been shot and was gesturing to fellow-policeman Major (Dolf) Odendaal

Dr Blecher said people at the clinic later said Zolani Centre was burning

"After the 'witdoeke' had moved down the road, a nursing sister and I went there," he said.

"Her car was burning (in the centre's grounds). The building was burning. Bits of roof exploded and flew into the air."

Dr Blecher, who said he had worked in Crossroads for 18 months, said he was "absolutely astounded" that police had done nothing to stop the "witdoek" actions

"They were clearly the aggressors and it was clear to me that the job of any peace-keeping force would be to contain this aggression.

"It seemed police were assisting them."

"Most of the 'opponents' were in fact residents of KTC, not particularly involved with any organisation.

"They were faced with the destruction of their homes and everything they owned. They were there to protect these things."

"Eat soap"

Dr Blecher said he was aware that followers of (Crossroads leader) Mr Johnson Ngxobongwana had been assaulted and made to eat soap for not sticking to a consumer boycott, before alleged "witdoek" attacks destroyed Nyanga Bush and Portland Cement areas in May 1986 and KTC the following month

"Such actions were not only

"The opinion I gained in the months I worked in Crossroads was that there were many youths, some non-affiliated and others belonging to organisations like the Cape Youth Congress (Cayco)

"Youths stoning and burning might not have belonged to any organisation"

The hearing continues today.

Mr Justice de Kock was on the Bench Mr S Aaron SC, with Mr P Pretorius and Mr A Omar, instructed by the Legal Resources Centre, appeared for the plaintiffs Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw, instructed by the State Attorney, appeared for the Minister

Govt denies role in Hillbrow swoop

Police guard as families are evicted

PATRICK BULGER
and DANIEL SIMON

IN THE first major eviction of illegal tenants living in Hillbrow, more than 40 black families were ordered from their flats under police guard yesterday.

Government said yesterday it had no role in ordering the evictions and that it had not warned the owners to evict illegal tenants

Residents of Ansol Court in Kotze Street in Hillbrow were visited by the deputy sheriff and police yesterday morning and given five minutes to vacate the one-bedroomed flats for which they were being charged R487.

White tenants living in three of the flats were allowed to stay

The eviction — which left dozens of people on the pavement with their belongings — has raised fears among opponents of the Group Areas Act (GAA) that Hillbrow property owners will use it as a precedent to evict the estimated 25 000 illegals living in Hillbrow

It has also raised the prospect of a potential legal battle between the owners of Ansol Court, Ann van der Merwe Investments CC, and lawyers acting for evicted tenants.

The evictions follow a letter sent to residents on October 5 warning them

they would have to leave as the owners wished to renovate the building. Tenants protested through Actstop, a group that has been set up to help those living in the GAA twilight zone.

On Monday, however, the owners obtained a judgment against the property managers, Hillcrest Property Management, on the basis that Hillcrest owed R9 000 in rent arrears. Actstop member Cas Coovadia said a verbal agreement was made whereby the owners could evict Hillcrest and the tenants

He said Actstop's lawyers were looking into the possibility of legal action, claiming the order had gone through the magistrate's court at "unusual speed"

Coovadia was speaking to evicted residents last night to obtain a mandate from them. He said Actstop was also looking at the possibility of arguing that residents had not been given the stipulated one month's notice period.

Coovadia expressed fears that the evictions might lead to a spate of others directed against the estimated 25 000

● To Page 2 →

Families evicted in Hillbrow

blacks living illegally in Hillbrow

Coovadia said "In flats that are not rent controlled this could set a trend for owners and lessors to evict black people"

A Hillcrest director, D E Malan, said he had no comment to make on "a legal matter"

Yesterday the pavement outside Ansol Court was piled high with possessions such as beds, lounge suites, carpets, clothing and an assortment of boxes. Pots and pans with Monday night's supper were left in the open in the hurry to leave

← ● From Page 1

One of the tenants, restaurant waiter Jabulani Sibisi, 24, said "I was sleeping and suddenly woke up to find myself being dragged out of bed by police. They told me to pack what was mine and move out"

Chef Nelson Mncube said he was sleeping in his 4th-floor flat when police knocked and told him to pack and leave

Mncube said "I do not know where I'm going to go, I have no friends to move in with"

251

BUSINESS DAY, Wednesday, November 4 1987

3

MUNICIPAL policemen in Alexandra stopped using public transport and buying at local shops during the unrest in the township last year after the "comrades" told the community to isolate them and other "collaborators", the Rand Supreme Court heard yesterday

This evidence was given by a State witness in the treason trial of trade unionist Moses Mayekiso and four others.

Mayekiso, Paul Tshabalala, Richard Mdakane, Obed Bapela and Mzwanele Mayekiso have all pleaded not guilty to treason, alternatively subversion and sedition.

The charges against them arise from allegations that they were involved in a conspiracy to seize control of Alexandra and make it ungovernable.

It is also alleged they were in-

Court hears of police isolation

SUSAN RUSSELL

involved in the establishment of organs of people's power, the formation of people's courts and the Alexandra Action Committee.

The state witness, who is one of a number giving evidence in camera, told the court the comrades had distributed a publication saying all municipal police and SAP members must resign and join the struggle.

The witness also told the court that municipal policemen left the township and went to stay in tents in Kew because they did not want to remain in Alexandra after the SAP left.

251
Cape Times 5, 11/8/7

Policeman's wife cried at his arrest

Own Correspondent

GRAAFF-REINET — A policeman's wife broke into hysterical tears when she heard he was being arrested and detained, the Supreme Court heard yesterday

The investigating officer, Major G P S Goosen, was giving evidence in the trial of two unrest policemen, Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26

WO De Villiers and Const Goosen are charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice, arising out of alleged incidents when a 10-man squad under WO De Villiers went to Cradock to monitor a funeral on July 26, last year

Major Goosen said he went to Const Goosen's flat in Algoa Park on August 28 last year to arrest him

At the door he told Const Goosen he was to accompany him to Cradock and he should bring clothes because he might be arrested and detained

Const Goosen's wife packed for him. When Major Goosen told her Const Goosen was being arrested, she broke into hysterical tears

At Cradock Const Goosen was detained alone in a cell. The major said that although he and Const Goosen had the same surname they were not related, but as they were both policemen he arranged to have Const Goosen "treated a bit better than usual". He saw to it that Const Goosen had clean blankets, a chair for his physical exercise programme and that he was allowed to shower and eat at the police club

The trial continues

Strikers chased

JOHANNESBURG.

Nine hundred strikers employed by Randburg Town Council were yesterday morning dispersed by police with teargas after failing to heed an ultimatum to return to work.

A union spokesman said the workers, who had been on strike since Monday and were demanding the recognition of the National Union of Public Service Workers, were locked out by management at the council's workshop. — Sapa

CAP
Tears
5/1/82

(5)

(7)

(12)

(25)

Policemen tell of attack by strikers

By Paul Olivier

Two riot squad policemen yesterday told how they were attacked and one of them stabbed when a group of more than 50 railway workers converged on them near Rockey Street, Johannesburg during the recent Sats strike.

Thirteen Sats workers are appearing in the Johannesburg Magistrate's Court on charges of public violence arising from incidents on April 22 this year.

The accused are: Mr Johan Klaas (32), Mr Sakhino Mbele (24), Mr Mathews Moseke (20), Mr Frans Malatji (32), Mr Wilson Baloyi (46), Mr Peter Lebogo (30), Mr Silas Mbele (28), Mr Jonas Mokoena (32), Mr Abel Taung (27), Mr David Khangale (36), Mr Andries Tshuskutswane (21), Mr Israel Mlendu (43) and Mr Mbuliselwa Makhobatla (49).

All have pleaded not guilty to a main charge of public violence and four alternative charges of attempted murder.

Constable Johan Vlok told the court he and Constable Gert van Jaarsveldt were following the group of men who had left Cosatu House at 12 pm. They were heading for Doornfontein Station.

They were armed with knobkerries and bottles. We followed them in the riot truck. On the corner of Rockey Street and Davies Street a major joined us in a car. He spoke to the crowd over the P A system but they disregarded him.

"He got out of the car to stop the crowd. They attacked him. I went to where the major was."

He was hit over the head with a knobkerrie and was "twice stabbed lightly" with a knife. He said he fired two shots with his service revolver and managed to escape from the crowd. He said he ran to the truck to fetch his R-1 rifle.

"When I turned around to the crowd everything was over. One of the shots I fired went into the wall. I don't know what happened to the other one."

The hearing continues.

Cape Times 5/11/87 251

Former gang leader turns to crime-busting

By CHRIS STEYN

"GENERAL" James D Petersen, the former Cape "leader" of one of South Africa's two most powerful and feared prison gangs, has turned to crime-busting and has recruited nearly 200 young "gangsters" for a far-reaching rehabilitation programme.

Having spent the greater part of his life behind bars, he now dedicates the remaining years to a cause which gives him "peace of mind" and freedom.

He has not been in prison since February 1984, when he was discharged for good behaviour.

In August this year, he founded the Young People's Community Project, which now has a membership of 178 young "gangsters".

The youngsters — 50 from Mitchells Plain, 64 from Oceanview, 32 from Manenberg and 32 from Hanover Park — have been hand-picked from the streets by Mr Petersen over several years. Each Saturday they meet to discuss his "five-point development plan".

"We give lectures on their development, specifically the physical, psychological, spiritual, socio-cultural and economic aspects," Mr Petersen said.

Yesterday he gave assurances that it was possible for a habitual criminal to adopt law and order with such fervour.

Even his personal life has changed dramatically. He married for the first time about two years ago, and has since become a father.

But the past is not forgotten. The six stars and the law-book tattooed on his shoulders will always remind him of the status he achieved among prisoners while serving 13 years at Brandvlei Prison near Worcester where he was



GANGSTER TURNED "COP" .. "General" James D Petersen, for years one of the most powerful and feared prison gang leaders in the Western Cape, in Rocklands yesterday with his daughter, Jamie-Lee. Picture CHRIS STEYN

known as "Kettings".

Shortly after he left prison for the last time, word spread that he had "turned". He was subsequently kidnapped in Grassy Park by former fellow gang-members and taken to Blue Waters in Strandfontein for a "cowboy duel".

"One of them had a gun. They gave me one too. It's like a cowboy

draw — you shoot first or you die. I was tempted to shoot, but then I came to my senses and said 'I am finished with crime. I am finished with gangs'."

Mr Petersen talked his way out, and "I have since delivered proof to them that my job is not to shop them, but to prevent youngsters from going the same way."

The 45-year-old former convict was introduced to prison gangs at the age of 15 when he was sentenced to 30 days at Cape Town's Roeland Street jail.

Many of his friends were with The 28 gang at the time and he was invited to join. "But I didn't like the way The 28's continually practised homosexuality," so

he joined The 26's who "concentrated entirely on money matters".

From Roeland Street — where he was serving a 90-day sentence — he was transferred to Pollsmoor Prison where he was caught with dagga and sentenced to a further 18 months. From there he was taken to Hawequas near Wellington where he was able to rebuild the depleted ranks of The 26's.

But "proving his capability as a leader" landed him with a further 10-month jail sentence and put a prison warden and two inmates into hospital.

"Armed with a knife smuggled into the prison, I assaulted and stabbed a member of the Big 5's. Another prisoner tried to stop me and got hurt. Then the warden came at me. I blocked his baton charge and stabbed him until he collapsed."

Shortly after the incident, he was transferred to Victor Verster Prison near Paarl. "But my reputation went with me."

In 1971 — after a series of fraud convictions — Mr Petersen was declared a habitual criminal and sent to Belville Prison for nine to 15 years.

It was here that he first tried to change his ways — but it was not to be. Belville Prison was closed and he was transferred to Brandvlei where "pressure was put on me to lead The 26's again".

"I was told to prove myself or pay the penalty for rebelling. I had made the rules myself — I knew I would be killed if I stayed out."

"So I assaulted a work party convict with a spade. He lost his sight and was given a medical discharge."

It was the memory of such events that made James Petersen change his ways.

CMC Toys

5/11/87

(251)



FLASHBACK . . . This photograph was one of 56 taken by Guy Tillim in KTC on June 9 and 10 last year and handed in as court exhibits yesterday. It shows a police Casspir in Dune Road metres from armed witdoeke, one of whom appears to be coming out of a shack.

Supreme Court Reporter
SCENES from the destruction of KTC camp in June last year, allegedly by armed "witdoeke" helped by police, were shown to the Supreme Court yesterday in a series of photographs taken by freelance photographer Mr Guy Tillim.

A file of photographs and contact sheets showing their sequence was handed in to court and Mr Tillim spent all day in the witness box describing and elaborating on what his photographs showed.

He is the eighth witness to give evidence in the R312 000 damages action brought against the Minister of Law and Order by the Methodist

Photos of KTC destruction shown to court

Church and 21 of the families who lost their homes when KTC was destroyed.

Some 3 198 similar suits against the minister with claims totalling over R5 million, are pending and may depend on the outcome of the action.

Mr Tillim echoed previous witnesses, saying police had taken no ac-

tion to protect KTC residents and their property or to curb the witdoeke.

The only police action he witnessed was taken against fellow journalists who were arrested, against residents of KTC who were teargassed, and against residents of adjoining areas — including women and children — who were teargassed while they were

"merely looking on" from a distance at the destruction in KTC.

Mr Tillim also told the court that people trying to take down some St John Ambulance tents pitched near the burning Zolani Centre "would run and hide" when police vehicles appeared.

The hearing was adjourned till Monday at the request of counsel for the minister.

Mr Justice M R de Kock presided. Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar, instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Giessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw, instructed by the State Attorney, appeared for the minister.

Major denies accused policeman under duress

17665 6/11/87 (251) 327 210

GRAAFF-REINET — Major G.P.S. Goosen, investigating officer in the trial of two unrest squad policemen on charges of murder, denied he had told one of the accused that if he did not make a statement he would lose his police flat, his medical aid and his allowance.

Before the Supreme Court sitting here were Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice.

Major Goosen was testifying in the trial within a trial that was ordered after the defence had disputed the admissibility of a "pointing out" and explanations given by Constable Goosen.

The defence alleges that Constable Goosen made the statements and pointed out various scenes as a result of duress and undue pressure from Major Goosen.

Major Goosen said he went to Constable Goosen's flat in Algoa Park on August 28 last year, nearly a month after Constable Goosen and W/O de Villiers first appeared in court on one of the murder charges and nearly two weeks after he finished interviewing all the witnesses.

Hysterical tears

After Constable Goosen had been taken to the car, he went back and told the man's pregnant wife that he had been arrested. When she broke into hysterical tears, he turned and walked away. In the car, he told Constable Goosen that he had been arrested.

Cross-examined, he conceded that the purpose of the arrest was to interrogate Constable Goosen and get him to make a statement.

At Cradock, he questioned Constable Goosen on three separate occasions that afternoon. Each time, he warned him according to Judge's Rules. Constable Goosen denied knowledge of all the charges except the shooting.

He was adamant that he did not ask Constable Goosen for a statement that afternoon.

He had Constable Goosen locked up alone in the police cells after telling him to "go back to the cell, think about it, reconsider your position and tell me tomorrow if you wish to make a statement."

He denied that he had told Constable Goosen that if he did not make a statement he would lose his police flat, his medical aid, his allowance and that he should think of his pregnant wife.

He denied that he refused to let Constable Goosen telephone his wife. He said he telephoned her himself, but Constable Goosen was too overcome to speak.

He agreed that he would not have let Constable Goosen speak to his wife in private.

The trial continues on Monday.

Mr Justice Zietsman is on the Bench with Mr B P Loojs and Mr J van der Riet as assessors — Sapa

(251) W.M.K.T.C.
6-12-87

Policeman's death: Young kitskonstabel is charged

By THAMI MKHWANAZI

THE alleged involvement of a teenage "kitskonstabel" in the death of a South African policeman in Soshanguve last week has again raised serious questions about the controversial "quickie" division of the police force.

Warrant officer Mphela Wilson Molema, 44, was reportedly shot dead last Friday morning while sitting in his police car.

Nineteen-year-old kitskonstabel Elijah Maselela was arrested after the incident. He appeared briefly in the Soshanguve Magistrate's Court on Monday, and was remanded in custody.

No evidence was led and he was not asked to plead. According to his family, the case was postponed until November 22 pending investigations.

The South African Public Relations Directorate is not prepared to comment on the case, "as the matter is *sub judice*".

Members of the dead man's family told the *Weekly Mail* they believed he had been attempting to repossess a stolen police pistol when the shooting took place.

The bizarre case of possible police-on-police violence is merely the latest in a steady stream of reports of physical clashes — often fatal — attributed to the kitskonstabels.

Designated as police personnel, the kitskonstabels receive crash course training before being issued with weapons and special uniforms, and going on duty in the townships.

The first batch was trained near Koeberg in the western Cape in September 1986. It was reported that some 6 000 would be recruited in all.

Law and Order Minister Adriaan Vlok announced in February this year that 1 750 kitskonstabels had already been trained and deployed, but it is believed that the number is now far higher.

Their existence has prompted acrimonious exchanges between senior policemen — who insist that kitskonstabels are essential in helping an understaffed police force to maintain "law and order" — and critics who say that ill-trained "second class" policemen will inevitably abuse their powers.

The victim's family believe that at the time of his death, Molema was investigating a case of a missing pistol belonging to a senior police officer.

In pursuance of these investigations, they say, Molema and Maselela drove together to Maselela's parents' home in a police car on Friday morning.

Soon after arrival at the house in Soshanguve's Block F, Molema was allegedly shot several times. Maselela, after reporting to the Soshanguve police station, was arrested.

According to a former schoolmate who asked not to be named, Maselela was recruited to the kitskonstabels along with "many other youths in the township who had suddenly left school".

His decision to join the kitskonstabels appalled his family. Elizabeth Maselela, his mother, said she was "shocked when he told us he was going to be a policeman." According to his brother, Enoch Maselela: "I was mad when I saw him returning home wearing the kitskonstabel's blue overall.

"We just didn't know how to face the community."

In a statement to the *Weekly Mail*, the SAP declined to comment on allegations about the "special constables", saying:

"We refer you to a speech made by the Minister of Law and Order, Mr Adriaan Vlok, in parliament recently. This subject has also been dealt with by the minister on other occasions.

"We refer you to the speech made by Minister Vlok at Koeberg on 15 April 1987 when he addressed a passing-out parade of special constables. We have nothing further to add to the minister's statements."

Case Times 6/11/87
**Major told constable
to think it over in cell**

Own Correspondent *251*

GRAAFF-REINET. — Major G P S Goosen, investigating officer in the trial of two unrest policemen charged with murder before the Supreme Court here, denied he had told one of the accused that if he did not make a statement he would lose his police flat, his medical aid and his allowance.

Before the court were Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, charged with murder, assault and attempting to defeat the ends of justice.

In a trial-within-a-trial, the defence alleges that Const Goosen made statements and pointed out various scenes as a result of duress and undue pressure from Major Goosen.

Under cross-examination, Major Goosen said he had Const Goosen locked up alone in a police cell after telling him to "go back to the cell, think about it, reconsider your position and tell me tomorrow if you wish to make a statement".

He denied refusing to let Const Goosen phone his wife. He said he phoned her himself, but when he offered the telephone to Const Goosen he was too overcome to speak.



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SOWETAN, Tuesday, November 10, 1981

COSATU REJECTS TOP GOP'S CLAIM

THE Congress of South African Trade Unions yesterday rejected allegations by the Commissioner of Police that Cosatu's campaigns were part of a communist onslaught.

Cosatu said in a statement in Johannesburg that the commissioner, Gen Hennie de Witt, made these allegations at a recent employers'

congress in Cape Town

The commissioner reportedly said Cosatu's living wage campaign and programme of one industry, one union was part of a communist inspired plan to paralyse the economy

"We reject this criminalisation of our legitimate living wage campaign," Cosatu said

"It is indisputable that South Africa's economy is built on cheap labour, and that the vast majority of working South Africans do not earn enough to buy the basic commodities for a decent life"

High unemployment and rising inflation helped to worsen poverty in the townships, Cosatu said "It is also true that companies

continue to make record profits

"The working class in South Africa has every right to call for a greater share in the wealth produced"

If unionisation was a "sinister onslaught" then, by the same token, increased monopolisation and the existence of an employers' federation was part of a fierce capitalist onslaught on the working class, Cosatu said



251

Sanctum 10/11/87

POLICE stood by and did nothing to stop the destruction of KTC squatter camp by right-wing vigilantes in three days of bloody fighting last year.

This has been the repeated allegation of witnesses in a Cape Supreme Court hearing revolving around the devastation of the township in June last year.

The case has been brought against the Minister of Law and Order by 21 KTC families and the Methodist Church. They are claiming R312000 damages.

A further 3 198 similar suits with damage claims totalling more than R5 million are pending the outcome of this case.

The hearing arises from the fighting in the KTC township area on June 9, 10 and 11 last year.

The battles pitted vigilantes, known as "witdoeke" because of their white arm bands, against KTC residents and the so-called "comrades", leaving 70000 people destitute.

The role police played in the drama has been central to the case. The claimants have sought to prove that the destruction of the squatter camp was caused by the police either taking part or failing to stop the "witdoeke".

This week dramatic pictures by freelance photographer Guy Tillim were admitted as evidence.

Several of the pictures showed police Casspirs patrolling the street in which the "witdoeke" were razing KTC shacks.

Mr Tillim testified that at no time did the police intervene to stop the activities of the "witdoeke".

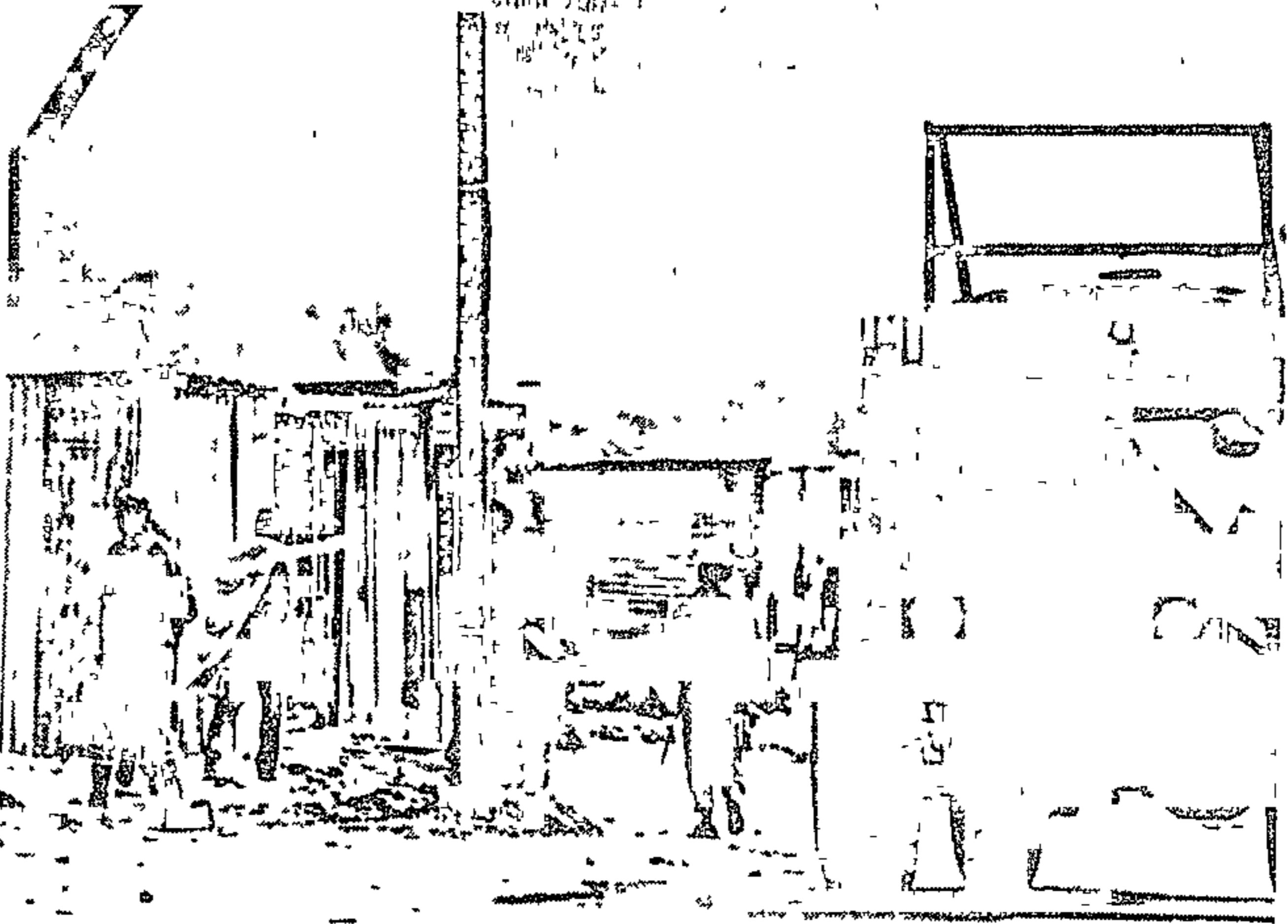
A sequence of Mr Tillim's pictures before the court indicated that a shack had been set alight by "witdoeke" right in front of a Casspir.

Other pictures showed "witdoeke" apparently destroying shacks only meters away from a Casspir. Mr Tillim testified that he had at no time seen police trying to stop the destruction.

Mr Tillim told the court he had returned to the township on June 10, the second day of the fighting, and witnessed a raging battle between "witdoeke" and residents.

He had been with television cameraman George D'Ath shortly before Mr D'Ath was killed in the fighting.

He said police vehicles in the vicinity of the



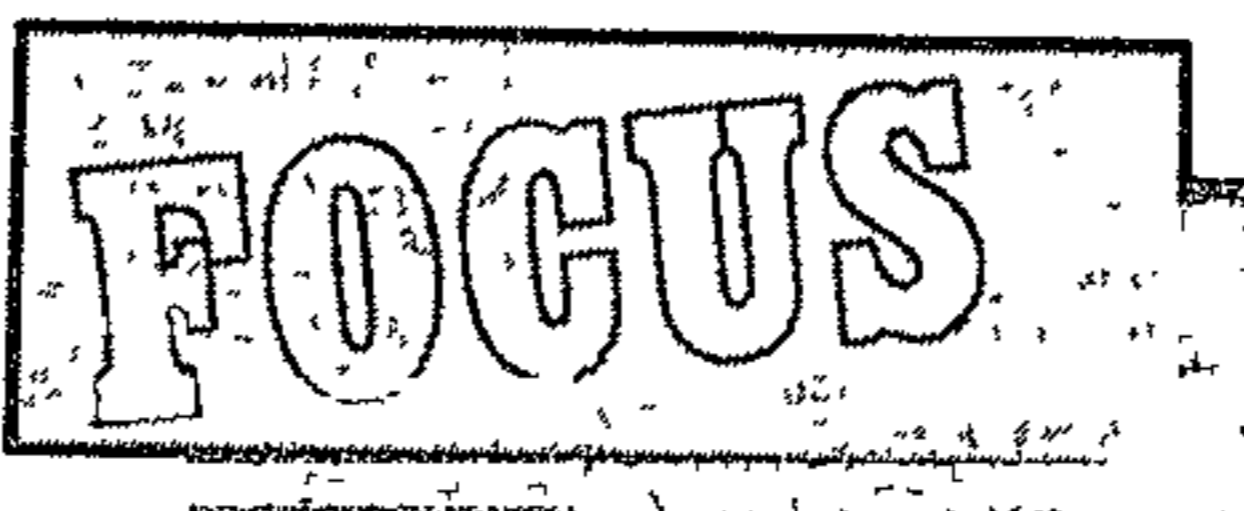
FREELANCE photographer GUY TILLIM took pictures of police patrolling in Casspirs while the 'witdoeke', it is claimed, operated unhindered. Tillim claimed in his evidence that soon after this picture had been taken, the 'witdoeke' again raided KTC.

fighting had taken no action against the "witdoeke".

His evidence echoed repeated claims that police did nothing to prevent the "witdoeke" razing the township.

Dr Mark Blecher told the court that he had seen

Claim at the Crossroads hearing Cops took no action at KTC



SOWETAN Correspondent

a policeman beckon to "witdoeke" and then point his firearm towards the Zolani Centre.

Dr Blecher, who had been tending patients at the Divisional Council clinic near the centre, said he had been "absolutely astounded" that police had done nothing to stop the actions of the "witdoeke".

"They were clearly the aggressors and it was clear to me that the job of any peace-keeping force would be to contain this aggression. It seemed police were assisting them."

Emma Huisman, the editor of the Western Province Council of Churches newsletter,

described "witdoeke" gathering around Casspirs and listening to a person talking in Xhosa over a loudspeaker.

The "witdoeke" then moved into the shacks which soon started burning.

She said she was later "astounded to see "witdoeke" walking out of KTC towards Crossroads with household goods from KTC".

Police had taken no action to stop them.

A Catholic priest, Father Jerry Lowman, described an incident in which police were asked by another priest what they were going to do.

"He (a policeman) said they would do their best but when we pointed out that there was a group of

shouting "witdoeke" crossing behind him and that he was facing the wrong way, he made no comment and shut the hatch of the Casspir."

Father Desmond Curran testified that teargas was used but appeared to be aimed at only the residents or "comrades" and nothing was done to prevent the destruction of houses by the "witdoeke".

Casspir rode over shack with man in it, court told

CAC-70/11/87 10/11/87 251
By ANDRE KOOPMAN

A LANGA resident yesterday told a Wynberg Regional magistrate that he saw a police Casspir drive over a shack in which a man had been lying.

Mr Patrick Habe was testifying in the trial of Constable Stephanus de Beer, 22, of Broad Road, Wynberg, who has pleaded not guilty to culpable homicide.

The State alleges that he unlawfully rode over Mr Vetman Sonti and killed him on May 28 at Langa. It also alleges that he committed fraud by telling police at Langa that he had found Mr Sonti in the road and/or that an unknown vehicle had driven over him.

He is alternatively charged with defeating the ends of justice.

He pleaded not guilty to fraud and guilty to the alternative charge.

Mr Habe said he had been gambling in the shack in question. Police had visited the shack twice on May 28, the first time in a "dark Casspir and the second time in a yellow one."

Constable De Beer had been present on both occasions, he said.

On both occasions he ran across the road and watched what had happened. The second time he had heard the Casspir approaching "fast" and he ran away.

Mr Habe said the Casspir bumped the shack and then rode over it. The Casspir then reversed. He saw Constable De Beer and other policemen pulling Mr Sonti out from under some planks.

The hearing was adjourned to tomorrow.
Mr A P Kotze was the magistrate. Mr M L Sher, prosecuted. Mr A Sharp appeared for the defence.

BRIAN PORTER BRINGS YOU

**Unionist
died after
assault**

FOR R400 000 DOWN

THE widow of a trade-unionist who died after allegedly being assaulted by the police in Pretoria early last year, has been offered R40 000 damages by the Minister of Law and Order, Mr Adriaan Vlok, in an out-of-court settlement.

Mr Joel Malsela Phoshoko of Section U, Mabopane, in Bophuthatswana died a few hours after he gave himself up at the Pretoria Central Prison on April 2, last year.

His wife, Mrs Mana Mokgadi Phoshoko, claimed R52 976 damages from the Minister of Law and Order for loss of support for herself and their two children, David and Sybil

Costs

Lawyers engaged by Mrs Phoshoko, Sentu, Mavundla and Partners, yesterday confirmed that the Minister agreed to pay R40 000 plus costs in an out-of-court settlement, and without prejudice. This means the payment is not an acceptance of liability by Mr Vlok



**WOMEN FOR
WINDMILLS**



BY MONK
NKOMO

11/1/87
Santam

(251)

P.T.D.

'Cops are looking for him'

251 (252) Sowetan

← From Page 1

According to the summons served on the Minister, Mr Phoshoko was "unlawfully assaulted" by members of the South African Police at the Central Police Station on April 2

"As a result of the assault, Mr Phoshoko sustained bodily injuries which resulted in his death," the summons stated

At the time of his

death, a spokesman for the family told the *Sowetan*, Mr Phoshoko had gone to the police station after receiving a message at his place of employment that the police were looking for him

Driver

An unconscious Mr Phoshoko was taken to the Kalafong Hospital near Atteridgeville that afternoon. He was later transferred to the H F Verwoerd Hospital,

where he died

Mr Phoshoko was employed as a scooter driver at the Pretoria branch of Allied

Publishing Limited. He was also a member of the Commercial, Catering and Allied Workers' Union

ctions and a good work record. — Sapa-AP-Reuters

CMS Times 11/11/87

Judge to rule on 'intent' argument

Supreme Court Reporter

THE whole purpose of the emergency regulations is to "protect unlawful behaviour", the Supreme Court was told yesterday by counsel for a special constable accused of assault and murder.

Mr G M Wittenberg was arguing that special constable Mr Cebisile Mkhohle should not be prosecuted because Section 16 of the regulations protected security force members from criminal or civil suits arising from acts committed in good faith for purposes of maintaining public order or ensuring public safety.

The case arises from an incident in Old Crossroads about 2.30am on January 24 in which Mr Jackson Nokoyo was fatally wounded.

Mr Wittenberg said Section 5(2) of the regulations empowered any member of a force to search "at any time without warrant any person", and "good faith" was presumed by the regulations unless proved not to exist. Therefore the only issue to be decided in determining whether Mr Mkhohle's deeds fell under the protection of Section 16 was his intent.

"The whole purpose of the emergency regulations is to protect unlawful behaviour. If they were designed only to protect lawful behaviour there would be no point to them since lawful behaviour is already protected," Mr Wittenberg said.

Mr Justice D M Williamson said he hoped to give a ruling on this preliminary point at 2.15pm today.

Mr C H van Gend and Mr W A King were assessors. Mr J H Theron appeared for the state. Mr G M Wittenberg appeared pro Deo for the accused.

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HUSBAND DIED IN CUSTODY →

Minister pays R40 000

The Argus Correspondent

Argus 11/1/87

JOHANNESBURG. — A woman whose husband died in police custody last year has been paid R40 000 by the Minister of Law and Order.

A spokesman for the law firm representing Mrs Maria Mokgadi Phoshoko, of Mabopane, Bophuthatswana, said the money was paid yesterday. The spokesman said the Minister agreed to pay in an out-of-court settlement.

Trade unionist Mr Joel Malesela Phoshoke died a few hours after he had surrendered to police at the Pretoria Central Police Station.

In her original summons she claimed R52 976 damages from the Minister for loss of support for herself and two children.

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On 10/1/87...
Mokgadi Phoshoko...
R40 000...
Minister of Law and Order...
out-of-court settlement...
Trade unionist Mr Joel Malesela Phoshoke...
Pretoria Central Police Station...
R52 976...
loss of support...
herself and two children...

'I was afraid of police,' says witness

By SHAUNA WESTOOTT
Supreme Court Reporter

AN elderly man, who said he was hounded out of Old Crossroads by witdoek leader Mr Johnson Ngxobongwana, told the Supreme Court yesterday he was "afraid of the police because they do not do their duty".

Mr James Gawuluteta was giving evidence in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when most of KTC was destroyed in June last year.

He told the court he was born in 1922, came to Cape Town in 1940, had never been to school, could not read but could write his name.

He was once a member of the Old Crossroads committee but left Crossroads after he was "attacked" by Mr Ngxobongwana, finally settling in 1984 with some 400 other people in what grew into KTC.

Asked who was responsible for destroying their shelters, he said. "The Administration Board and the police — the usual story".

Mr Gawuluteta was "in the homelands" when the three satellite camps of Nyanga Bush, Nyanga Extension and Portland Cement were burned down in May 1986, arriving back two days before the attack on KTC was launched.

On that day, Monday, June 9, he woke to a great commotion. People were screaming "The witdoeke are coming."

He went towards the Administration Board offices to see what was happening and saw "a lot of people and Casspirs".

Two Casspirs pulled up. Warrant Officer Hendrik Barnard and "a short man" descended from one of them. WO Barnard said he wanted a spokesman and Mr Gawuluteta stepped forward.

Mr Gawuluteta said he asked WO Barnard where the witdoeke were going.

"He said they are not coming to us, he is going to tell them to turn back, he has already spoken to them."

Mr Gawuluteta said he heard the Rev Sid Lockett, whom he knew well, say to WO Barnard: "Mr Barnard don't tell lies. Those people are going to KTC."

WO Barnard then pushed Mr Lockett in the chest. Teargas was thrown and Mr Gawuluteta ran. He didn't go to his house because he was afraid of the police.

AKGAS 12/11/82 (251)

Special constable tells court of shootings

Supreme Court Reporter

A SPECIAL constable who has not yet pleaded to murder and assault charges told the Supreme Court he shot a man in self-defence when he pointed something at him in the dark

This was heard during an inquiry into whether Mr Cebisile Mkhohle, 34, was entitled to protection in terms of a clause in the emergency regulations which protected members of the security force from criminal or civil suits arising from acts committed in good faith for purposes of maintaining public order or ensuring public safety

Earlier, Mr Justice Williamson ruled that the State's summary of facts was insufficient information for him to form an opinion whether Mr Mkhohle was protected by the emergency regulations

Because the accused was entitled to a decision on this question before pleading, the only practical way to determine the issue was to conduct an inquiry into it, the judge said

Awakened

Mr Mkhohle said that about 3am on January 24 this year he was awakened by voices outside his house

He thought the group of 10 men outside might attack him for being a special constable and challenged them, but they gave no answer

Mr Mkhohle said "I cocked my service gun twice and they ran to a nearby house where a party was being held"

Soon afterwards he beat Ms Nomute Mthwazi, who said she had

come from the party, on the buttocks with a stick because he thought she should have been at home looking after her child

Mr Mkhohle is facing a charge of assaulting Ms Mthwazi

Immediately after this incident, Mr Mkhohle said, three men approached to within five paces of him. One of them insulted him

"One of them pointed something, which I took to be a gun, at me from his shoulder. I thought he was going to shoot me

"I didn't wait any longer and fired a shot"

(Proceeding)

Electrical fault may have caused blaze

Staff Reporter

AN electrical fault is believed to have started a fire which destroyed a study-cum-sewing room at a house in Brackenfell causing damage estimated at R35 000

The Brackenfell fire brigade put out the fire at the home of Mr Douglas Petrie in Winbraig Road about 8 30 last night

Mr Petrie's son, Douglas, 27, was taken to the Tygerberg Hospital in a state of shock. His condition today was satisfactory

The room's contents, including video recording equipment, sewing machines, leather-bound law books dating back to 1934 and a large collection of stamps, were destroyed



Picture: DION TROMP, The Argus

NATURE'S RENEWAL: Phoenix-like, these lovely pink watsonias are some of the many wild flowers which have risen from the charred, blackened slopes of Table Mountain above Camps Bay. The mountainside was devastated by a huge fire which raged across 450 hectares last December, prompting fears of permanent damage to the fragile ecology. However, the Cape's unique fynbos vegetation is well-adapted to fire and many species are thriving in the burnt area. Conservation officials have appealed to sightseers to keep to paths to avoid further erosion

Season's first cherries: Luxury fare, high price

Casspir death: ²⁵¹ Policeman fined

Court Reporter

A POLICE constable has been fined an effective R1 100 in Wynberg Regional Court for knocking down and killing a Langa man with a Casspir and falsifying evidence

Constable Stephanus Arnoldus de Beer, 22, of Broad Road, Wynberg, pleaded not guilty to charges of culpable homicide and fraud

De Beer pleaded guilty to a charge of defeating the ends of justice by making false statements concerning the death of Mr Vetman Sonti, of opening a false docket and of drawing up an incorrect plan

On the culpable homicide charge De Beer was fined R1 000 (or two years), of which half was suspended for three years

On a charge of fraud he was fined R600 (or 600 days) and on the third charge he was given a 12-month jail sentence suspended for three years

The magistrate, Mr A P Kotze, said that arrangements would be made for De Beer to pay off the fine if he had insufficient funds.

Evidence was that on May 28 De Beer and three colleagues were patrolling Langa Zone 19 and 24 late at night in misty weather

Could not explain

The Casspir driven by De Beer crashed into a shack which was well known as a gambling house

Mr Vetman, who was in the shack, was almost cut in half in the incident and died soon afterwards.

In answer to questions by Mr Mark Sher, for the State, De Beer could not say why he dragged Mr Vetman's body from the shack to the side of the road or why a false docket was opened into a hit-and-run accident

Mr Sher said Mr Vetman's family went to the police station to find out what was being done about his death under a Casspir and were told that a record of such an incident did not exist

Mr Sher said it was only when the family engaged an attorney that the false docket came to light and charges were laid against De Beer.

De Beer said that at the time of the incident he was shocked at having caused a man's death. He lost sight of the road when the mist suddenly thickened and he did not see the shack.

He also said his three colleagues collaborated in covering up the true cause of death

Mr Kotze said "No man's life is cheap. Even if his death is an accident this must be viewed in a serious light. You knew someone was dead and you created the impression that someone else was responsible"

Mr Kotze said he would take into account that De Beer was inexperienced and was panic-stricken and shocked by what happened.

It was clear that the incident would cost the Minister of Law and Order a "few rands", added the magistrate

The Argus **ATKINSON'S TOYOTA**

Stick-a-Pic

Win a minibus like this



IF you missed The Argus of November 2 containing the Stick-a-Pic entry form, back copies are available at the foyer of Newspaper House, 122 St George's Street, Cape Town




AT THE left is today's piece of the picture puzzle in The Argus/Atkinson's Stick-a-Pic competition. Cut it out and paste it on the space on your entry form marked with the number corresponding to the one published alongside today.

The first correct entry to be drawn early in December will win a Toyota Hi-Ace Super 10 minibus pictured above and retailing at more than R33 000. There are also five consolation prizes of R1 000 each.

If you miss any of the series, back copies of The Argus are on sale in the foyer of Newspaper House at 122 St George's Street, Cape Town

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Zimbabwe bans horses, jockeys from SA races

HARARE — Zimbabwe has banned its jockeys and horses from racing in South Africa

This was announced yesterday by Mr David Karimanzira, Minister for Youth, Sport and Culture, in answer to a parliamentary question.

He also said no more jockeys or horses from South Africa would be allowed to race or train in Zimbabwe

Up to now Zimbabwean horses have been allowed to compete in South African races while jockeys have been able to train there with special permits

Most other sports in Zimbabwe severed their South African ties soon after independence in 1980, but racing was allowed to maintain some of its

links after its proponents persuaded the government to treat it as a business rather than a sport

Mr Karimanzira said in Parliament that anyone defying the ban on contacts would face "stern measures"

He did not announce any plans to ban betting on South African races, the main source of income for Zimbabwean horse-racing

Officials of the Mashonaland Turf Club at Harare's Borrowdale course say 70 percent of their income comes from betting on races "down south"

Racing authorities in Zimbabwe are still affiliated to the South African Jockey Club, which administers the bloodstock and veterinary rules — Sapa-Reuter

Constable who killed man with Casspir gets R1 100 fine

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Even Post

CAPE TOWN — A policeman who crushed and killed a Langa man when he drove a Casspir over a shack was fined R1 100 in the Wynberg Regional Court yesterday

Constable Stephanus de Beer, 22, pleaded not guilty to culpable homicide

Evidence was that he rode over a shack on May 28 at Langa, killing Mr Vet-

man Sonti, who had been in the shack

De Beer was also convicted of fraud.

The magistrate, Mr A P Kotze, said he created a "false impression and had fabricated a story and plans"

De Beer was fined R1 000 (or two years) on the culpable homicide charge, of which half was suspended for three years

He was also fined R600 (or 600 days) on the fraud charge and an additional 12 months, which was entirely suspended for three years, on condition that he is not convicted of fraud or defeating the ends of justice

De Beer admitted that he had moved the body after he had crushed it and after this he and a Constable Pienaar decided to open a "false docket" — Sapa

Casspir death: SAP man fined R1 100

Staff Reporter 251

A POLICEMAN who crushed and killed a Langa man when he drove over a shack with a Casspir was yesterday fined R1 100 by a Wynberg regional magistrate

Constable Stephanus de Beer, 22, had pleaded not guilty to culpable homicide. Evidence was that he rode over a shack on May 28 at Langa, killing Mr Vetman Sonti who was in the shack.

He was also convicted of fraud. The magistrate, Mr A P Kotze, said he created a "false impression" and had fabricated a story when he told his superiors that he had found Mr Sonti in the road and/or that an unknown vehicle had driven over him.

De Beer was fined R1 000 or two years' imprisonment on the culpable homicide charge, of which half was suspended for three years. He was also fined R600 (or 600 days) on the fraud charge, and an additional 12 months which was entirely suspended for three years on condition that he not be convicted of fraud or defeating the ends of justice.

De Beer admitted that he had acted fraudulently. He said he had moved the body after he had crushed it and after this he and a Constable Pienaar had decided to open a "false docket".

He said it had been misty on the night in question and he did not see the shack. He said a Casspir was such a powerful vehicle that one could drive through a wall without feeling it.

Previous evidence was that it had not been misty and that De Beer had been to the shack twice on the 28th since people habitually gambled there.

Mr Kotze said the court regarded the crimes in a serious light particularly since De Beer had committed them in the course of his duty.

Mr M L Sher prosecuted. Mr A Sharp appeared for De Beer.

Cape Times 12/11/82 (251)

Police protection for aged promised

Political Staff

THE police were taking all steps possible to ensure that elderly people were able to enjoy a full and peaceful existence, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday.

Mr Vlok was addressing the congress of the Cape National Party on a motion requesting the government to give thorough consideration to securing the safety of the aged.

The minister said several projects had already been started including a register of the aged containing the names and addresses of elderly people. They were then visited by the police and advised on personal safety.

Mr Vlok said that in addition, administrative personnel were used at the weekend for foot-patrols and this had proved to be "highly successful" as the "visible presence of the police has been a most effective deterrent against potential criminals".

Earlier a delegate from Jansenville, Mrs Anne Nash, who stood as the NP candidate in Port Elizabeth Central in the May election, said there had been an upswing in attacks on the aged.

She said the cause of many of the attacks lay in the inability of old people to adapt to change, bad planning and a lack of funds all of which made them vulnerable.

Ex-UDF
official
cleared

ARGUS
12/11/87

251

The Argus
Correspondent

EAST LONDON. — A former official of the United Democratic Front has been acquitted of perjury after a Ciskeian policeman was found to be an unreliable witness.

Miss Lucille Yvonne Meyer, formerly the administrative secretary of the UDF in the Border, appeared in Zwelitsha Magistrate's Court.

The charge of statutory perjury arose out of her appearance as a State witness in the trial of UDF leader Arnold Stofile, sentenced in May to 11 years' imprisonment on arms and terrorism charges.

It was alleged that Miss Meyer made on statement under oath to the police but her evidence in court contradicted the statement.

At the close of the State case the magistrate granted a defence application for her discharge.

It was submitted that the prosecution did not make out a case for her to answer.

Minister
'offers'
R40 000
damages

CAPE TOWN 12/1/82
251
251

JOHANNESBURG —
The widow of a trade unionist who died after allegedly being assaulted by the police in Pretoria early last year, has been offered R40 000 damages by the Minister of Law and Order, Mr Adriaan Vlok, in an out-of-court settlement, the Sowetan reported yesterday.

Mr Joel Malisela Phoshoko of Section U, Mabopane, in Bophuthatswana, died a few hours after he gave himself up at the Pretoria Central Prison on April 2 last year.

His wife, Mrs Maria Mokgadi Phoshoko, claimed R52 976 damages from the Minister of Law and Order for loss of support for herself and their two children.

Lawyers confirmed that the minister agreed to pay R40 000 plus costs, without prejudice —
Sapa

(251) Spelt 12-18/11/87

Court told of Hofmeyer terror

GRAHAMSTOWN — An interim interdict prohibiting 14 kitskonstabels from unlawfully assaulting, arresting, detaining, threatening or intimidating eight residents of Hofmeyer township was granted by the Supreme Court here last week.

The residents brought an urgent application for an order restraining police from taking part in any unlawful arrest, detention, assault, attack, threat, insult, harassment and intimidation.

The applicants were Mbitha Fuba, Mondile Duna, Patrick Methule, Patrick, Winana Tasana, Simile Jaya, Ndenzile Mantla and Kaya Nohatla.

The respondents were the Minister of Law and Order, the Commissioner of Police, the Divisional Commissioner, SAP in the South Western Districts, the station commander of Hofmeyer, and kitskonstables Gohlath Mbizo, Pumelelo Matolengwe, Zola Winta, Andile October, Mbulelo Mbiyoso, Sandile October Boettieje, Zwelendumela Giba and Velile Mtoni.

Justice Kroon said the court had to come to the aid of the applicants. What had been sketched in papers was a situation which, if true, the courts could not countenance. It constituted a course of conduct to which the authorities had turned a blind eye.

The court would however curtail the wide ambit of the application and grant a temporary order against only certain of the respondents, the kitskonstabels.

Unlawful assaults

In papers before court, Mr Robert Watson, a researcher with UCT's Institute of Criminology, said he had taken statements from residents in the township after a firm of attorneys in Cape Town had been requested to investigate unlawful assaults on the part of kitskonstabels in the township.

Several residents had alleged that they had been brutally assaulted by kitskonstabels without any lawful reason and that these residents had been intimidated and humiliated when they tried to lay charges against their assailants.

He had been told that the police refused to respond to any of the complaints. The residents had been denied access to the courts because they were prevented from laying criminal charges.

In an affidavit, Mondile Duna alleged he had been beaten with a sjambok by kitskonstabels on October 9. He said he had been told by the police he was not allowed to lay a charge.

Ndenzile Matla said in papers before the court that two kitskonstabels had been to his house on September 25 and told him they had seen him drunk in the old location that day. They beat, punched and kicked him and took him to their living quarters.

Once there, he was told to stand against the wall. The two kitskonstabels punched him on his head and body and the back of his head crashed into the wall from the blows.

He said he was then taken to the police station and locked into the cell. He was bleeding from a head wound, but did not receive medical attention.

On the Monday, he was fined R30 for being drunk. When he went back the next day to lay a charge of assault against the kitskonstabels, he was told he could not lay a charge as he must have been beaten because he was doing something wrong.

Kaya Nohatla said his left wrist was handcuffed to his right ankle by kitskonstabels.

"Once I was in such a vulnerable helpless crouching position, they all assaulted me by punching, kicking and sjambokking me. There were many blows, I cried and shouted in fear and pain," he said in his affidavit. - ANA



Widow may get R40 000 from Minister

Pretoria Bureau

The Minister of Law and Order, Mr Adriaan Vlok, has offered to pay R40 000 in an out-of-court settlement to the widow of a Bophuthatswana trade unionist who died last year after he was allegedly assaulted by police.

Mr Joel Phoshoko of Mabo-pane died shortly after he gave himself up at the Pretoria Central Prison on April 2. He had allegedly refused to give police information on a theft.

Mrs Mokgadi Phoshoko is claiming R52 976 damages for loss of support.

The Minister has said that the payment of the money will not be an acceptance of liability.

48/11/87
SPAC
252

Policeman hit woman on buttocks, court told

Supreme Court Reporter

A SPECIAL constable accused of assault and murder told the Supreme Court yesterday that he hit a woman on the buttocks late at night after asking her "Who looks after the child at this time of night?"

Mr Cebisili Mkohle was giving evidence in a judicial inquiry into whether he is protected from prosecution as he claims, by emergency regulation number 16

This followed a ruling by Mr Justice D M Williamson, who said there was insufficient information in the prosecution's summary of substantial facts for him to be able to decide whether Mr Mkohle was so protected

It is alleged that Mr Mkohle hit a woman in Crossroads with "a blunt instrument" and chased her. He returned and wanted to know from another female member of the group why she was out so late. The woman's boyfriend entered the exchange,

whereupon Mr Mkohle allegedly lifted his shotgun and fired, wounding Mr Jackson Nokoyo fatally in the neck

But Mr Mkohle said he was in bed on the night in question when he was woken by the sound of voices outside his door about 3am. He went to the door with his gun

There were about 10 men outside, but they fled when he cocked his gun

"Just then I noticed a woman I knew. I asked her where she was coming from at that time. She said from a party. I asked her 'Who looks after the child at this time of the night?' and I picked up a stick and beat her once on the buttocks and she ran away," he said

"As I was turning round I noticed three men approaching. I noticed one pointing something at me which I took to be a firearm." Mr Mkohle said he had fired a shot and one man fell to the ground

Mr J H Theron appeared for the state. Mr G M Wittenberg appeared pro Deo for Mr Mkohle

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CNT TIME 12/11/87

Ex-cops jailed for dagga theft

CAAG-TMP
14/1/87
By YVETTE VAN BRED
Court Reporter

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TWO former policemen who replaced about 526kg of dagga with straw in the exhibits store at Mitchells Plain police station were yesterday jailed for eight years each for dealing in, and stealing, dagga and alcohol.

Anthony Charles Allen, 24, of Mars Street, Rocklands, Mitchells Plain, and Kevin Irvin Daniels, 25, of Hyde Park, Portlands, Mitchells Plain, pleaded guilty to housebreaking with intent to steal, theft of 26 bags and 299 packs of dagga worth about R510 000 and dealing in dagga between January and April.

They were each sentenced to five years' imprisonment for illegally entering the store and stealing the dagga and alcohol. For dealing in dagga, they were each sentenced to three years.

Allen told the court he was stationed at Mitchells Plain police station at the time.

He, Daniels and a third accused, Mr Johannes Jacobus Daniels, found that a key in their possession fitted the lock on the store room. After they took the first bag they decided to make "big money like accused No 3 (Mr Johannes Daniels) who was driving a Sierra XR6".

When he worked night shift Allen entered the store and swapped the dagga for straw.

Daniels said he always went into the store after Allen had unlocked the door. He could not recall how much dagga he had taken but did not dispute taking about 526kg.

Mr Johannes Daniels, whose trial was separated after he pleaded not guilty, was warned to appear in court on December 12.

Mr N Erasmus prosecuted. Mr S Pietersen appeared for Mr Johannes Daniels. The other two were not represented.

Policeman denies presence at assault

MESSINA — A policeman denied yesterday that he was present when an accused in the Messina landmines case was allegedly assaulted

At the trial yesterday Const Mishack Siphuma denied he was present when the accused, Mr Mthetheli Zephania Mncube, 27, of Diepkloof, Soweto, allegedly soiled a chair he sat on and was made to eat the excreta

The constable also said it was a lie that the first time the prisoner was given water was after he had to clean the chair.

Mr Mncube, and Mr Mzondeleli Eulid Nondula, 24, of Queenstown, face a total of 41 charges, including murder, attempted murder, terrorism and treason.

Const Siphuma, of the Beit Bridge security branch, was cross-examined yesterday by Mr Rodney Black, for both accused.

Mr Mncube had allegedly been in the bush for about 10 days following an alleged escape attempt on December 26 last year.

When the accused arrived at the Beit Bridge security branch headquarters, he had asked for water and Const Siphuma had given him a cool drink from the fridge.

Once Mr Mncube had been identified as the man captured during a terrorist hunt on December 26, he was handcuffed and placed in leg irons

Mr Mncube was arrested on January 3 and found wearing a piece of blan-

ket and pair of shorts

Const Siphuma also told the court that when Mr Mncube was brought back to Beit Bridge he had left to investigate other matters in the Wiepe ditriet and did not return that day

Other evidence indicated that Const Siphuma was at Beit Bridge on the afternoon of January 3

The head of the security branch at Beit Bridge, Capt J A. N. Strydom, told the court Mr Mncube had received water for the first time on the group's return from recovering the rifle that afternoon.

Capt Strydom also said it was not compulsory for members of his branch to use notebooks "If books are used they are destroyed for security purposes."

He added that no records were kept of arrests and the only records held by the branch were vehicle log books which were written up weekly

He said on January 3 he was summoned to Beit Bridge by W/O Franken as they had picked up a man on the Pont Drift road. He did not ask why

After Mr Mncube had been identified as the man captured on December 26 last year and taken away by the late W/O Johannes Gerber and Sgt Marthinus Nel, the captain felt the prisoner was responsible for the murders and he officially arrested him a short while later

The case continues. — Sapa

(251)
19/1/87

CME Times 16/11/87 551

By SHAUNA WESTCOTT
Supreme Court Reporter

LAWYERS acting for Oudtshoorn's Bongoletu Civic Association have expressed concern that February 18 is the soonest the Supreme Court can hear an application for an order restraining local special constables from an alleged reign of terror

The matter began in July with an application for an urgent interdict against the special constables.

The application was opposed by police but the Divisional Commissioner for the South-Western Cape gave an undertaking, noted by the court, that he would instruct police — specifically 16 special constables — to refrain from unlawfully arresting, assaulting or intimidating Bongoletu residents

The 16 special constables themselves gave a similar but more detailed undertaking

Trusting that the undertakings would be honoured, the association agreed to the police request for a postponement to allow time for the filing of opposing affidavits

However, residents allege that the special constables continue to inflict on them what Bishop Elliot Maseti of the local Bantu Zion Church of Africa describes as "a reign of unchallengeable terror and unbearable oppression".

Police deny all these allegations of misconduct and say that "radical" elements in the community are out to discredit the special constables who have a "vital and useful function in maintaining law and order"

The Minister of Law and Order, Mr Adriaan Vlok, makes this claim in his affidavit although he admits that he "has no personal knowledge of the basis of the application or the facts that form the basis of the respondent's defence".

More than 40 affidavits from residents describe alleged unlawful behaviour by special constables ranging from drunkenness and insults to life-threatening assaults

In one of the affidavits, Mr Moses Mooi, former chairman of the local community council, says he has come to the "sad conclusion, after many years of discussions and many broken promises on the part of the administration board, that I and the members who served on the council had achieved nothing for the people

"From the way that the kitskonsta-

Township's reign of terror claim

EIGHTY percent of Bongoletu residents interviewed by a UCT research team feel that special constables "treat residents badly", according to a survey report filed in support of the Civic Association's application.

Only 2% feel special constables treat residents well.

The survey was conducted in October by Ms Beatie Hofmeyr and Ms Tammy Shefer, of UCT's Institute of Criminology and Department of Psychology respectively.

Among other findings of the survey are:

● A total of 64% of Bongoletu residents feel less safe from crime after the introduction of special constables.

● Aggressive behaviour by special constables against residents is reported by 70% of people interviewed.

● As many as 65% of residents interviewed said they had personally witnessed special constables beating people.

● A total of 48% reported seeing special constables pointing guns at residents more than once a month.

● Incidents of special constables shooting people without apparent reason were witnessed personally by 31%. ● Drunkenness on duty was one of the most common complaints.

● Activists report being "under siege", saying the special constables make it almost impossible for legal community organizations to continue operating.

● A number of women reported that special constables threatened or attempted rape and sexual abuse.

bels have behaved in the township, I regard them more as a danger to the well-being of our community than as 'peace-officers,'" he says.

"I have no personal vendetta against the kitskonstabels. In fact some of them are my friends. However, I have serious reservations about their suitability for the job

"I know that most of them have very poor education. This deficiency would not be so serious were they able to show personal discipline. They do not seem to be adequately trained and more often than not I have seen them to be drunk

"I consider it highly dangerous to entrust deadly weapons to people who are undisciplined and insufficiently trained

"They also seem motivated by revenge and direct their animosity at specific people"

A large number of the people who filed affidavits say complaints or attempts to lay charges against special constables with ordinary members of the local police are futile

Argus 20/1/87

Koevoet police linked to 3 deaths, court finds

Argus Africa News Service
WINDHOEK. — Members of the SWA/Namibia police Koevoet counter-insurgency unit have been declared criminally liable for the deaths of three civilians.

At an inquest at Ondangwa, Owambo, this week, magistrate Mr G B von Pletzen referred documents in two cases to the Attorney-General

In the first case, the magistrate found that two Koevoet policemen, Sergeant Leon Lotz and Sergeant Daniel Bouwer, were liable for the deaths of Mr Nicodemus Fillemon and Mr Petrus Sakaria in July 1985

Arms cache

The policemen said that after interrogation Mr Fillemon showed them an arms cache but then tried to shoot Sergeant Lotz. He was not hit and returned the fire, killing Mr Fillemon.

The policeman claimed Mr Sakaria was shot when he tried to run away.

According to a pathologist's report, both of the dead men showed signs of violence before having been shot — a broken rib on one body and other fractures.

Mr von Pletzen said he found several aspects of the men's story "unacceptable".

In another case, Mr von Pletzen found that three Koevoet fighters, Shilamba, Kaulandwa and Katau Kenjala, were liable for the death of Mr Amaladu Iita in March last year.

Evidence was that Mr Iita was assaulted by members of a Koevoet fighting group, who were looking for Swapo insurgents.

● A security policeman, Captain Frans Ballach, who admitted assaulting suspects in a terrorism case, would not be prosecuted, Attorney-General Mr Etienne Pretorius said.

Other police officers testified that they had also assaulted prisoners in an attempt to get information.

23/1/87

Court told how cop was burnt

By MANDLA
NDLAZI

A POLICEMAN who was chased by youths in Alexandra township ran to a shop for cover, but was cornered, set alight and died later in hospital, the Rand Supreme Court heard on Friday.

He was Constable Mashigo. And many of his colleagues who feared for their lives during the unrest in the area were moved out to live in tents and cars in Leeuwkop and Diepkloof prisons.

This was evidence given by Lt Gert Zeelie, former commanding officer of the detective branch in the township. He was testifying at the trial of a trade unionist and four civic leaders appearing before Mr Justice P J van der Walt on charges of treason, sedition, alternatively subversion.

They are Mr Moses Mayekiso (38), general-secretary of the National Union of Metalworkers of South Africa (Numsa), civic leaders, Mr Obed Bapela (28), Mr Paul Tshabalala (38), Mr Mzwandile Mayekiso (22) and Mr Richard Mdakane (29), all of Alexandra.

The State alleges they committed the offences between January 1985 and June last year in Alexandra. They have pleaded not guilty and the case is held in camera.

Cross-examined by Advocate A C Human, SC, appearing for the State, Lt Zeelie said Constable Mashigo ran to a shop for safety when he was chased by a group of youths who caught him and set him alight. He said he went to hospital to see Mr Mashigo, who whispered when he tried to talk Mr Mashigo, he said, later died in hospital

He told the court that, as a result of unrest in the township, policemen feared for their lives and this hindered them carrying out their duties. They were temporarily moved to Bramley from where they worked.

Lt Zeelie said black policemen were moved out of the township to

live in tents and cars in the Leeuwkop and Diepkloof prisons. Their morale was low, he said, and they could not move freely or use public transport as they feared for their lives.

He said policemen were cut off from social life and the community. The residents, he said, would not give him any information when he

attempted to make inquiries

At a mass funeral on March 3, he saw an African National Congress and a Russian flag. Asked about Theresa Masoko, Lt Zeelie said she was an informer of the black policemen in the township. She was killed when it was found out, he said.

(Proceeding)

Own Correspondent

DURBAN — New crowd control weapons such as teargas and rubber bullets are potentially lethal, says attorney Mr Nicholas Haysom in the *South African Journal on Human Rights*.

Mr Haysom also raises questions about the use of less violent instruments of crowd control to supplement conventional firearms.

Mr Haysom says the new weapons are often used with considerably greater frequency, without appropriate warnings and with less caution.

While the weapons are viewed as being more humane when they are compared with firearms, there is also the danger of their "indiscriminate and reckless" use.

Quoting from medical reports, Mr Haysom says teargas has been shown to be safe only at low concentrations, released outdoors in sunny dry weather on healthy, adult males.

Lethal weapons believed harmless, says attorney

"When the chemical is thrown into a closed space, the concentrations reached are very rapidly toxic. If a person remains in the room or is unable to escape, the chemical can kill them."

'INDISCRIMINATE USE'

Reports have shown that police, apparently believing that teargas is harmless although unpleasant, have used it indiscriminately, recklessly and dangerously, Mr Haysom says.

"Numerous incidents have been reported in which the police have discharged teargas canisters inside rooms and buildings and even vehicles, and fatalities have resulted.

"One such example is the

case of Trocia Ndlovu, a two-month-old girl from Mamelodi, who died in November 1985 when she was exposed to teargas discharged without apparent reason into a township dwelling.

"She was buried next to 67-year-old Sarah Raisebe, also a teargas victim.

"A more cautious approach to teargas could be expected from the police if they were trained to use the gas discriminately and with caution," Mr Haysom says.

"Such an approach seems unlikely, however, precisely because the police consistently deny that teargas can be fatal and, despite the evidence, refuse to acknowledge that people

have died as a result of exposure to it."

Rubber bullets were introduced to South Africa as a form of crowd and riot control after the student uprisings of 1976 in which an estimated 900 students were killed.

From mid-1984, Mr Haysom says, the use of rubber bullets has become increasingly frequent as a supplement to conventional firearms.

He quotes Dr Clifford Goldsmith "Fired at close quarters a rubber bullet can kill, particularly if it strikes the head. It is incorrect to believe that the rubber bullet is incapable of opening the flesh."

"I treated one case where the chest muscles of the patient

had been ripped open by a rubber bullet. Muscles had been ripped down to the bone."

Mr Haysom argues that the problem with the use of rubber bullets in South Africa "is that the attitude of the police appears to be not that these weapons are too dangerous, but that they are not sufficiently damaging."

He says that evidence led by senior police officers at the Kannemeyer Commission of Inquiry suggested strongly that a number of police officers were of the opinion that harsher and more dangerous weapons were required.

851 KILLED

Mr Haysom says that, between September 1984 and June 1986, the police killed 851 persons in "unrest events" alone.

"This lack of restraint is evidence not only of an ignorance of the legal limitations on the use of lethal force but also of a profound disregard for the sanctity of human life."

Attorney says police violence against blacks not reckless . . .

'Shooting is systematic'

Own Correspondent

DURBAN — The unnecessary or reckless use of firearms by the police is not the result of "rogue policemen" or reckless individuals. It is a wide spread systematic use of lethal and violent weapons principally on South Africa's black citizens, argues Mr Nicholas Haysom, attorney and senior research officer of the Centre of Applied Legal Studies at the University of the Witwatersrand.

In two recent articles in the *South African Journal on Human Rights* he examines the use of deadly force by the South African Police and the restrictions placed on the use of such force by law and law enforcement officials.

Restraints not sufficient

Mr Haysom argues that our law does not sufficiently restrain the use of deadly force by law-enforcement officials, and that police exceed even the latitude allowed by the law in the use of deadly force to maintain law and order.

He concludes that neither South African law nor law enforcement officials give sufficient weight to the citizen's right to life.

"The approach to the question frequently begins with an attempt to define what the police officer's rights are in regard to the exercise of deadly force and not from the position that the victim was entitled to his life — even though he was a suspected or actual criminal.

He says there is a more fundamental root to the problem. In South Africa the majority of people killed by security officials are black.

"Not only are the attitudes of township law en-

forcers influenced by a century of racial prejudice, but the victims and their communities have no vote.

"Those that rule over them in the name of law and order are not accountable to them and need not heed their resentment or their fear."

Mr Haysom says the most notorious example of an apparent "shoot to kill" attitude on the part of the police was the "Trojan horse" incident in Athlone, Cape Town.

"Among the four people killed by police fire was the innocent occupant of a nearby house. On the facts as reported and filmed, this incident could legally be categorised as murder."

Mr Haysom shows that the limitations on the right of police to use force in the dispersal of gatherings, as laid out in Sections 48 and 49 of the Internal Security Act of 1982, are not dissimilar to analogous provisions in other countries.

However, he says, it appears that in practice, the SAP use deadly force with little restraint and the provisions must be seen in the context "of the very extensive restrictions in recent times on the the freedom of assembly."

"It is clear that the right to gather has been extensively eroded, leading to a situation in which the law is unintentionally broken daily.

"This in turn has allowed the authorities to embark on a policy of selective policing of outdoor gatherings, which, to the minds of many blacks, appears capricious and arbitrary. In this light the right to use firearms to disperse gatherings is converted into a power to enforce, by firearms, an informal indoor curfew by day and night."

Mr Haysom says that the use of lethal force in the

dispersal of gatherings and the control of crowds, riotous or otherwise, has not received considered legal attention in South African case law. He examines the legal scrutiny it did receive in commissions of inquiry appointed to investigate incidents which occurred on 21 March 1960 at Sharpeville and on 21 March 1985 at Uitenhage.

At both Sharpeville and Uitenhage police opened fire on crowds that included women and children, killing and injuring large numbers. In both incidents a large majority of those injured and killed were shot while running away.

In the case of Sharpeville, Haysom contends, the commissioner's report was "disappointingly" shallow in regard to crucial questions that needed to be answered.

'Doubts raised about training'

"It is equally clear that the police were content to rely on firearms, including machine guns, as the primary method of crowd control. These two features were to characterise the the police's handling of crowd control at Uitenhage. They raise fundamental doubts, not only about the adequacy of police training and equipment, but also about police attitudes."

According to Mr Haysom, neither the commission that examined the fatal events at Sharpeville, nor the Kannemeyer Commission which investigated events at Uitenhage, could explain how well-armed men could discharge volleys of lethal buckshot into the backs of unarmed men, women and children.

"It is difficult to escape the conclusion that the taking of lives particularly those of blacks, is not viewed seriously."

Supreme Court Reporter

SOME of a group of witdoeke — two of whom had been firing handguns at KTC residents minutes earlier — waved cheerily at a police Casspir which drove past them on the day KTC began to burn, the Supreme Court heard yesterday.

This was the evidence of CBS cameraman Mr Chris Everson. He is the tenth witness to give evidence in a R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when KTC was destroyed.

The minister is being

Witdoek film
CPC Troops 24/11/87
shown in court

sued on the basis of an allegation that police helped witdoeke destroy the camp.

Mr Everson, who was filming the start of the witdoek rampage on June 9 last year, said. "I remember seeing a yellow Casspir coming past the two armed witdoeke near the combi. Two or three men waved at the Casspir as it came past. There was no one else present that they could have waved at."

He saw two witdoeke firing handguns at KTC residents from behind a parked combi. Film of this was shown in court.

The trial continues.

Mr Justice M R de Kock presided. Mr P Pretorius and Mr A M Omar, instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister.

TV cameraman tells court of looting, shooting at KTC

Witdoeke fired on me

Miss 2411/07 251

Supreme Court Reporter

TEARGAS was fired from a Casspur on June 9 last year at KTC residents trying to save their belongings in an area where there was no fighting, the Supreme Court was told

Thus was evidence yesterday in the R312 000 damages claim against the Minister of Law and Order by KTC residents who allege the police assisted in, or alternatively failed to prevent, attacks by "Witdoeke" vigilantes on June 9, 10 and 11 last year

CBS News cameraman Chris Everson said that after filming clashes between Witdoeke and KTC residents he saw a Casspur fire about six rounds of teargas at residents who were not an apparent threat to it

"They were mostly women carrying belongings such as chairs, tables and goods wrapped in blankets. They were piling these on grass south of KTC," Mr Everson said

Ran away

"When the teargas was fired the people ran away. Before this the police had neglected their duty, but at this stage they appeared to intervene needlessly."

Mr Everson said that after seeing the Zolani Centre burnt on June 9 he filmed from a big sand dune near KTC Fighting

between Witdoeke and residents took the form of stone-throwing and sporadic shooting

"I remember seeing two Witdoeke, one with a revolver and one with a pistol, firing on the dune from a Volkswagen combi which they used as a shield.

"I saw some of them siphoning petrol from a car near the combi

"One of the men at the combi actually fired on me. I fell backwards and the shot must have passed close by me."

Mr Everson said he saw a Casspur parked across Dune Road, facing the KTC camp at an angle

Looting

"I would imagine the Casspur was stationary there for at least 30 to 60 seconds. While it was there Witdoeke attacked houses and cars, breaking windows. I also saw looting in front of the Casspur. Groups of Witdoeke entered the houses and ran out with goods.

"There were at least three other Casspurs there that I remember. They would stop and start or move very slowly. I saw no action taken by any of the Casspurs or their occupants to stop the Witdoeke or prevent the attack."

● The police deny complicity in the attacks.

SAP kill alleged

ANC guerillas

D/D
25/11/87
251

DURBAN — Two policemen were wounded in a three-hour gun battle at an Umlazi home yesterday which left two suspected ANC guerillas and a collaborator dead.

are stable at Durban's Addington Hospital.

Police stormed the house after receiving information and were shot at. A gun-battle followed during which two SAP Reaction Unit constables were wounded.

● Meanwhile, in Cape Town the discovery of a primed mini limpet mine in Castle Street yesterday — at the main Grand Parade bus terminus — resulted in an appeal for the public to be on the alert for any suspicious packets and parcels.

Constable L. J. Kruger was shot through the nose and Constable E. de Witt was hit in the head.

A police liaison officer for the Western Province, Lieutenant Attie Laubscher, said the mine had been discovered when a patrolling constable crossed the Grand Parade and noticed an unidentified object near the rear wheels of a bus.

The Commissioner of Police, General Hennie de Witt, said police opened fire and threw several hand grenades into the house.

When the constable approached he identified it as a mini limpet mine and called for assistance.

The bodies of three men were later found.

Earlier in the operation police withdrew from the house after Const Kruger was shot.

Members of the bomb disposal squad who had arrived at the scene soon after had immediately defused the mine.

Shooting at the police continued and Const De Witt was shot and wounded.

Lieut Laubscher did not say for what time the explosion had been set.

The SAP recovered two AK-47 rifles and eight rifle magazines and ANC literature.

The spot where it was found is next to the the main bus terminus where thousands of commuters disembark during peak hours each day — Sapa-DDC

A police spokesman said Const Kruger would need plastic surgery.

The two policemen

Case No 25/11/87 (251)

Policeman jailed for housebreaking

Court Reporter

A POLICEMAN, who broke into a house he knew was unoccupied and stole audio-visual equipment, was sentenced to two years' imprisonment yesterday by a Wynberg Regional magistrate

Andrew Lewis, 22, of Burger Street, East Ridge, resigned from the police force after committing the offence

He pleaded guilty to housebreaking with intent to steal, and theft. Nine months of the sentence was suspended for five years

He admitted to the court that on June 26 he stole a video machine and cassettes from the house of Mr Desmond Laubscher in Fish Hoek. He said he was under the influence of alcohol but was aware of what he was doing.

In mitigation of sentence, he said he

supported his mother and two-year-old child. He expressed extreme regret for his actions.

Cross-examined by the prosecutor, Mr P Mostert, he said checking on unoccupied houses was part of his duty and he knew no one was at Mr Laubscher's home. He admitted that he had been trusted to look after the house.

He explained that he and a friend had come from a party and were both drunk. They broke the bathroom window of the house and took the equipment.

Co-accused Mr Charles Francke, 27, of Platteklip East Ridge, pleaded not guilty and the trials were separated. His hearing was adjourned to December 18.

Mr M S Knox was the magistrate. Mr G Cilliers appeared for Lewis and Mr B Kes-sow appeared for Mr Francke.

D/D
25/11/87
Attorney
charged
under
Police Act

251 Daily Dispatch
Reporter

EAST LONDON — A former spokesman for the King William's Town Civic Association and King William's Town attorney, Mr J Smith, has been charged in the regional court here under Section 27(b) of the Police Act

The charge concerns the alleged publication of untruths against the police, and follows an incident at Breidbach last year when a patron of the United Democratic Front, Dr Allan Boesak, was to have addressed a mass service

Mr Smith is being charged in connection with statements made by himself to the Daily Dispatch concerning the incident on Wednesday, March 19, 1986.

The report, containing Mr Smith's comments on the conduct of the police, was about police action involving a group of people waiting for the outcome of a court application challenging the banning of a service that was to have been conducted by Dr Boesak

Earlier this year, the Attorney-General declined to prosecute the Daily Dispatch, its then editor, Mr George Farr, and two former members of its editorial staff on the same charges

The case was postponed to February 1 next year.

to South America in her. Both yachts were built in rented warehouses in Paarden Island

Murder trial: Officer tells of funeral shooting

GRAHAMSTOWN. — A police warrant-officer who is facing charges of murder and assault in the Grahams-town Supreme Court has recounted events surrounding shooting at a funeral in Cradock last year.

Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, two members of a riot squad sent to Cradock to keep order at the funeral of an alleged terrorist, appeared in court yesterday.

They have been charged with

- the murder of Mr Mlungisi Stuurman by shooting,
- the murder of Mr Andile Plaatjes by stabbing;
- assaulting Mr Michael Qhina by stabbing;
- assaulting Mr Zixolisile Goniwe by suffocating him with a plastic bag and fan belt.

The charges relate to events surrounding the funeral, when a police patrol was stoned and petrol-bombed

Warrant Officer de Villiers made a statement on September 1 last year which was handed in by the defence. He said that after arriving in Cradock, unpacking and eating, the squad decided to "go and see how things looked in the location"

He said he had sent the squad out on a foot patrol in the township while he and two other officers remained in the police bus.

He said he had drunk brandy before the night patrol, but said he had known what he was doing

He noticed a black man passing and waved to him, but the man ran away. He and Sergeant P Kranz chased but failed to catch the man

He told the court that he had

no knowledge of anyone being stabbed that night

Man escaped

During the funeral his patrol had been stoned and petrol-bombed and he had been obliged to fire two rounds from his shotgun at a man. He did not know if the man was hit because he had escaped. He reported the shooting when he returned to the police station

In a previous statement made on July 30 last year, Warrant Officer de Villiers said he had "not known what to do" after Constable Goosen told him he had slipped and accidentally shot a man who was taken to the river to wash blood off his face.

He said he and Constable Goosen assaulted the man earlier when he was insolent while they questioned him. They had driven off and never reported the shooting because he did not know how to explain the situation — Sapa

SAP shootout with Zulu cops

251

By S'BU MNGADI

C/News 27/11/87

IN a bizarre twist in the current bloody conflict in the embattled Maritzburg region, members of the SA police were involved in a fierce shootout with KwaZulu police

The exchange of shots a fortnight ago, confirmed by police spokesmen, between the two police forces at Dindi in upper Edendale, claimed two injuries - one from each side. A Constable Duma of the SAP is recuperating at Edendale Hospital

Maritzburg SAP PRO Captain Pieter Kitching confirmed that members of the SAP had gone to a hut at Dindi to make

an arrest in connection with a murder committed in the current violence

"When they approached the hut, they were fired at by people inside. They took cover and returned the fire," he said

A shootout ensued with a volley of bullets being fired until it later emerged that those firing from inside the hut were, in fact, members of the KwaZulu police. By then both sides had suffered injuries and those wounded were rushed to the hospital

Sources said the ZPs were part of special team deployed in Maritzburg townships to guard homes belonging to Inkatha and KwaZulu government officials, chiefs, and indunas.

Kwazulu Police Commissioner Brigadier AMJ Lass admitted that the shootout had been reported to him.

He said the matter was being investigated by the SAP's criminal investigation department in Maritzburg

The tense atmosphere between the ZP and the SAP comes against the background of repeated accusations by local Inkatha leaders, Chief Minister Mangosuthu Buthelezi and Dr Oscar Dhlomo, that SAP members in the area were siding with the UDF in the conflict

To support their claim they cited the much-publicised Kwashange shooting on September 16 in which 13 Inkatha Youth Brigade members were locked in a house which was set alight. As they fled they were attacked and killed. Three SAP members subsequently appeared in court in connection with the killings

In a meeting to discuss their remedy to the conflict later, Maritzburg's Vulindlela region of Inkatha requested Law and Order Minister Adriaan Vlok to hand over the local Plessislaer Police Station to the Kwazulu government

Buthelezi raised the issue when he met Vlok last month

BC leaders freed after a weekend in prison

By SOL MORATHI

SIX black consciousness leaders who were taken away "for the weekend" by police on the eve of last week's commemoration service in Mamelodi, have been released.

They are Transvaal chairman of the Azanian People's Organisation, Thabo Sehume; chairman of Azapo's Mamelodi branch, Denis Ndlovu; sec-

retary of Azapo's Atteridgeville branch, Philemon Mosupye; National Council of Trade union official Malebo Ramopi; national organiser of the Azanian Youth Organisation, Brutus Manana, and secretary of Azanyu's central Transvaal region, Kidibone Meso.

Police said the men were not detained in terms of security legislation.

Chippa

speakers will include Bucs ter Felix Mohajane, former chairman Mike Tseka, Kaizer ung, Solomon "Sticks" va, Chiefs chairman Clarence thi, Swallows secretary S'celo o and Isaac "Tshombe" Me-

ther former Pirates stalwart, "Inch" Gwamanda, will on behalf of the Moloi family, bet and journalist Don Mattera present family friends

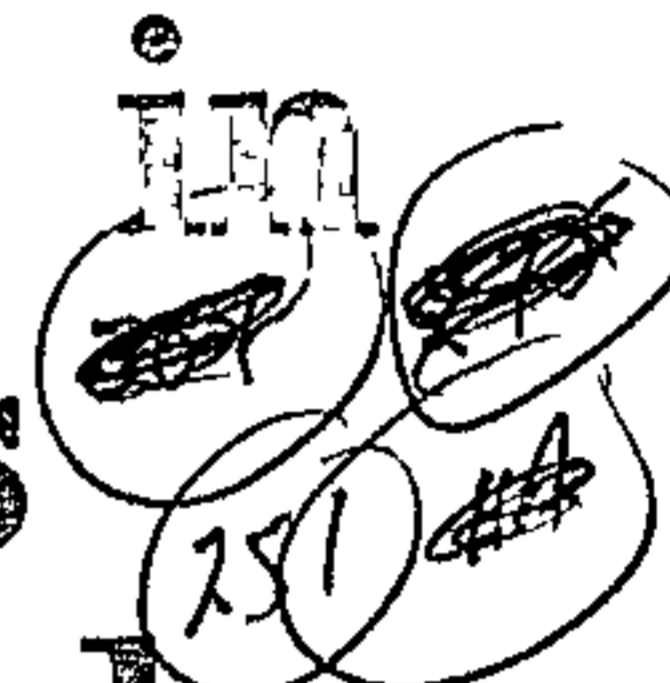
Bophuthatswana Professional League will be represented by Norman Sechele and Mafeking ars by I Ramasia and Rev BJ will express thanks on behalf family



Chippa Moloi

A

Witdoeke action in KTC-Crossroads seen on court video



Staff Reporter

A VIDEO screened in the Supreme Court of events near KTC showed "quite a few hundred" armed witdoeke moving unchallenged past police and Defence Force vehicles and through a police roadblock, the court was told.

The video, shot by NBC news cameraman Mr Anthony Wasserman on June 9 and 10 last year, was shown as evidence by counsel for 21 KTC families and the Methodist Church, who are claiming R312 000 damages from the Minister of Law and Order arising from the devastation of the township.

Mr Wasserman told the court he went to the Crossroads-KTC area because he had heard there was a possibility of trouble.

He shot film of a police roadblock on the corner of Klipfontein Road and Borchards Quarry Road.

tem Road and Borchards Quarry Road

White armbands

"I saw a bunch of people walking down Klipfontein Road towards the cemetery (on the border of KTC) through the roadblock. There were quite a few hundred people all with white armbands, carrying axes and pangas and various things," said Mr Wasserman.

He identified them as witdoeke.

Apart from policemen and police vehicles at the roadblock, he saw Buffels and Caspurs "going up Klipfontein Road and driving through the crowds of witdoeke who were going down the road".

He told the court he saw a white police van at the roadblock which he believed to be the vehicle of Warrant Officer Hendrick Barnard.

"I saw the van arrive and it

stopped at the roadblock and a couple of witdoeke went up and spoke to the policeman in the back of the van," Mr Wasserman said.

"The witdoeke pointed down the road towards the cemetery. The van drove off and the witdoeke carried on down the road."

Shacks burning

Mr P Pretorius, who is appearing for the KTC families, asked "Did you see any action by the police, either at the roadblock or anywhere else, to stop this advance of witdoeke towards the cemetery?"

"No," Mr Wasserman replied.

Footage later in the video showed groups of men on a dune where shacks were burning. Mr Wasserman identified the area as the north-eastern corner of KTC and the men as witdoeke.

The hearing resumes on December 2.

Cap Times 27/12/97

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Cap

Witdoeke 'streamed past police roadblock'

By SHAUNA WESTCOTT
Supreme Court Reporter

HUNDREDS of witdoeke — many of them armed — streamed unhindered past a roadblock manned by about 12 uniformed policemen and three Buffels on the day KTC began to burn in June last year, the Supreme Court heard this week.

This was the evidence of NBC cameraman Mr Tony Wasserman, whose film footage of this and other related scenes was shown in court yesterday

and on Wednesday.

Mr Wasserman said the witdoeke — "carrying axes, pangas and various things" — were permitted to pass the roadblock at the corner of Borchards Quarry and Klipfontein Road, although he and his soundman had been turned back by police.

He said that while the witdoek horde streamed past, a variety of police and army vehicles drove up and down. These included Casspirs "driving through the crowds of witdoeke".

Mr Wasserman said he saw a white police van, which he thought was that of a Warrant-Officer Barnard, pull up at the roadblock "and a couple of witdoeke went and spoke to the policemen in the back of the van".

Footage of this incident showed one witdoek leaning nonchalantly against the back of the van and pointing in the direction towards which witdoeke were advancing.

Mr Wasserman also described seeing three

uniformed policemen with rifles accompanying a group of witdoeke who were chasing two youths, vaulting a fence in the process. This was another incident he captured on film.

He filmed from a bridge over Borchards Quarry after being turned back at the roadblock but was "constantly stopped by police and told to move on".

"We were told, you know, 'it's dangerous, get out', but the thing was that there were hundreds of other people on the bridge and they were only telling me with the camera to move on."

The trial — in which the Minister of Law and Order is being sued for damages of R312 000 on the basis of an allegation that police helped witdoeke destroy KTC — resumes on Tuesday, December 1.

Mr Justice M R de Kock presided. Mr P Pretorius and Mr A M Omar, instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister.

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C.M.C. Temp 27/11/07
251
Major denies discussing case

own Correspondent

GRAHAMSTOWN. — Major Roelof Frederick Berg told the Supreme Court yesterday afternoon that he had never spoken to the investigating officer in the unrest unit murder trial about the case.

He said he could not explain why the investigating officer, Maj G P S Goosen, should have told the court that they discussed Const David Patrick Goosen's suspension allowance and bail over the telephone, but he was sure this did not occur.

Const Goosen and W/O Leon de Villiers are being tried on two counts

of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arise out of alleged incidents in Cradock on June 26 last year.

The trial within a trial arose after the defence challenged the admissibility of explanations given by Const Goosen.

Const Goosen said he only made the explanations as a result of undue influence by Maj Goosen.

Maj Goosen emphatically denied it. The trial will continue today.

Cape Times 2/12/87 (254)

Police officers 'lied', court is told

GRAHAMSTOWN. — Several police officers had lied in the trial of two unrest unit policemen and two of them had conspired to perpetuate a lie in court, defence counsel claimed yesterday.

Before the Supreme Court were Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen 26, charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice.

Mr C Jansen, SC, was arguing at the end of a trial-within-a-trial to decide the admissibility of certain explanations made by Const Goosen.

Mr Jansen said the investigating officer, Major G P S Goosen, and Lieutenant J C Meyer, had lied about making a telephone call to Major R F Berg about Const Goosen's allowance.

He also submitted that Capt J F van Heerden had lied when he insisted the stilted language used in his report were Const Goosen's exact words.

Mr Justice Zietsman asked why, if Major Goosen was so desperate to get a confession out of Const Goosen, he had not taken him to a magistrate when he agreed to speak. Argument will continue today.

EVEN when Odile Harrington — alone, inexperienced and with her paper-thin “cover” in tatters — was being held in Harare’s Mabelreign police cells, she kept her faith with her God and her “commander”.

To her God she prayed, apparently believing even then that He would bring her “safely back”. To her “commander” she attempted to entrust the practical application of that return — asking a fellow-detainee about to be released to phone Jeff (her commander) or Grant at different telephone numbers in Johannesburg.

Whether her faith in her God was justified could be established today, when Zimbabwe Judge President, Mr Justice Sandura gives judgement in her trial. As the other major source of her faith and target of her trust, “commander” Jeff has already been judged.

Like her original attempt to smuggle a message to “commander” Jeff out of an ANC safe house in Harare, her message from Mabelreign, scribbled on a Pepsi advertising leaflet, was easily intercepted. The number she gave for Grant

By DAVID NIDRIE

no longer exists. But the number she gave for Jeff belonged to a telephone in John Vorster Square and was answered, on Monday, by a Sergeant Geoffrey Price.

By Thursday, as Harrington’s trial neared its end, Price’s number had been cut off, and the Post Office said it had never existed. A John Vorster Square security police representative also denied any knowledge of a Sergeant Price — a denial contradicted by John Vorster Square

switchboard, which duly got Price on the line.

Price initially said he had never met Harrington. “It is totally impossible, I’ve never personally spoken to her,” he said. But in a subsequent conversation he said: “You will have to get comment from press liaison, I can’t say anything.”

In addition to denying any knowledge of the woman who revealed him as her “commander”, Geoffrey Price denied any link with a Geoffrey Price who fled Zimbabwe in 1981 to avoid ar-

A phone-call to Jeff. ‘I’ve never met her

rest as a South African spy. That Geoffrey Price is a former member of the Zimbabwe Central Intelligence Organisation, late declared “an enemy of the state by the Zimbabwe government.

Zimbabwe officials accused him of recruiting, as South Africa spies, CIO officials Philli Hartlebury and Colin Evans. Hartlebury and Evans were detained in 1981, charged with spying for South Africa, and acquitted after their confession were found in court to have been obtained under duress.

They were later redetained and held until early this year, when they were released to fly to Britain.

Another in the list of young, white, naive spies

THE case of self-confessed South African spy Odile Harrington appears to have blown the cover off a pattern of recruitment of young, white attractive women as penetration agents by Pretoria’s security services.

Ill-trained and badly prepared for the mission and ordeal that faced her in Zimbabwe, 27-year-old Harrington cut a naive figure in Harare’s High Court this week when she answered charges of spying on exiled members of the African National Congress.

The one-time Pretoria University Fine Arts student was captured when she gave an envelope to a Zimbabwean policeman who was guarding the house at which she was staying with other refugees wanting to join the ANC. The envelope contained a photograph of a man Harrington believed was the chief of ANC intelligence. She wanted the police sergeant to post the photograph to her South African controllers known as “Jeff” and “Grant”.

The man she identified as “chief of intelligence” was, in fact, a junior member of the ANC who holds no position in the outlawed movement. The information she attempted to provide her handlers with — about refugee and ANC residences in Harare, car registration numbers and ANC members’ identities — was mainly of a kind which was fairly

widely known and could have been obtained without indulgence in the complicated ritual of espionage.

She is understood to have arrived in Zimbabwe in October last year and, initially, to have stayed at the Young Women’s Christian Association hostel in Harare.

There, she put out word that she wanted to get in touch with ANC people because she wanted to help in the struggle against apartheid.

She is understood later to have moved to a general refugee transit centre in Harare, frequented mainly by potential Swapo and Pan Africanist Congress members.

But, at a public meeting in the Stoddart Hall in the high density suburb of Mbare to celebrate the ANC’s 75th anniversary on January 8 this year, she is understood to have met some members of the organisation. She offered her services as a courier as she was “low profile”.

She was then allowed to move, it is understood, to the house accommodating aspirant ANC members and where she was caught.

Harrington’s counsel has alleged she was mistreated in detention, but no evidence on this has yet been led. She claimed in court she had received no training for her task, she had turned down payment for the mission (which was to “become an

The self-confessed South African spy who appeared this week in a Harare court was one more in a list of young, white, naive women caught up in subterfuge.

HOWARD BARRELL reports

ANC courier”, and that she had done it all for “Jeff” and the South African government.

A senior ANC source this week described Harrington’s case as “pathetic, immoral — whether she received training or not”.

“She is just one of a great many people we and others have recently uncovered — black and white — who have just not been prepared for what faces them if they get caught up in spying,” the ANC official added.

Harrington’s circumstances bear a close resemblance to two other recent cases, involving young white women, which have not yet received the same public disclosure.

Neither of these two women could be contacted to respond to the allegations made against them as both have disappeared from public view. The allegations are that they are or were undercover agents of the same subsection of the intelligence section of the South African security police.

One-time Rhodes University anti-apartheid activist Olivia Forsyth disappeared in the middle of last year after her behaviour had provoked the suspicions of journalists, as well as anti-apartheid activists inside South Africa and in exile.

She had made a number of visits to frontline states purportedly for a business research company which had no physical address and used a Swiss bank account, which took journalists (and, it is understood, activists as well) little effort to establish was bogus.

She had approached a number of journalists in the frontline states to write for the false firm, John Fitzgerald and Associates.

According to a *Business Day* report earlier this year, Forsyth is a relative by marriage of Derek Brune, a former Wits University student who was a penetration agent on the Students Representative Council and in Nusas at the same time as superspy Craig Williamson.

Brune is believed to be in the security police.

Officially, both the ANC and security police have disclaimed any knowledge of her whereabouts.

But rumours persist that Forsyth may have been held by a security service in one of the frontline states. In recent months, another young girl

white female anti-apartheid activist — whose name is being withheld for legal reasons — was forced to resign from several organisations after reports circulated that she, too, was security police agent. She disappeared a little while later.

She is now thought to be receiving state protection. Rumours that she may have been abducted or killed by anti-apartheid militants inside or outside of the ANC are, by all available accounts, untrue.

A common trait in all three women according to one anti-apartheid activist now in exile, appeared to be an “irresistible tendency to racist arrogance”.

Zimbabwe’s Judge President, Mr Justice Sandura, is expected to deliver judgement today in Harrington’s case.

Although Harrington admitted to her spying activities, she pleaded no guilty to charges under Zimbabwe’s Official Secrets Act and Law and Order Maintenance Act. She did this on the grounds that her activities had no been directed as an act of hostility or war against the Zimbabwean state.

If she gets off, it will be through this legal loophole. It has not been a merry dance for “Grant” and “Jeff’s” little drummer girl.

KTC trial hears 'flares' can start fire

Supreme Court Reporter

ILLUMINATION flares, which could be fired from the same gun as teargas and rubber bullets, were capable of starting fires when fired horizontally instead of up into the air, the Supreme Court heard yesterday.

This was the evidence of independent forensic expert Dr David Klatzow, who was testifying in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when KTC was destroyed in June last year.

The minister is being sued on the basis of an allegation that police played an active role in the destruction.

Dr Klatzow said illumination flares contained magnesium, which burned "very hot".

A trail of white powder, magnesium oxide, was deposited by the flare over its flight path.

He said the flares would be likely to cause a fire if they hit a target containing wood, curtains and paper. He added that fire would be a certainty if the flare was used with an inflammable liquid, like petrol.

When an illumination flare was fired into the structure, however, flames were "instantaneous".

In one instance, the photograph showed a door-step burning and Dr Klatzow said in normal fire investigations this alone would be a serious pointer to the use of an inflammable liquid.

The trial continues.

Mr Justice M R de Kock presided. Mr P Pretorius and Mr A M Omar, instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister.

CAP Times 3/12/87

Police conspiracy claim 'ludicrous'

Own Correspondent

GRAHAMSTOWN — It was ludicrous to suggest that police officers were lying and were involved in a conspiracy in the unrest unit trial, the state submitted yesterday

Before the Supreme Court are Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, charged with two counts of murder, two of assault and one of defeating the ends of justice

Mr W Kingsley was replying to the defence argument in a trial-within-a-trial to decide the admissibility of explanations made by Const Goosen

He submitted that the suggestion of a conspiracy was not substantiated by evidence in any way

The same applied to the defence's attempt to draw sinister inferences from the "tactics" of the investigating officer, Major G P S Goosen.

Judgment in the trial-within-the-trial has been reserved until this afternoon

day December 4 1987

(S) 4/12/87

Former SP constables aided ANC

Police spy pair sent to jail for 14 years

Pretoria Correspondent

Two former security policemen, found guilty of spying for the ANC, were sentenced to 14 years' jail yesterday by the Pretoria Regional Court.

Matshwenyego Daniel Makgabudi (29) of Atteridgeville, and Tshifhango Cedrick Rabuli (35) of So-shanguve, were formerly attached to the Pretoria Security Branch of the SAP.

They were convicted on seven charges of contravening the Internal Security Act, Protection of Information Act, and the Official Secrets Act.

Magistrate Mr A F Snyman imposed sentences of 36 years and 34 years, respectively, for the offences, which are to run concurrently.

This brings the total sentence for each down to an effective 14 years.

The two men were acquitted on three charges of participation in terrorist activities, and under two sections of the Internal Security Act.

The two former constables were active supporters and members of the ANC from July 12 1982 till last year, when they were arrested.

During this period they had access to secret information and files of the Security Police relating to ANC activities and police action to combat these activities.

The court heard how the accused passed on information and classified files to Piet Malaza, an SAP constable stationed at Nelspruit. Malaza later made regular contact with the ANC in Swaziland.

Malaza, who left South Africa to join the ANC, handed the information received to the ANC's head of intelligence in Swaziland, a man known as "M1".

Most of the trial was held in camera because witnesses were called who may not be identified. Among them was the so-called M1.

Malaza apparently paid the accused "substantial amounts of money" for passing on information.

Makgabudi and Rabuli joined the Security Police in 1979 and 1980. They were recruited into the ANC by Malaza.

POLICE EXPERT

Giving evidence for the State, Brigadier Jacobus Buchner, an expert on the functions and aims of the ANC, said the classified files and information passed on to the organisation by the accused could have "serious after-effects".

He said information passed on by Malaza had led to the assassination of several police informers. This could lead to problems and set the Security Police back in their fight against the ANC.

Defence counsel Mr Dikgang Moseneke said: "A greater measure of mercy must be exercised by the court when convicting people in political cases."

Mr Moseneke told the court that the accused were both married and had children. He added that Makgabudi would be turning 30 tomorrow.

State advocate Mr H Prinsloo said the court should show no mercy in its sentencing.

COPS JAILED FOR SPYING

REPORTS. DIC-11

TWO former security branch policemen who spied for the banned African National Congress giving them information relating to State security, were each sentenced to 14 years effective imprisonment in the Pretoria Regional Court yesterday.

Matshwenyeho Daniel Mokgabudi (30) of

Atteridgeville, and Tshifhango Cedric Rabuli (34) of Soshanguve, Pretoria, were found guilty by Mr A F Snyman on charges of terrorism and of being members of the ANC and furthering its aims. The two pleaded not guilty.

Both were convicted after Mr Frans Prinsloo,

for the State, submitted that the offences were of a serious nature and also told the court of Odile Harington, the self-confessed South African spy who was sentenced to 25 years in Zimbabwe recently for having spied on the ANC.

To Page 2

~~SP~~ (251) Snyman 4/12/87

Spies jailed

← From Page 1

Mr Prinsloo called for severe sentences to be imposed.

Mr Dikgang Moseneke, for the defence argued that the charges against both former policemen had been duplicated and pleaded in mitigation that there should be "no duplication of punishment".

The two men were attached to the security branch in Pretoria at the time of their arrest in July last year.

Mr Snyman said both had no previous convictions but the offences committed were of a serious nature because both had misused their positions of trust when they gave the ANC confidential documents.

He also took into consideration that both had been in custody since July 12 last year he sentenced them to a total of 40 years on four counts, 14 years on two counts and Mr Mokgabudi two years on the other charge.

The magistrate ruled that the sentences run concurrently and that both serve an effective 14 years each.

We have a duty — cops

Sowetan
4/12/87

SOUTH African police said yesterday they had a duty to ensure no terrorist weapons or terrorists themselves entered South Africa.

An SAP statement from headquarters was commenting on lengthy vehicle checks being carried out at border posts with Botswana.

To ensure no insurgents and no weapons entered the country, it was necessary to

thoroughly search vehicles at the border posts, the statement added

South Africa has recently alleged senior African National Congress cadres has talks with Botswana Government officials requesting the use of Botswana territory as a conduit for a planned festive season infiltration of South Africa.

Botswana denies the claim.

(152)

Secret

The police statement yesterday said that, in the past, it had been discovered that terror weapons had been smuggled into South Africa in secret compartments built into various vehicles

Kopfontein was the busiest post, police said

Unrest case: Evidence inadmissible

CAPE TOWN 4/12/87 (251) 277

Own Correspondent

GRAHAMSTOWN — The explanations made by Constable David Patrick Goosen while visiting scenes of alleged crimes committed by him after his arrest, were not admissible as evidence, the Supreme Court ruled yesterday

Constable Goosen, 26, and Warrant Officer Leon de Villiers, 36, both of the local unrest unit, face two charges of murder, two of assault and one of attempting to defeat the ends of justice

The trial arises from alleged incidents in Cradock on July 26 last year.

In a trial-within-a-trial the defence argued that Const Goosen was forced to make a statement to Maj G P S Goosen after he had been taken to scenes of his alleged crimes and had been threatened with imprisonment and the loss of his service benefits

Yesterday Mr Justice Zietsman found that it was not necessary to decide whether the explanations amounted to a confession or were simply admissions — important because of the different tests applied

He said if the threats were in fact made they would negate the validity of both

The onus was on the State to prove beyond a reasonable doubt that the explanations were voluntarily made

Justice Zietsman ruled that the State had not met the onus and the explanations were inadmissible

Mr B P Loots and Mr Jean van der Riet sat as assessors. The Attorney-General, Dr J A van S D'Oliveira, SA, assisted by Mr W Kingsley, appeared for the State. Mr C Jansen, SC, assisted by Mr N du Toit and instructed by Huisamen and Roelofse appeared for the defence

5/12/87

2 Cape Times, Saturday

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**Koevoet man
guilty of killing**

WINDHOEK. — A Namibian police counter-insurgency unit sergeant, Dirk Calitz, 26, was convicted yesterday of murdering an Ovambo civilian, Mr Wilhelm Haindongo, in the Erhoma region of northern Namibia on August 16 last year.

Calitz earlier pleaded guilty, but stated he had not been responsible for his actions on the day of the killing.

Mr Justice Johan Strydom, said in judgment that State evidence had shown that Calitz was capable of distinguishing between right and wrong at the time of the assault.

The court began hearing argument in mitigation of sentence. — Sapa

Police officers' actions 'biased'

Supreme Court Reporter
MAJOR Dolf Odendaal and Warrant-Officer Hendrik Barnard were among elements in the police force who "took decisions to act in a biased manner", independent MP for Claremont Mr Jan van Eck told the Supreme Court yesterday

Mr Van Eck was giving evidence in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when KTC was burned down by witdoeke, allegedly with the aid of police

Mr Van Eck said it was not the entire police force which acted in a biased way but there was no condemnation of biased action from "higher up" and certain policemen seemed to act with impunity

Confronted

He said Major Odendaal and WO Barnard took a definite stand against "comrades" and in favour of witdoeke

Major Odendaal had been unable, when confronted, to give a reasonable explanation for the lack of police action when Nyanga Bush, Nyanga Extension and Portland Cement camps went up in smoke weeks before KTC, he said

The conclusion he drew from this — and from watching police both fraternizing with witdoeke and preventing "comrades" from saving their possessions — was that police were actively supporting the witdoeke

Mr Justice M R de Kock presided. Mr H P Viljoen SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister

3 tell of 'Trojan Horse' deaths

CAR TINKS 8/12/87

251 ~~251~~ ~~251~~
By YVETTE VAN BREDA

ABOUT 200 people, three of whom were killed, had no chance of getting away when police, hidden in crates on an SA Railways "ghost truck" that was stoned in Athlone in 1985, suddenly revealed themselves and opened fire

This was evidence yesterday at the Wynberg Magistrate's Court inquest into the death of Shaun Magmoet, 16, Michael Miranda, 11, and Jonathan Claasens, 21, who were shot dead by police on the corner of St Simon's and Thornton roads

Sergeant James Sayer told the court he was in the cab of the truck which has become known as the "Trojan Horse". They were patrolling the area to find and arrest stone-throwers. Several policemen were hidden in crates on the back of the truck.

At the intersection about 200 people began stoning the truck and the window of the cab was broken. He fired four rounds of AAA shot, he said

Asked by Mr J Gauntlett, for the family of two of the deceased, whether there was any opportunity for people to get away before the shooting started, he said "I won't say there was"

Constable A J Smit, said he was in a crate on the back of the truck. After he heard the truck being stoned and it came to a halt, he jumped up and fired, as "I feared for my life"

Warrant Officer, A W C Swart, who was also on the back of the truck, said that when the crowd started stoning the truck, he feared for his life, jumped up and started shooting

Warrant Officer Swart fired six AAA shots and the people dispersed. He saw a man being dragged, "half crawling" into a house. He alighted from the truck and went into the house where he found Shaun Magmoet fatally wounded

The hearing continues today

Constable tells of murder at river

Own Correspondent

GRAHAMSTOWN.
What Constable David Patrick Goosen had done at the Great Fish River was murder, a police witness has said.

Constable Raynard Egmont Fourie was testifying yesterday in the Supreme Court murder trial of Constable Goosen, 26, and Warrant Officer Leon de Villiers, 36.

Charges arise out of alleged actions of a police squad sent to monitor a Cradock funeral on July 26 last year.

Constable Fourie said he overheard WO De Villiers say that one of four men arrested for interrogation, Mr Mlungisi Stuurman, had been too severely "ge-panelbeaten" and they should "take him out".

A squad member said "take out" meant "kill".

Constable Fourie showed Constable Goosen the way to the river. On the way he stopped to relieve himself. He saw Constable Goosen point his pistol. A shot went off and Mr Stuurman fell. Constable Fourie said he and Constable Goosen tossed the body into the river.

On the way back Constable Goosen jogged ahead. Constable Fourie said he turned to a Const Booyens and said "that was murder". Constable Booyens agreed.

After the investigation had started Const Goosen warned he would "take out" anyone who turned against him.

'Spy' to face new charges

A FORMER security branch policeman, who was last week sentenced to 14 years imprisonment for spying for the banned African National Congress is expected to appear in court again on further charges of corruption and car theft.

Matshwenyego Daniel Mokgabudi of Atteridgeville is expected to appear in the Pretoria Regional Court tomorrow on charges of bribery, alternatively corruption, the *Sowetan* established yesterday.

A spokesman for his lawyers confirmed that their client had been told to appear tomorrow on a charge of bribery or

alternatively corruption they also confirmed that he will only appear for a formal remand.

A spokesman for the Police Public Relations Division in Pretoria yesterday said Mokgabudi was also facing charges of car theft. He is due to appear in the magistrate's court on January 4 next year, the police spokesman said.

Mokgabudi and another former security branch policeman Tshifhango Cedric Rabuli (34) of Soshanguve were each sentenced to 14 years imprisonment by Mr AF Snyman in the Pretoria Regional Court last Thursday on charges of spying for the ANC,

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~~251~~

Snyman
9/12/87

Police bullets hit crockery in witness's home

257
Cape Times 9/12/87

By YVETTE VAN BREDA
Court Reporter

A THORNTON Road resident told a Wynberg Inquest court yesterday that soon after teenagers left her house they rushed back in as police fired at them, breaking her crockery as bullets hit the walls and windows of the house.

Mrs Zanab Ryklief was giving evidence at the inquest of Mr Shaun Magmoed, 16, who died in her house, Mr Michael Miranda, 11, and Mr Jonathan Claasens, 21.

The three were shot dead by police during an incident at the intersection of St Simon's and Thornton Roads in Athlone on October 15 1985. The shooting, which has become known as the "Trojan Horse" incident, occurred when police hidden in crates on the back of a South African Railways truck, stood up and fired at a crowd of about 200 people after the truck was stoned.

Mrs Ryklief said Shaun Magmoed, Ghalieb, Ebrahim, Shafiek, Ismail, and Shafwaan Ryklief, Ms Latieta Muller and Ismail Abrahams were all at her house on the day. There were also two smaller children.

Ismail Abrahams wanted to leave but she asked him to wait as there were many people outside her house and she feared that "something might happen".

After Ismail insisted on going home, she opened the door and the others left "to see him off". Soon after she heard shots hitting the windows and walls of her house. Her crockery was broken by police fire.

Mrs Ryklief said she stood behind the open door as the teenagers rushed back in. Shaun crawled into the house holding his head and went to her bedroom. She locked the front door again.

Looked dead

Soon after, police kicked the door down. One of them pulled Shaun up by the shoulder. He looked dead to me, she said.

The two smaller children in the house were also injured and she realised later that she had also been shot in her right shoulder.

Her nephew, Ghalieb Ryklief, told the court that as he left his aunt's home to "see Ismail off" he saw the orange railways truck. He ran into the house as the firing started.

Later two policemen came into the house and told him Shaun was dead. They wanted to take his brother Isamil, 12, but he told them to take him instead. He was later charged with public violence in the Regional Court, but was acquitted.

Earlier Warrant Officer, A W C Swart, who was one of several policemen on the back of the truck, said when the crowd started stoning the truck, he feared for his life, jumped up and started shooting.

He fired only at stone throwers about 15m away. "I didn't see anyone without stones," he said.

He had no doubt that he would hit the people; he said. He saw a man being dragged, "half crawling" into the house.

The hearing continues today

Mr G Hoffman was the magistrate. Mrs S Swart led the evidence. Mr A H Veidhuzen instructed by the State Attorney, appeared for the Minister of Law and Order. Mr J Gauntlett instructed by Y Ebrahim and Co appeared for the Magmoed and Miranda families. The Claasens' were not represented.

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Daily Dispatch
Correspondent

Constable: victim was taken to be tortured

GRAHAMSTOWN — The only reason for taking Mr Mlungisi Stuurman to a "quiet place" was, in his opinion, to torture him further, Constable R E Fourie told the Supreme Court yesterday

Const Fourie is the third member of the Unrest Unit squad to testify against Warrant Officer Leon de Villiers and Constable David Patrick Goosen

They face two charges of murder, two of assault and one of attempting to defeat the ends of justice, arising out of alleged incidents in Cradock on July 26 last year

Const Fourie, in his second day in the witness box, told the court how W/O De Villiers had clouted Mr Stuurman and then strangled him with a fan belt

Const Goosen had pushed Mr Stuurman down with his foot while the bus was still travelling in the township

He denied that Mr Stuurman had been kicked and hit by most of the squad members after he had sworn at

them in Afrikaans

He said Mr Stuurman spoke only Xhosa, and it was obvious he did not understand their questions

In his opinion, W/O De Villiers only instructed that Mr Stuurman be taken to the "quiet place" near the sewage works to assault and torture him further

Const Fourie said W/O De Villiers was a capable and experienced policeman and he did

not question him, even though he thought he was being completely unreasonable

At the sewage works, the bus was cleared of all but W/O De Villiers, Const Goosen and Mr Stuurman

When he returned to the bus he saw Mr Stuurman was bleeding from the mouth and nose

He did not see any injuries Mr Stuurman was certainly not injured so badly that he had to be

"taken out"

When W/O De Villiers asked him to show the way to the river so that Mr Stuurman could wash, he believed that was the reason they were going to the river

Even after he heard W/O De Villiers say the man must be "taken out" because he was too badly "panel-beaten" he did not seriously think they would shoot him

"That's because the accused never intended to kill him," the defence counsel, Mr C Jansen, SC, said

"Well it happened," Const Fourie replied

The trial continues today

1/S

257 South
10-16/12/87

Kits cop passed Std 2, court told

From AYESHA ISMAIL

HOFMEYR (Middelburg) — A warrant officer told the Magistrate's Court here this week that the minimum education for entrance into the SAP was matric, but that there was no educational limit for special constables.

Three Hofmeyr residents appeared on charges of attending an illegal gathering

The court heard that on October 31 this year Lungile Vuma, 22, Kasinethi Klaas, 23, and a 17-year-old youth were part of a crowd toyi-toying outside a house

Giving evidence special constable Zola Winter said he and two other special constables were in their quarters in the location when they heard singing and toyi-toying in the old location.

He said they were singing freedom songs and shouting "impimpi (informer), we are going to burn you".

They took their guns and went to investigate. They saw a group of about 60 people surrounding a house

Warning shot

Winter said one of the special constables, Owen October, instructed Winter to tell the people to stop what they were doing. They did not listen.

"I fired a warning shot into the air but the crowd did not disperse. We then proceeded to shoot into the crowd. The crowd dispersed. Nobody was arrested on the scene, but later five people were taken to hospital and treated for buckshot wounds. Six people were arrested," said Winter.

Winter was unable to identify the three accused and said they were not among the 11 people

Fred Bunting, for the accused, asked Winter what standards he and the two other special constables had passed.

Winter said he had reached Standard 6. He said Owen October had passed Std 5. The third, known as Mketane, had passed Std 2.

Bunting asked Winter whether he had gone to the house of the alleged impimpi to see whether he and his family were safe.

He said "no"

Bunting said his clients would say they came from a concert at the Dutch Reformed Church when shots were fired indiscriminately at them.

October denied this.

Warrant Officer Johannes Petrus Labuschagne, station commander at Hofmeyr and the commander of the kitsies, said an ambulance driver came to his house in the early hours on October 31

The driver told him that he was taking three people with buckshot wounds to hospital.

Labuschagne said he did not see the wounded. As investigating officer he did not go to the place of the incident.

He said the matter was reported to him and he took statements from the three special constables and from the three accused

Labuschagne said there was a regulation prohibiting illegal gatherings

and that the constables acted legally by shooting into the crowd.

Bunting quoted a regulation which said that a policeman of the rank of warrant officer or senior had to warn the crowd

Labuschagne said in this instance it was an emergency

Bunting asked Labuschagne whether the kitsies were given green notebooks to record incidents, like the other SAP members. Labuschagne said "no" as most of them were unable to read and write.

Policeman fired shotgun at youths

Own Correspondent

CAPE TOWN — A policeman giving evidence in the "Trojan Horse" inquest told a Wynberg magistrate yesterday he fired seven shots "directly at youths with stones" after suddenly revealing himself from a wooden crate on a truck which entered riot-torn Athlone in 1985.

Lieutenant Douw Vermeulen, who was in command of a nine-man task force, read his statement during the inquest on a man and two boys — Shaun Magmoed, 16, Michael Miranda, 11, and Jonathan Claasens, 21 — who were fatally shot by police on October 15, 1985.

He was one of seven policemen hidden in crates on the back of a seven-ton SA Railways truck in the area.

When he thought their lives were in danger, he jumped up and fired seven shots with his shotgun. "The shots were aimed directly at the youths, who were throwing stones."

The other policemen in the crates followed suit and about 150 to 200 youths immediately dispersed.

CAP 701B 10/12/87

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Policemen shot in Crossroads ambush

Staff Reporter

TWO special constables were wounded, one seriously, when they were ambushed by an unknown gunman while travelling in a police vehicle in New Crossroads last night.

Police spokesman for the Western Cape, Lieutenant Attie Laubscher, said the attack took place at the corner of Terminus and J Ntuku roads at about 6.15pm.

"An unknown black male fired several shots at the vehicle, which was carrying about 30 special constables at the time," said Lt Laubscher.

"Two constables were wounded, one in the head and the other in the neck. Both men were admitted to No 2 Military Hospital in Wynberg. The man wounded in the head is in a serious condition," he said.

negari, deliver remarks

251 377

Cop fired directly at youths

By YVETTE VAN BREDA

A POLICEMAN fired seven shots "directly at youths with stones" after emerging from a hidden position inside a wooden crate on a truck which entered riot-torn Athlone in 1985, a Wynberg magistrate heard yesterday.

Lieutenant Douw Vermeulen, who was in command of a nine-man task force, was giving evidence at the "Trojan Horse" inquest of three youths shot by police at the intersection of Thornton and St Simon's Roads on October 15, 1985.

The three are Shaun Magmoed, 16, Michael Miranda, 11, and Jonathan Claasens, 21.

Lieut Vermeulen said a group of youths had thrown stones and half bricks at the "ghost truck". The front window and body work was damaged. He had jumped up and fired seven

shots with his shotgun. "The shots were aimed directly at the youths who were throwing stones."

The other six policemen in the crates followed suit.

Lieut Vermeulen said a man who ran towards a house on the right was fired at and a window of the house was broken in the process.

The driver of the truck, Sergeant A M Smit, said he and Sergeant James Sayer, who were in the cab, wore dust coats to disguise themselves. As the truck approached the intersection a second time, the crowd began stoning it.

Mr G Hoffman was the magistrate. Mrs S Swart led the evidence. Mr A H Veldhuizen instructed by the State Attorney, appeared for the Minister of Law and Order. Mr J Gauntlett instructed by Y Ebrahim and Co appeared for the Magmoed and Miranda families. The Claasens were not represented.

Mother talks about results of Post Mortem

YOUTH

RESCUED

GUPTA

(51) *Sowetan* - 10/12/87

Alleged to have been shot by police

DIES

AN 18-year-old youth who was paralysed after being allegedly shot by the police and whose mother is claiming R250 000 damages from the Minister of Law and Order, has died in hospital.

Godfrey Mafuya, of Komane Street, Atteridgeville, Pretoria died at the Kalafong Hospital on Sunday, his mother, Mrs Joyce Mafuya told the *Sowetan* yesterday.

She said that the postmortem results she received from the hospital authorities revealed that her son died of a heart failure.

Mrs Mafuya said Godfrey, who was allegedly shot by police near his home on December 7 1985 still had two bullets lodged in his head and another between the ribs.

He was paralysed from the waist down after being shot and was confined to a wheelchair.

Mrs Mafuya said she saw her son shortly before he died.

His head and body were swollen and he

By MONK NKOMO

appeared to be very ill," she said

Her lawyers, Savage, Jooste and Adams have already issued a summons against the Minister of Law and Order, Mr Adriaan Vlok in which Mrs Mafuya is claiming R250 000 damages for injuries sustained by her son

Affidavit

She submitted in an affidavit that her son was unlawfully, intentionally and with bad faith shot by a member of the South African Police.

He will be buried at the old cemetery in Atteridgeville on Saturday. A short service will be held at his home before the cortege proceeds to the cemetery at 12.15 pm.

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'Kitscops' mutiny: 19 held after shootout

The Argus Correspondent

JOHANNESBURG. — A mutiny by about 60 Lekoa Town Council policemen in the Vaal Triangle was quelled after a violent clash and shootout in Sebokeng township. Eight men were injured, including one SAP member.

The SAP yesterday disarmed and arrested 19 mutineers. The rest apparently fled.

Seven "kitskonstabels" were injured, but only one required hospital treatment after the street battle with the West Rand riot squad, who retaliated with teargas and birdshot when they were shot at by mutineers, police said.

One SAP member was stabbed and slightly wounded in the hand.

POOR PAY

Police and municipal authorities have given no indication of the cause, but it is believed that resentment over low pay, R128 a month, may have contributed.

However, Lekoa mayor Mr Esau Mhlatsi said: "I am not aware of any complaints about pay."

The Sebokeng drama began about 10am when the "kitskonstabels" were ordered to stand vehicle inspection by their commander, Major J J Bruyns

After refusing to obey, they climbed into their bakkies and drove straight at him and tried to run him down. Major Bruyns evaded them.

BROKE INTO ARMOURY

He contacted the West Rand riot squad who were deployed to counter the mutiny.

The mutineers, who had apparently broken into their armoury and taken out guns, jumped on to their vehicles and headed into the township.

The group was cornered between the municipal offices and Sebokeng Hospital. Shots were fired at the SAP with pistols and revolvers and they retaliated, arresting and dispersing the mutineers. Several firearms were seized.

A Pretoria police spokesman said yesterday police were investigating charges of mutiny, attempted murder and malicious damage to property. Detectives would find out how the mutineers got hold of the guns.

Jailed cop faces charges

A FORMER security policeman presently serving a 14-year jail sentence for spying for the banned African National Congress is facing further charges of allegedly receiving R3 000 from an accused to confiscate dockets relating to the latter's charges two years ago.

By MONK NKOMO

Matshwenyego Daniel Mokgabudi (30), of Ateridgeville, Pretoria, is alleged to have received the amount in "a corrupt and unlaw-

ful" manner while he served as a policeman in August 1985, according to the charge sheet read in the Pretoria Regional Court yesterday.

According to the charge sheet Mokgabudi faces a charge of having interfered with the administration of justice by allegedly removing and taking into his possession two dockets from the office of Warrant Officer Nkuna in August 1985.

The State also alleges that Mokgabudi, while still a member of the SAP, unlawfully and in a corrupt manner received an amount of R3 000 from a Mr J Malatu to confiscate the two dockets in which he (Malatu) was being accused of certain crimes.

While Mokgabudi was expected to appear in court yesterday morning, his lawyer, Mr Billy Mothle, instructed by Mr Sakkie Maboa, said Mokgabudi's investi-

gating officer, Warrant Officer Labuschagne, had not fetched him from prison.

The case was subsequently removed from the roll and indefinitely postponed. Mokgabudi was expected to plead before the magistrate, Mr W J van den Berg, for the case to be postponed to February 8 next year, according

Mokgabudi and another former Security Branch policeman Tshifhango Cedric Rabuli (34) of Soshanguve were each sentenced to 14 years imprisonment by Mr A F Snyman in a Pretoria Regional Court last Thursday on charges of spying for the ANC

to his lawyer who discussed the matter with prosecutor Mr JH van der Berg in the morning.

TOWNSHIP COPS mutiny

Cape Times
11/12/87
251

JOHANNESBURG. — Dozens of black municipal policemen mutinied against their white commander, tried to run him down and then became involved in a shoot-out with riot police, authorities said.

Seven constables and one riot squad member were hurt in the clash at Sebokeng, a black township 35 kilometres south of Johannesburg, police said.

It was believed to be the first large-scale gun battle between two branches of the security forces.

Nineteen of the 60 rebel constables were taken into custody and were being investigated for mutiny, attempted murder and malicious damage to property.

Police headquarters said the constables mutinied for unknown reasons after being ordered to conduct a routine inspection of their vehicles.

A source in the Vaal Triangle township said, however, the municipal police had been striking over a pay issue.

It is not yet clear what sparked the attack.

A black newspaper editor, speaking on condition of anonymity, said some of the constables gave a different account.

He said they reported being stopped by the riot squad while driving in their official vehicles to a meeting where they planned to air grievances about pay and alleged job discrimination.

Riot squad

The editor said the constables reported that they were ordered out of the vehicles, started to proceed on foot, and then were fired on with tear gas, provoking the clash.

According to police headquarters, the mutinying constables tried to run down their commanding officer, then fled before being confronted by the riot squad.

The constables opened fire, and the police responded with tear gas and buckshot, the police statement said.

Two constables were wound-

ed by buckshot, five suffered other minor injuries and one riot policeman received a slight knife wound to his hand, the statement said.

Lieutenant Colonel JM Labuschagne, a police spokesman, said an investigation of the mutiny was under way.

Police also said charges of attempted murder were being investigated.

The constables belong to the municipal police force of Lekoa, a group of six townships that includes Sebokeng and Sharpeville.

Those townships have experienced extensive anti-apartheid unrest in recent years, a period in which black policemen have been frequent targets of activists.

It could not be established whether other municipal policemen would be back on duty today.

Some strikes by black constables have been reported previously, but no full-scale mutinies. — Sapa-AP and Own Correspondent

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Constable's intention on shooting disputed in court

Own Correspondent

GRAHAMSTOWN — Constable R E Fourie disputed in the Supreme Court yesterday that Constable David Patrick Goosen had fired "involuntarily and unintentionally" when he shot Mr Mlungisi Stuurman.

This was put to him at the end of his three-day cross-examination in the trial of Warrant Officer Leon de Villiers, 36, and Const Goosen, 26, on two charges of murder, two of assault and one of attempting to defeat the ends of justice.

Const Fourie admitted, however, that he did not know what was going

on in the mind of Const Goosen during the one or two seconds he saw the gun in his hand before the shot.

Earlier, Const Fourie denied that WO De Villiers and Const Goosen had suffocated a black man with a plastic bag, strangled him with a fanbelt, hit him about the ears and struck him with a rifle butt as had been testified to by other witnesses.

He said that if this had happened in the moving police bus as alleged, he would have seen it.

The case has been postponed to February 1, 1988

251 11/12/87

Daily Dispatch Correspondent

Constable disputes that shot was unintentional

GRAHAMSTOWN — Constable R E Fourie disputed in the Supreme Court yesterday that Constable David Patrick Goosen had fired "involuntarily and unintentionally" when he shot Mr Mlungisi Stuurman

This was put to him at the end of his three-day cross-examination in the trial of Warrant-Officer Leon de Villiers, 36, and Constable Goosen, 26, on two charges of murder, two of assault and one of attempting to defeat the ends of justice

Const Fourie admitted, however, that he

did not know what was going on in the mind of Const Goosen during the one or two seconds he saw the gun in his hand before the shot

Earlier, Const Fourie denied that W/O de Villiers and Const Goosen had suffocated a black man with a plastic bag, strangled him with a fanbelt, hit him about the ears and struck him with a rifle butt as had been testified to by other witnesses

He said that if this had happened in the moving police bus, as alleged, he would have seen it. There was no such incident

He also told the court that four days after the shooting, the whole squad, excluding W/O de Villiers and Const Goosen, had been taken to Cradock for questioning

They were all very tense, and feared they might be suspects. Up to

then, they had stuck to the agreed story of the incident

Constable D Hanekom was taken for questioning first. He did not return. Then after two days, Constable D E Botes was taken and he did not return

At that stage, they all decided they had had enough and were going to tell the truth. They informed the investigating officer, Major G P S

Goosen, of this. The next day, Constable Booyens was taken. Const Fourie said he only got his chance a week later, and then his statement took two days to record

He told the court that in spite of all the attention and concern, they had not discussed the shooting the entire two weeks they were together in a tent at Cradock

He had never been asked by the others what had truly happened at the river

The case has been postponed to February 1 next year

CPA Times 14/12/87

2 policemen die in Soweto ambush

23
Staff Reporter

TWO policemen were shot dead and four wounded when a police vehicle carrying seven men was hit by AK-47 rifle fire in Soweto on Saturday evening.

This was the second township ambush of a police vehicle within a week.

On Wednesday evening in New Crossroads two special constables were wounded when a gunman opened fire with a high-velocity weapon, "probably an AK47", on a police vehicle carrying 30 special constables.

The Soweto shooting took place just before midnight, according to police.

Gunmen fired at the police from a vehicle. Only one policeman escaped injury.

After the incident, a number of AK-47 cartridges were found nearby.

The spokesman said the condition of the wounded was "satisfactory". All the policemen involved were based in Meadowlands and their names would be released when their next-of-kin had been notified.

2 policemen die, 4 hurt in shooting

251

14/12/87

PRETORIA — Two members of the South African Police were shot dead and four others wounded when gunmen fired on a police vehicle in Meadowlands, Soweto, the SAP public relations division said yesterday

A spokesman said the shooting took place shortly before midnight on Saturday

Only one policeman in the SAP vehicle escaped injury

A number of expended AK47 cartridges were found in the vicinity of the attack

The spokesman said the condition of the wounded was "satisfactory" Their names

would be released when their next-of-kin had been notified

This was the second township ambush of a police vehicle within a week

In New Crossroads, Cape Town, two special constables were wounded when a lone gunman opened up with a high-velocity weapon on a police vehicle on Wednesday night

One of the constables was hit in the head and seriously injured, while the other was hit in the neck

Both were taken to Two Military Hospital in Wynberg Their condition could not be ascertained.

Top policemen in court over deaths

251 14/12/87 Soweto

TWO top policemen have appeared in the Johannesburg Magistrate's Court on charges arising out of the shooting of three wealthy businessmen on the Reef and Soweto recently

Captain Hendrick Johannes le Grange (40), head of the East Rand Murder and Robbery

Squad and Detective Robert Edmund van der Merwe of the Brixton Murder and Robbery Squad, appeared before Mr M Muller

They were not asked to plead and were remanded to December 24 for the Attorney-General to decide whether they would be allowed bail

The charges against them relate to the alleged killing of two wealthy businessmen in September and October this year

They are also linked to the attempted murder of Mr Tsietso Malokoane, director of Ma-Africa Building Construction company in Soweto

Head

Mr Bernie Ogle (29), director of Andigo Export and Import Company was shot dead outside his Ennerdale home, 20 km south of Soweto on September 28

Mr Peter Pillay of Eldorado Park died after he was shot in the head in Riverlea, Johannesburg on October 5

251

BAD BLOOD

THE leader of the Lekoa municipal policeman, Captain Timothy Radebe, yesterday told of circumstances leading to the shooting incident in the Vaal Triangle between the blackjacks and members of the riot-squad.

Captain Radebe, who was injured in the head and body during the confrontation said from his Sebokeng Hospital bed that the situation flowed from long-standing animosity between black and white municipal policemen

He told the *Sowetan* that white municipal policemen would not take orders from black senior officers

He said matters came to a head last Thursday when he and a white officer gave different orders to their subordinates

The white officer ordered his men to conduct a vehicle inspection, while he had ordered them to attend a meeting at Mphatlalatsane Hall

His men ignored the officer's orders and decided to drive to the

Animosity in municipal force says captain

BY JOSHUA RABOROKO

scheduled meeting which was to discuss various grievances

On their way they were stopped by the riot squad policemen who disarmed them. He ordered his men not to fight back. As they were leaving the vehicles, Captain Radebe said tear smoke and buckshot were fired at them

Inquiry

They were allegedly called "kaffirs" who did not want to listen, he said. Most of them were arrested.

The white officer who is senior official of the Sebokeng Law Enforcement Unit, has been suspended from his duties, according to a Lekoa Council spokesman

The head of the Vaal police, Colonel P. van Niekerk, said the 19 municipal policemen who were held have been released

They have not been charged and police are investigating

The mayor of Lekoa, Mr. Esau Mahlatsi, has called on the Government to institute a commission of inquiry into the causes of the incident

Massive hunt for killers of 2 cops

DI
Sowetan

15/12/87

POLICE have launched a massive manhunt for a gunman who at the weekend shot at a police vehicle with a communist AK-47 assault rifle in Meadowlands, Soweto, killing two policemen and wounding another four.

Detectives are now investigating whether the gunman was an insurgent, a Pretoria spokesman said

"Everything possible will be done to track down these cowardly criminals," said the spokesman

No arrests have been made.

The four wounded men were admitted to Baragwanath Hospital with injuries ranging from leg and arm wounds to a head injury. All are in a satisfactory condition.

Police said the shooting happened in Zone 6 shortly before midnight on Saturday.

According to the spokesman, the shooting happened while relieving policemen who took over from the day-shift were escorting off-duty policemen to their homes.

The gunmen opened fire at them from a

SOWETAN REPORTER

vehicle. Only one policeman, Constable K Gumede, was not hurt.

Police found "a number" of expended AK47 cartridges in the area.

All the policemen involved were based in Meadowlands. The names of the dead policemen will only be released once their next-of-kin have been notified.

Those injured were: Sergeant M Melo, who was wounded in the left arm; Lance-Sergeant N Nepshuauha, who was hit in the head and left hand; Constable E Molelekeng, shot in the right leg; and Constable M Ngobeni, who was injured in both legs.

Police
colone
pushed
me, says
city MP

By CLARE HARPER

THE independent MP for Claremont, Mr Jan van Eck, alleged he was manhandled by a police colonel at the Good Hope Centre, the venue of the banned Govan Mbeki rally, yesterday evening

Mr Van Eck said that when he later went to lay a charge at the Caledon Square police station he was told he would be detained under the emergency regulations if he did not leave

Mr Van Eck said he had tried to inform the Minister of Law and Order, Mr Adriaan Vlok, about the incident but "he was not at home".

"That an MP can be chased out of the Caledon Square police station and threatened with detention is unreal."

"Now I know what people in the townships mean when they say they are chased out of police stations," he said

He said he had been helping organize transport for people who had arrived unaware that the meeting had been banned.

A police colonel had told him he was "interfering" and had threatened to arrest him.

Mr Van Eck alleged he was "manhandled" and "pushed" by the police colonel

He said he was then escorted to his car by two policemen in riot gear.

A police spokesman confirmed in Pretoria last night that Mr Van Eck had been in touch with Brigadier V. J. Der Westhuizen who had undertaken to see him "personally" today

ONT. Times 15/12/87
Cop mutiny: 251

White OC is suspended

JOHANNESBURG. — The Lekoa town council has suspended the commander of its municipal police force following an armed mutiny by about 60 policemen in Sebokeng township on Thursday.

Nineteen mutineers were arrested after the skirmish with members of the West Rand SAP riot squad.

Eight men, including one SAP member, were injured during the incident. Charges being investigated include attempted murder, malicious damage to property and mutiny.

A spokesman for the Lekoa council confirmed the council's executive committee had decided to suspend the white commander of their municipal police force, Major J. J. Bruyns, with loss of salary and with immediate effect.

According to the spokesman, most of the 480-strong police force has not reported for duty since Friday.

Although police and municipal authorities have so far given no indication of what the cause of the uprising was, it is believed resentment over wages as low as R128 a month could have contributed to the incident.

An officer of the Lekoa municipal police, Captain Timothy Radebe, yesterday told of circumstances leading to the clash.

He told the Sowetan newspaper that white municipal policemen would not take orders from black senior officers.

He said matters came to a head last Thursday when he and a white officer gave different orders to their subordinates.

~~CAPE TIMES 16/12/82~~
Lekoa police

mutineers freed

JOHANNESBURG. —

The 19 Lekoa town council policemen arrested last week after an armed mutiny in Sebokeng township, have been released, a Pretoria police spokesman said yesterday. It was not yet known when the 19 alleged mutineers would appear in court.

"All I can say at this stage is that they have all been released pending further investigation. The whole matter is now sub judice," he said.

Charges being investigated in connection with the incident include attempted murder, mutiny and malicious damage to property. — Sapa

A SPECIAL UNIT TO FIGHT CHILD ABUSE

Increase in cases reported

SOUTH Africa's first full time specialist police unit to investigate crimes against children was formed in Cape Town yesterday

The seven-member unit will handle cases involving all forms of child abuse, including rape, battery, incest, sodomy, indecent assault, other sex crimes, pornography and child care act contraventions

Brigadier Nick Akker, divisional criminal investigations chief for the Western Cape, said the unit would start its duties today

It is the first unit of its kind in South Africa although similar investigations

have been conducted on a smaller scale in Durban

Brigadier Akker said the work load of the unit would be studied regularly and, if necessary, the unit would be expanded

He said the decision to start the unit came after a long-term study of the child abuse problem in the Western Cape

The squad will be known as the Anti-Child Abuse Unit

The unit was formed after it was established that there had been an increasing number of child abuse cases reported to the police

~~SECRET~~

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Clergy, police meetings breaks up

Cape Times 22/12/87

By ANDREW DONALDSON and JOHN VAN DER LINDEN

A MEETING between church leaders and police to discuss the actions of special constables in KTC on Friday after a grenade attack on some of their number ended in disarray yesterday.

The meeting between a delegation from the Anglican Diocese of Cape Town — headed by Bishop Charles Albertyn, Bishop Suffragan of Cape Town, and the Very Rev Edward King, Dean of Cape Town — and Brigadier Ronnie van der Westhuizen, Divisional Commissioner of Police, was arranged by the MP for Claremont, Mr Jan van Eck.

The meeting broke up when Brigadier Van der Westhuizen, referring to the church

delegation, told Mr Van Eck to never bring "such people" into his office again.

Mr Van Eck said afterwards he was "disappointed" at the outcome.

"It was not productive," he said.

Brigadier Van der Westhuizen said afterwards he had expected to interview KTC community leaders and not a church delegation.

"I have often held talks with radical leaders but have never had such an aggressive meeting as this one," he said.

A statement by the diocese on the meeting said the delegation had complained about the behaviour of special constables who moved into KTC in follow-up operations after the attack on them early on Friday

morning

"The church delegation said KTC residents had been subjected to indiscriminate assaults by special constables," a spokesman for the diocese told the Cape Times yesterday.

The brigadier had responded by saying that "it was only human that special constables who had just been attacked and who were still in a state of shock should react strongly".

"The meeting became increasingly heated as the church delegation contested Brigadier Van der Westhuizen's reference to the constables' response as being understandable," the spokesman said.

"He accused the church of being 'on the side' of KTC residents and said he would in-

struct special constables to exercise restraint if the church delegation could guarantee there would be no more attacks on police from KTC."

Brigadier Van der Westhuizen confirmed he had asked complainants to lay charges, saying that he would "personally see to it" that these were investigated.

He pointed out that several special constables had been prosecuted in the past, one had even been sentenced to death.

He appealed to church leaders — if they represented the true leaders of their communities — to restrain their people from attacking police with petrol bombs and hand-grenades

Church and police meeting ends in disarray

A TOP-level meeting between church leaders and police to discuss the actions of special constables in KTC on Friday after a grenade attack on some of their number ended in stormy disarray yesterday.

(25) (25) B/day 12/12/87
The meeting was between a delegation from the Anglican Diocese of Cape Town — headed by Bishop Charles Albertyn, Bishop Suffragan of Cape Town, and the

Own Correspondent

Very Rev Edward King, Dean of Cape Town — and Brigadier Ronnie van der Westhuizen, Divisional Commissioner of Police. It was arranged by Independent MP for Claremont, Jan van Eck.

The meeting broke up when Brig Van der Westhuizen — referring to the church delegation, — told Van Eck to never bring "such people" into his office again.

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POLICEMAN IN COURT FOLLOWING FATAL SHOOTING OF SHOPKEEPER

Cop faces homicide rap

A 30-YEAR-OLD Atteridgeville, Pretoria, municipal policeman is to stand trial on a charge of culpable homicide, following the death of a local businessman who was shot near his shop in May this year.

Mr Happy "Man Down" Mashigoan was shot three times in the chest, allegedly by a local municipal policeman, in More Street at about 10 45pm on May 31

A spokesman for the town council announced

shortly after the incident that the policeman who allegedly shot Mr Mashigoan had been suspended

The spokesman yesterday confirmed that the policeman involved had been formally charged with culpable homicide and would appear in the local magistrates court on January 14 next year

The spokesman also confirmed that they had received a letter of demand from Mr Mashigoan's two wives claiming more than half a million rands from the council for loss of support

The two women, Miss Mebene Gani and Miss

Glora Mokae, and their 11 children, are claiming R570 000 damages.

The letter of demand from their lawyers, J M Werman and Partners, states that Mr Mashigoan was "wrongfully and unlawfully" shot dead by a council policeman "acting at all times relevant hereto within the scope and course of his employment"

A spokesman for the council yesterday said the policeman concerned was still suspended from his official duties pending the outcome of the case.

Fears of hit on jailed police chief

CHE TRIPS
23/12/07
251

JOHANNESBURG — The authorities wanted suspended top detective and alleged hit man Captain Jack la Grange held at Pretoria Central prison because they feared "he would be shot and killed", defence counsel told a magistrate yesterday

Defence counsel Mr E Bruwer unsuccessfully requested that Captain La Grange, who was head of the East Rand Murder and Robbery Unit before his arrest, be held at the Newlands police station till tomorrow, when an urgent application for review of the bail refusal will go before the Supreme Court

He appeared yesterday before Mr H Swanepoel

The state advocate said that at the accused's first appearance on December 11, he had asked the court not to allow Captain La Grange, 40, to be held at Diepkloof prison "or at any police station" for reasons he did not

wish to mention

Mr Bruwer said the office of the attorney general said the reason for this was that it was feared Captain La Grange "would be shot and killed"

Captain La Grange was yesterday served a certificate that prohibited bail Mr K Atwell, for the state, said the acting attorney general, Mr A de Vries, SC, had issued a certificate prohibiting bail

He was remanded to January 29

Captain La Grange and Sergeant Robert van der Merwe, 30, of the Brixton Murder and Robbery Unit, are both charged with the murder of Mr B Ogle on September 28 and Mr P Pillay on October 5

They are also both charged with attempting to murder a Soweto businessman, Mr E Malakoane

After Captain La Grange appeared, Sergeant Van der Merwe was brought before court Bail was also prohibited for him He was remanded in Diepkloof prison to January 29 — Sapa

No bail for top cop

23
24/12/87
Soweto

THE Attorney-General this week refused to allow bail for the suspended commander of the East Rand Murder and Robbery Squad, Captain Hendrik Johannes le Grange, and his co-accused, the Johannesburg Magistrate's Court heard.

The 40-year-old murder and robbery unit commander, joined by Sergeant Robert van der Merwe (30) of the Brixton Murder and Robbery Squad, appeared in connection with charges of murder and one of attempted murder before magistrate Mr H J Swanepoel.

Charges against the two detectives follow investigations into the alleged assassinations of two reputed Reef drug dealers and the attempted murder of a third man, Mr Ernest Tsietsi Malakoane, of Soweto in September and October this year.

Rejected

An application to have Captain le Grange transferred from Pretoria Central Prison to a Pretoria or Newlands police station was rejected by Mr Swanepoel.

The hearing was postponed to January 29 next year and both men were told they would remain in custody.

After attempts to secure bail for the two policemen failed, Captain le Grange's legal representative, Mr J J Roussouw, indicated to the court that an urgent application would be launched later yesterday in the Transvaal Supreme Court to have the Attorney General's certificate set aside.

But the urgent application can be launched only in the Supreme Court tomorrow.

Cape Times 29/12/87

Journalist sues police, Vlok for R107 000

751 *29/12/87* *29/12/87*
Staff Reporter

LAWYERS acting for the deputy news editor of the Cape Times, Mr Tony Weaver, yesterday served summons on the State Attorney, claiming over R107 000 in damages for "wrongful and malicious" prosecution.

Mr Weaver is suing the Minister of Law and Order, Mr Adriaan Vlok, after being acquitted in September by a Regional magistrate on a charge of making untrue statements to the BBC.

Mr Weaver claims the prosecution was malicious because police knew that what he told the BBC was the truth or that they knew he had reasonable grounds for believing his statements to be true.

He also claims police recklessly failed properly to inform themselves when it "lay within their power to establish precisely how the killings happened".

Expert medical evidence at his trial was that eyewitness accounts of the shootings were more likely to be true than the police versions. Mr Weaver testified that his statements were emphasized as allegations and the "feelings" of newly-bereaved relatives.

Mr Weaver is claiming R30 000 for impairment of dignity and R77 064 for legal fees.

Police have a month to file notice of intention to defend Mr Weaver's claim.

Cape Times 11/10/87 (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

Advocates to take evidence in London

By SHAUNA WESTCOTT
Supreme Court Reporter

TWO advocates who have been refused passports for a combined total of 19 years now have passports valid for six months to take evidence on commission from a witness in London

The two — Mr Dullah Omar and Mr Paul Pretorius — are appearing with Mr Sam Aaron SC for the Methodist Church and 21 families who are suing the Minister of Law and Order for damages of R312 000 following the destruction of most of KTC squatter camp in June last year

The suit — on which the outcome of 3 198 similar suits involving damages claims of over R5 million may depend — is being brought on the basis of an allegation that police played an active role in the destruction

Mr Omar's passport was with-

drawn in June 1982, two days before he was to fly to Britain with his family to take up a one-year grant for study at the London School of Economics. No reasons were given

In 1983 he was awarded a scholarship to Harvard University in the United States but was denied a passport

Subsequent applications for a passport have been refused till now

Mr Pretorius, a former Nusas president, had his passport withdrawn in 1970. Subsequent applications were refused for 14 years till 1984 when he was granted a passport valid for one year to take up a US government travel bursary

Both men have been victims of other government measures. Mr Pretorius was banned for five years in 1972. Mr Omar was held in solitary confinement for about 40 days in 1985

He was released for some three weeks before being detained again for seven weeks

The two men leave for London today to take evidence on commission from photographer Mr Dave Hartman, a conscientious objector who went into exile to avoid being jailed for refusing to do six years' service with a government department — the required alternative to conscription into the SADF

The Minister of Law and Order's defence team — two senior counsel, two junior counsel and an attorney from the State Attorney's office — accompanied by an unidentified police officer, left for London yesterday afternoon

The trial resumes in Cape Town on October 19

Mr Justice M R de Kock presided. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister

Newsman, Bhongolethu Woman shot by ktscoops

By AYESHA ISMAIL

OUTSHOORN'S tiny African township has been shocked by the shooting of a journalist and a township resident earlier this month by ktskonstabels

The shooting two weeks ago comes in the wake of a recent undertaking by the Minister of Law and Order that Bhongolethu's 16 "ktskonstabels" would not act unlawfully

In terms of the undertaking to the Cape Town Supreme Court, the "ktskonstabels" who operate from a yellow mobile office, the "Geelhus", on the outskirts of Bhongolethu, they may not unlawfully assault, arrest, detain, intimidate, insult, confiscate possessions of or enter houses of residents

Attorneys confirmed this week that after the shooting of a journalist of Saamstaan community newspaper, Mr Patrick Nyuka, and Ms Lindwe Phillips, they would investigate whether the matter should be brought to court for an interim interdict

X-rays of Nyuka, who was treated at the George hospital, showed about 13 pellets in the upper part of his body, two in his liver, one in his spine and one just next to his spine. Pellets were also embedded in his right lung and arm

Public violence

Nyuka was discharged from hospital this week and is being held at Oudtshoorn police station on a charge of public violence

He was shot while reporting on a homecoming party for two Bhongolethu people who had been released from jail after serving two years sentences for public violence

It is believed that Nyuka left the hall to get more film for his camera when he was approached by two ktskonstabels

They allegedly asked him for his camera and his notes. He resisted and a scuffle took place. "Patrick put the notes in his mouth and gave the camera to a bystander," a source said. Shots were fired.

It was alleged that Phillips was shot when she went to his assistance. Phillips is still in the George hospital with a broken left arm and leg



Student leader Kenneth Lulamile Mfeketeto, who died in a car accident recently, was given a hero's burial at the weekend. A crowd of about 5 000 people sang freedom songs as they slowly marched behind his coffin from St Mary Magdalene Church to Nyanga cemetery on Saturday. Kenneth, 16, was a co-ordinator of the township region of the UDF-affiliated Young Christian Students (YCS) secretary of the Education Charter Campaign, Western Cape, and a member of the Joint SRCS

Man found hanged in church

GRAHAMSTOWN — A church congregation here is puzzled by the bizarre death of a 23-year-old man who was found hanging from a staircase leading up to the belltower of the St Patrick's Catholic Church. The body of Mr John Sandi, who had been working for the church as a part-time gardener for four years, was discovered at the end of last week by a retired judge. Mr Justice Wynne, who is now responsible for organisation of the church services, also found a young woman lying near Sandi's body. She had been assaulted. Her face was badly swollen and an attempt had been made to strangle her with a leather belt. Police suspected that the woman had been raped and an attempted murder docket had been opened. The resident priest at the church, Father Mark Caldwell, said that he thought the woman was the dead man's girlfriend. The woman was taken to Settler's Hospital where her condition was described as satisfactory.

Cop sentenced to death

A FORMER member of the South African Police who "cold-bloodedly" murdered a young man in Mamelodi, Pretoria two years ago, was sentenced to death in the Pretoria Supreme Court yesterday.

George Sindane (31) of

BY MONK NKOMO

Block H Mamelodi West was sentenced to hang by Mr Justice Curlewis, sitting with two assessors, after being found guilty of having shot Mr Mabut Maubane (20) on December 14, 1985. Sindane had pleaded not guilty.

The condemned man was stationed in Mamelodi at the time of the incident, the court heard. Mr Maubane's friends, Mr Johannes Matjeni and Mr Kleinbooi Sepogoane testified that they were walking along a street at about 9pm on their way to Bophuthatswana when they were

confronted by Sindane who ordered them to "give way". The three refused.

Chest

The court heard that Sindane then produced a revolver and opened fire hitting Mr Maubane in the chest. Sindane at first denied

having been at the scene that night but later changes his evidence after being convicted. He said he was attacked by a group of people that night and that he opened fire in self defence. Both versions were rejected by the judge who remarked that he had been impressed by the

evidence given by Mr Maubane's two friends. Mr Justice Curlewis said he was not surprised that people "clothed with authority" could commit such callous acts. He described the killing as "a cold-blooded" murder. Leave to appeal against conviction and sentence was refused.

CAP Times 1/10/87 (185) (251)

Sebe calls for elite security unit

BISHO. — Immediate attention should be given to training a joint South African-Ciskeian elite security group to deal with the "plots and plans of the enemy", Ciskei President Mr Lennox Sebe said yesterday.

He was speaking here to welcome the South African Minister of Law and Order, Mr Adriaan Vlok.

"There is urgency in this regard and we would do well to give our immediate attention to the training and establishment of such an integrated elite

security group to study the psychology of the enemy and his tactics and thus be well placed and forewarned to deal with their plots and plans," Mr Sebe said.

At the same time it was necessary to analyse the cause of the riotous behaviour and discover what was creating conditions of restlessness and disorder.

"Is it due to agitation or genuine grievance and hardship?" the president asked. — Sapa



CAPE TIMES 3/10/82
Mixed (251)
command
in SAP,
says Vlok

Political Staff

A NUMBER of white policemen are serving under coloured, Asian and black police officers at several centres in South Africa, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday.

But "as far as possible, it is the policy of the government, as well as the South African Police, to serve each population group with members of the force belonging to that population group"

"Seen from a policing point of view and from experience gained, this policy has produced the best results," he said in reply to a question tabled by Mr Peter Hendrickse (LP, Addo)

"However, when it is necessary in the interest of the Republic and the community as a whole that white members of the South African Police should serve under the command of coloured, Asian and black officers, this is done without hesitation"

"I want to point out to the honourable member that coloured, Asian and black officers have, over the past number of years, systematically been prepared and are still being prepared for command posts"

"Success has already been achieved and these endeavours are continuing resolutely," Mr Vlok said

Hussey

1087

TUESDAY, 6 OCTOBER 1987

THE DEPUTY MINISTER OF DEFENCE

- (1) Yes
 - (a) His private capacity
 - (b) (i) Commandant L A Terblanche
 - (ii) Soldier of Fortune
- (2) (a) Yes The request was considered
- (b) Yes. Permission was granted to attend and address the convention in his private capacity
- (3) Yes Unclassified archive material of Operation Protea and the internal unrest situation
- (4) No The member's address was based on his own interpretation of available material and did not necessarily represent the official attitude of the SA Defence Force. No steps are contemplated with regard to the matter

Questions standing over from Tuesday, 29 September 1987

Pamphlets dropped from helicopter

*1 Mr P G SOAL asked the Minister of Law and Order:

- (1) Whether, with reference to his reply to Question No 21 on 28 July 1987, the investigation into the incident on 23 May 1987 in which pamphlets were dropped from a low-flying helicopter has been completed, if not, what are the reasons for the delay in completing this investigation, if so, (a) when, (b) what were the results of the investigation and (c) who is the owner of the helicopter,
- (2) whether, as a result of this incident, any action has been taken against the (a) owner of the helicopter and (b) group allegedly responsible for distributing these pamphlets, if not, why not, if so, (1) what action in each case and (ii) what is the name of this group?

251

HOA

1088

THE MINISTER OF LAW AND ORDER

- (1) No Because the investigation instituted up until now suggests that the helicopter which is being referred to, was at an aviation company for routine service and maintenance on the date of the alleged offence. This information is in conflict with the information which the South African Police received from the End Conscription Campaign and is at present being further investigated
- (a) to (c) Fall away
- (2) No, because the investigation has not yet been finalized
- (a) and (b) Fall away

Oukasie, Brits: deproclamation

*2 Mr A GERBER asked the Minister of Constitutional Development and Planning †

- (1) Whether the Black residential area at Brits, also known as Oukasie, has been deproclaimed, if so, when,
- (2) whether this deproclamation has been or is being implemented, if so, when was the matter disposed of or is it expected to be disposed of,
- (3) whether he will make a statement on the matter?

†THE DEPUTY MINISTER OF CONSTITUTIONAL PLANNING

- (1) Yes 17 October 1986
- (2) Yes It is not possible to determine a definite date because the relocation of the residents to Lehlabile is a continuous process
- (3) No

Oukasie, Brits: illegal squatting

*3 Mr A GERBER asked the Minister of Constitutional Development and Planning †

- (1) Whether any illegal squatting is at present taking place in the Black residential area at Brits, also known as Oukasie, if so, how many squatters are involved,

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THE DEPUTY MINISTER OF CONSTITUTIONAL PLANNING

- (2) whether he intends taking any action in respect of these squatters, if not, why not, if so, (a) what action and (b) when?
- (1) Yes, 136 families
- (2) (a) and (b) The Transvaal Provincial Administration is already taking steps in terms of the Prevention of Illegal Squatting Act, 1951, to effect the establishment of an emergency camp on the land concerned where the squatters may be accommodated temporarily until they can settle elsewhere

Member of SAP

*4 Mr S S VAN DER MERWE asked the Minister of Law and Order

- (1) Whether a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply is or was a member of the South African Police, if so, (a) when did he join the Police Force, (b) (i) in which sections of the Force has he served and (ii) during which periods did he serve in each of these sections and (c) what is the name of this person,
- (2) whether this person has since left the South African Police, if so, (a) when and (b) why?

†THE MINISTER OF LAW AND ORDER

- (1) and (2) I do not consider it to be in the public interest or the interest of the country to furnish this information

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THE DEPUTY MINISTER OF CONSTITUTIONAL PLANNING

- (1) Yes if it can be called redecoration
- (a) Between 1 April 1987 and 15 August 1987
- (b) It is the property of the Municipality of Port Elizabeth. A few years ago the Ford Motor Company vacated the building. All that was left behind was an empty shell. Air-conditioning, electric wiring, partitioning, carpets and curtains had to be installed and particular plumbing had to be done
- (c) (i) R541 451
- (ii) Those in the council chamber—R12,99 per meter, those in the reception area, committee room and offices—R14,99 per meter
- (d) Seventeenth Floor
Briser House
Main Street
Port Elizabeth
- (2) No, it was not in the interest for the functioning of the RSC. A long period is taken up for the invitation of tenders. Economical prices were negotiated with the suppliers. At least two quotations were obtained for every item
- (3) A special committee of the Port Elizabeth City Council approved the lowest of the quotations

Algoa Regional Services Council, Port Elizabeth

*5 Mr D J N MALCOMESS asked the Minister of Constitutional Development and Planning

- (1) Whether the premises occupied by the Algoa Regional Services Council

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(3) Yes

(a) Mr F J Le Roux Mr P P Broodryk also recommended in writing the re-appointment of the sitting members of the Committee to the Executive Committee

(b) (i) Mr F J Le Roux recommended Messrs A Rudman, F J Koen, J H Booysen, M J Nell, J A Visser, W H Booysen, N C Nel and W T E Marran

(ii) Mr P P Broodryk recommended L R F Oberholzer, S J J Pretorius, A J van Jaarsveld, L J Cronje, W Robinson, D S Jacobs, C F Gunter and N J T M Pretorius

(4) (a) and (b) The Administrator of Transvaal, after consideration of all relevant facts, had no reason not to re-appoint the sitting members and consequently re-appointed Messrs L R F Oberholzer (Chairman), A J van Jaarsveld, S J J Pretorius, L J Cronje, D S Jacobs and W Robinson

*Mr F J LE ROUX Mr Speaker, arising from the hon the Deputy Minister's reply is he aware that this Mr Broodryk referred to is from Witbank and is the defeated candidate of the NP in the general election of 6 May 1987? [Interjections] I should also like to know from him why a person who has no interest in Brakpan, was consulted in connection with the appointment of the board of the East Rand Tattersalls

†The DEPUTY MINISTER Mr Speaker, I am not personally involved in this matter and thus, unfortunately, I cannot reply to the hon member. If he puts his question on the Question Paper, he will be furnished with a written reply [Interjections]

†Mr A FOURIE Mr Speaker, arising from the hon the Deputy Minister's reply, is he aware that as far as other Tattersalls committees are concerned, there is, for example, a defeated candidate of the CP in Johannesburg who lives in the northern suburbs and has nothing to do with the horse racing in the south but has in any case been appointed

on the Tattersalls committee? [Interjections]

†Mr F J LE ROUX Mr Speaker, further arising from the hon the Deputy Minister's reply, I just want to know from him why he or his Department consulted me at all

†The DEPUTY MINISTER Mr Speaker I take it that it is standard procedure that the hon member for the particular constituency be consulted [Interjections]

Corporation Chambers Building, Cape Town: fire

*14 Mr S S VAN DER MERWE asked the Minister of Law and Order

(1) Whether the South African Police have completed their investigation into the cause of the fire in the Corporation Chambers Building in Cape Town on or about 11 October 1985, if not, (a) why not and (b) what progress has been made in this investigation, if so, what was the cause of the fire,

(2) whether any persons have been arrested in connection with this fire, if so (a) how many and (b) on what date,

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

†The MINISTER OF LAW AND ORDER

(1) Yes The cause of the fire could not be ascertained beyond question (a) and (b) Fall away

(2) No (a) and (b) Fall away

(3) Yes No evidence could be found that the fire had been started with malicious intent

The building consists of a ground floor and two other floors. The fire apparently started on the second floor in a store-room containing plastic toys and spread upwards to the roof of the building. The fire did not spread to the first and ground floors

Reports in the media speculated that the fire was started in order to prejudice the UDF who have offices on the

first floor in the building. The South African Police investigated these allegations. Employees of the UDF who were working in the building at the time the fire started, refused to assist the Police with their investigation

It was established beyond doubt that this speculation was totally unfounded, seen in the light that the fire started in a place which held very little potential damage for the offices of the UDF. Their eventual damage comprised approximately R6 500,00 of the total damage of R350 000,00

Bomb explosion in Cosatu House

*15 Mr S S VAN DER MERWE asked the Minister of Law and Order

(1) Whether the South African Police received any prior warning of a bomb which exploded in Cosatu House in Johannesburg on or about 7 May 1987, if so (a) from whom, (b) whether and (c) what action did they take as a result, if not, at what time did the Police (i) first hear of this explosion and (ii) arrive at the scene,

(2) whether any persons or group of persons claimed responsibility for this explosion, if so, (a) who, (b) when and (c) in what manner,

(3) whether the Police have arrested any persons in connection with this explosion, if so, (a) how many and (b) when;

(4) whether the Police have closed the investigation on the case, if so, (a) on what date and (b) why, if not, what progress has been made in this investigation?

The MINISTER OF LAW AND ORDER

(1) No
(a) to (c) Fall Away

(i) At 02h21 on 7 May 1987 a member of the public informed the South African

Police by telephone of the explosion

(ii) Several radio vehicles reached the scene at 02h26 on 7 May 1987 and the area was immediately cordoned off

(2) No, not according to the information at the disposal of the South African Police

(a) to (c) Fall Away

(3) No

(a) and (b) Fall Away

(4) No, the investigation has not yet been completed, therefore I am not in a position to furnish any further information

(a) and (b) Fall Away

Galeshewe, Kimberley: house visited

*16 Mr J J WALSH asked the Minister of Law and Order

(1) Whether any members of the South African Police visited a certain house in Galeshewe, Kimberley, the street address of which has been furnished to the South African Police for the purpose of the Minister's reply, on or about 21 August 1987, if so, (a) at what time, (b) how many members of the security forces were present, (c) what was the purpose of the visit, (d) what action was taken and (e) what is the street address of this house,

(2) whether this house was searched, if so, (a) why and (b) with what result,

(3) whether any items in this house were damaged, if so, (a) what items, (b) why and (c) what was the nature of the damage,

(4) whether (a) a telephone and (b) any other items were removed from this house, if so, (i) what items, (ii) why and (iii) when were they returned,

(5) whether any persons were detained on this occasion, if so, (a) who, (b) why, (c) in terms of what statutory

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provisions and (d) where are they being held?

+THE MINISTER OF LAW AND ORDER

- (1) Yes
- (a) 03h00
- (b) sufficient members to deal with a given situation
- (c) and (d) The house was searched after information had been received that a trained terrorist was hiding therein
- (e) the address furnished by the hon member
- (2) Yes
- (a) I refer the hon member to my reply to paragraph (1) (c) and (d) above
- (b) The terrorist was not found in the house
- (3) No
- (a) to (c) Fall away
- (4) (a) Yes
- (b) No

- (iii) 27 August 1987
- (5) (a) to (d) Certain persons were detained with a view to possible charges in terms of section 54 (4) of the Internal Security Act, 1982 (Act 72 of 1982)—Rendering assistance to a terrorist I, however, do not consider it in the public interest or the interest of the country to furnish further information

Galeshewe, Kimberley: person shot/killed

*17 Mr J J WALSH asked the Minister of Law and Order

- (1) Whether a certain person, whose name has been furnished to the South

HOA

African Police for the purpose of the Minister's reply, was shot and killed by the Police in Galeshewe, Kimberley, on or about 21 August 1987, if so, (a) what were the circumstances surrounding his death and (b) what was his name,

- (2) whether an autopsy was carried out on this person, if not, why not, if so, (a) when, (b) what was the cause of death, (c) how many bullet wounds were found in his body and (d) where was each wound located,
- (3) whether any persons were arrested or detained by the Police at the time of the shooting of this person, if so, (a) what are the names of these persons and (b) (i) in terms of what statutory provisions and (ii) for what alleged offences were they arrested or detained,
- (4) whether these persons have since been released, if so, when, if not, where are they being held?

THE MINISTER OF LAW AND ORDER

- (1) and (2) I refer the hon member to the news media release of the Public Relations Division of the South African Police on 24 August 1987. At this stage I am not prepared to furnish further information because the investigation into the incident has not yet been completed
- (3) and (4) Certain persons were detained with a view to possible charges in terms of section 54 (4) of the Internal Security Act, 1982 (Act 74 of 1982)—Rendering assistance to a terrorist I, however, do not consider it in the public interest or the interest of the country to furnish further information

Galeshewe, Kimberley: person shot in motor-car

*18 Mr J J WALSH asked the Minister of Law and Order

- (1) Whether a certain person, whose name has been furnished to the South African Police for the purpose of the

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Minister's reply, was shot in a motor-car by the Police in Galeshewe Kimberley, on or about 20 August 1987, if so, (a) what were the circumstances surrounding this incident, (b) what was the nature of the injuries sustained by this person and (c) what is his name,

- (2) whether this person died as a result of his injuries if so (a) on what date (b) where was he when he died and (c) when was his family informed of his death, if not,
- (3) whether this person was taken into custody by the Police, if so, (a) where and (b) in terms of what statutory provisions is he being held, if not, where is this person at present?

THE MINISTER OF LAW AND ORDER

- (1) to (3) I refer the hon member to paragraphs (1) and (2) of my reply to Question No 17

Township constables

*19 Mrs H SUZMAN asked the Minister of Constitutional Development and Planning

- (1) (a) How many township constables were being employed in Black townships as at the latest specified date for which information is available, (b) what training are these constables given prior to being deployed and (c) where are they trained,
- (2) whether any firearms issued to township constables have been used in the commission of any crimes, if so, (a) how many as at the latest specified date for which information is available and (b) what were the circumstances surrounding the use of such firearms in each case,
- (3) whether any internal disciplinary procedures have been formulated for dealing with township constables who are guilty of neglect of duty or overstepping their authority, if not, (a) why not and (b) how are these matters dealt with, if so, (i) what procedures, (ii) how are they administered and (iii) against how many

township constables has disciplinary action been taken on account of misconduct of this nature?

THE MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING [Reply had upon the Table with leave of House]

(As at 21 September 1987)

(1) (a)	Transvaal	6 137
	Cape	1 962
	Orange Free State	1 023
	Natal	148

- (b) Regulation 8 of the Regulations Relating to Law Enforcement Officers as published in Government Notice No R 1900 of 31 August 1984 stipulates that an officer shall undergo such training under the supervision and guidance of the South African Police as the Minister of Law and Order may deem necessary for the exercise of such officer's powers or the performance of his functions and duties under these regulations

Law enforcement officers undergo a basic course of 13 weeks at one of the undermentioned training centres and the curriculum includes the following

- Local Government, General Administration, Administrative Control, Financial Administration, Criminal Law Administration, Criminal Procedure (Act 51/1977) Criminology, Security, Musketry (Shotgun & 9mm Parabellum Pistol), Radio Procedure, Fingerprinting, Traffic Control, First Aid, Riot Control, Footdrill, Physical Training

- (c) Thadi (Soweto)
- Mokutu (Zeerust)
- Katlehong (Germiston)
- Orange-Vaal (Vanderbijlpark)
- Mombolwazi (Port Elizabeth)
- SA Police Training College (Hammanstraal)

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Answer

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***The MINISTER OF LAW AND ORDER**

No. not in respect of incidents on 12 and 13 September 1987

(a) to (c) Fall away

Tall Ships First Fleet gun salute

*27 Mr J VAN ECK asked the Minister of Defence

- (1) Whether he or any member of the South African Defence Force was approached in connection with providing the so-called Tall Ships First Fleet with a gun salute as they entered Table Bay on 10 September 1987, if so, (a) by whom and (b) on what date,
- (2) whether he acceded to this request if not why not, if so,
- (3) whether this gun salute was given, if not why not,
- (4) whether he will make a statement on the matter?

The DEPUTY MINISTER OF DEFENCE

- (1) Yes
 - (a) Mr A Green Director of the Cape Festival, approached the SA Defence Force
 - (b) 4 September 1987
- (2) and (3) No The organisers, on a number of occasions, requested that there should be no visible SA Defence Force involvement at the reception of the ships The SA Defence Force would have wanted to display

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its normal courtesy towards the Tall Ships First Fleet, but this was not possible within the restrictions which were placed on the SA Defence Force

(4) No

New Questions

S.A Housing Trust Limited

*1 Mr D J N MALCOMMESS asked the Minister of Finance

Whether a housing grant of approximately R750 million to a certain trust, the name of which has been furnished to the Minister's Department for the purpose of his reply, was approved in the 1986-87 financial year, if so (a) what is the name of this trust, (b) how much of this sum has been paid to the trust (c) where is the balance of this sum and (d) (i) what total amount had been spent by this trust as at the latest specified date for which information is available and (ii) what facilities were provided with this money?

The DEPUTY MINISTER OF FINANCE
(Dr G Marais) [Reply laid upon the table with leave of House]

The grant for housing of approximately R750 million was not approved in full for a certain trust Only part of this amount was appropriated for the said trust

- (a) S A Housing Trust Limited
- (b) R400 million
- (c) Balance of R350 million was appropriated as follows for low cost housing

R'000
94 400
61 800
17 600
38 400
49 000
261 200

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MAIN ESTIMATES 1987/88
National Housing Trust

Total

(d) (i) Total amount claimed and paid on 31 August 1987

(ii) Representing
— Housing units

(e) Additional information

(i) Total value of approved projects on 31 August 1987

Representing

— Housing units

— Stands

(ii) Units completed and serviced stands on 31 August 1987, payment of which will be effected shortly

Representing

— Housing units

— Stands

(iii) Purchase price of raw land in possession

R5,0 million

1118

89 000

350 200

R7,068 million

583

R170,0 million

11 252

20 100

R13,9 million

474

2 700

Cosatu House, Johannesburg

*2 Mr S S VAN DER MERWE asked the Minister of Law and Order

(1) Whether any members of the South African Police took any action at Cosatu House in Johannesburg on or about 22 April 1987, if so, (a) what action and (b) what was the purpose of this action,

(2) whether the Police were assisted on this occasion by any members of the South African Defence Force, if so, (a) by how many such members, (b) why and (c) what was the nature of the assistance provided by them,

(3) whether any complaints or charges have been laid against any members of the security forces following action taken on the above occasion, if so, (a) what complaints or charges and (b) when,

(4) whether these complaints or charges have been investigated, if not, why

not, if so, what (a) were the findings and (b) action has been taken as a result?

The MINISTER OF LAW AND ORDER.

(1) Yes
(a) and (b) The building was cordoned off and entered in order to arrest a number of persons, who according to information included three trained terrorists, who had hidden there after they had attacked members of the Police earlier in the day

This group of persons, who according to information had been treated by a witchdoctor in order to protect them from the bullets of the Police, had earlier in the day marched to Doornfontein Railway Station in group formation and heavily armed, with the apparent intention of launching an attack on the station

HoA

[Handwritten signature]

[Handwritten signature]

[Handwritten circled numbers: 251]

Howard

They were stopped by members of the South African Police, whereupon they attacked and seriously injured these members

ment has received any representations with regard to making all financial costs incurred by parents in respect of all primary, secondary and tertiary education a deductible expenditure in the determination of taxable income, if so, (a) from whom, (b) when and (c) what was his response thereto?

During the action at Cosatu House

The DEPUTY MINISTER OF FINANCE (Dr G Marais) [Reply laid upon the Table with leave of House]

13 persons were arrested on charges of Public Violence,
3 persons were arrested on charges of Attempted Murder,
1 person was arrested on a charge of Robbery,
1 person was arrested for being a prohibited immigrant

In addition, large quantities of dangerous weapons, *mier alia* pangas, knives, iron bars and kermes, were seized

(2) Yes

(a) Sufficient members to deal with a given situation

(b) About 4 representations are received per annum

(b) and (c) These members of the South African Defence Force in accordance with Regulation 1 of the Emergency Regulations promulgated by virtue of the Public Safety Act, 1953 (Act 3 of 1953) and it was in this capacity that they assisted the South African Police to cordon off the building efficiently

(a) The Minister of Finance has pointed out that expenditure on children's school and university fees and books is a private and domestic expense. In our income tax system, in common with income tax systems in other countries, a taxpayer's total income less only such expenditure incurred to produce such income is used as a measure of his ability to pay tax. The rebate allowed to a taxpayer who supports a child or children is intended in a measure to compensate for the additional expenditure he incurs in maintaining and educating his children

(3) Yes

(a) and (b) One charge of Theft and one charge of Malicious Damage to Property were submitted on 11 May 1987

(4) Yes

(a) and (b) The investigation has not yet been completed and I am therefore not in a position to furnish any further information

Financial costs for education. tax deductible

*3 Mr M J ELLIS asked the Minister of Finance

Whether he or any member of his Department

HOA

Howard

fees payable by parents and students. As a result of budgetary constraints it is not possible to provide unlimited funds for education and if an income tax concession was granted this would of necessity affect the amount available for education. For example, universities' fees would no doubt increase if the cash subsidy was reduced and in many cases the after tax position of the parent would remain substantially unchanged

area has as yet not been approved by Parliament and planning can only commence after purchase thereof has been effected

Waterfall. upgrading

*5 Mr P C CRONJÉ asked the Minister of Education and Development Aid

Whether any steps have been taken to upgrade the intersection between Link Road and Inanda Road in the development area of Waterfall, if not, why not, if so, (a) what steps and (b) when is it anticipated that the upgrading of this intersection will be completed?

The MINISTER OF EDUCATION AND DEVELOPMENT AID

Not by the Department of Development Aid. The matter falls under the jurisdiction of the Natal Provincial Administration

Waterfall schools planned

*6 Mr P C CRONJÉ asked the Minister of Education and Development Aid

Whether any (a) primary and (b) secondary schools are being planned for the development area of Waterfall, if not, why not, if so, (i) where will they be located and (ii) when will they be taken into use?

The MINISTER OF EDUCATION AND DEVELOPMENT AID

To date no planning has been done for the development area of Waterfall as the release of this area has as yet not been approved by Parliament. Schools will be provided as required once the area has been purchased

*Mr P C CRONJÉ, Mr Speaker, arising from the reply of the hon the Minister, I want to tell him that the question does not necessarily refer to schools in the other area. It refers to schools in the existing Waterfall area

Flight SA 351 from Johannesburg/Cape Town

*7 Mr A J W P S TERBLANCHE asked the Minister of Transport Affairs †

*4 Mr P C CRONJÉ asked the Minister of Education and Development Aid

Whether a road linking Inanda Road in the Waterfall area with New Germany along the Umgeni valley will be constructed as part of the proposal to resettle certain families as a result of the construction of the Inanda Dam, if not, why not, if so, (a) what steps have been taken towards the construction of such a road and (b) when is it anticipated that construction will (i) commence and (ii) be completed?

The MINISTER OF EDUCATION AND DEVELOPMENT AID

A road will be provided, but to date no steps have been taken for the construction of the road as the release of the Waterfall

HOA

Hansard

Printer by Cape and Transvaal Printers (Pty) Ltd,

B Profund Print,

C Perishable Products Export Control Board, and

D The Council for Scientific and Industrial Research for the Civil Engineering Advisory Council

(2) A No The procedure is in the discretion of the Government Printer (a) and (b) Fall away,

B Yes

(a) (i) R 7 080,00
(ii) R12 397,00

(b) R7 080,00,

C No The printing of these reports was done by the Perishable Products Export Control Board (a) and (b) Fall away, and

D No The secretarial services of the Civil Engineering Advisory Council are being handled by the National Institute for Transport and Road Research of the Council for Scientific and Industrial Research (CSIR) and the Graphic Arts Division of the CSIR consequently undertook the printing of the report (a) and (b) Fall away

(3) A Yes

(a) 148,

(b) The general public, and

(c) R26,70 Local (excluding GST)

B No (a) (b) and (c) Fall away,

C No (a), (b) and (c) Fall away, and

D No (a), (b) and (c) Fall away

(4) (a) A

1982	17 477,00	*B	4 900,00	**C	D
1983	17 000,00		5 000,00		
1984	15 270,00		8 530,00		
1985	25 295,00		7 080,00		
1986	32 287,00		8 789,00		
R107 329,00			R34 299,00		R10 300,00
					R24 950,00

* The amounts given in B are for the cost of the National Road Safety Council

** The amounts given in C are for the cost of the Perishable Products Export Control Board

(b) A

1982	610	B	2 000	C	D
1983	615		2 000		
1984	625		2 000		
1985	900		2 000		
1986	1 100		2 000		
3 850			10 000	2 550	5 900

(c) (i) A Five,
B Five,

Hansard

C Nil, and

D Four

(ii) A Five,
B Five,
C Nil, and
D Three

(d) A GP wove, 60 g/m²,

B Lord Arnston classic white, 100 g/m²,

C Rank Xerox, 80 g/m² and Panasonic, 80 g/m², and

D Lord Arnston high white, 80 g/m² and Dukuzza semi gloss, 15 g/m²

(e) (i) (aa) Four, and
(bb) Six
(ii) (aa) Two, and
(bb) Eight

Annual reports 251

385 Mr K M ANDREW asked the Minister of Law and Order

(1) (a) (i) How many annual reports were produced in 1986 by the South African Police and/or statutory bodies falling under the Police and (ii) in respect of what bodies were these reports produced, (b) what was the cost of producing each such report, (c) how many copies of each report were printed and (d) who undertook the printing of each report;

(2) whether the printing of these reports was put out to tender, if not, why not, if so, (a) what was the (i) lowest and (ii) highest tender submitted, and (b) what was the amount of the successful tender, in each case,

(3) whether any copies of these reports were sold, if so, (a) how many, (b) to whom, and (c) at what price, in respect of each report;

(4) in respect of each of the latest specified five years for which information is available, (a) what was the

total cost to the Police of these annual reports, (b) how many copies were printed, (c) how many of these reports contained (i) full colour and (ii) black and white pictures, (d) on what quality paper were the annual reports printed and (e) (i) how many of these reports contained a photograph or drawing of the (aa) political head and (bb) top official of the Police and/or the statutory bodies in question and (ii) how many of these pictures were in (aa) colour and (bb) black and white in each case?

THE MINISTER OF LAW AND ORDER

(1) (a) (i) One
(ii) The South African Police

(b) R12 971,51

(c) 1 000 copies

(d) Cape and Transvaal Printers on instructions of the Government Printer Pretoria

(2) No, because the Government Printer gave it to Cape and Transvaal Printers on standing contract

(3) No

(a) and (b) Fall away

(4) (a) (a) to (c) Fall away

1981/82	R2 842,75
1982/83	4 053,33
1983/84	5 209,76
1984/85	7 851,12
1985/86	12 971,51

(b) Afrikaans English

1981/82	480	450
1981/83	530	500
1983/84	600	580
1984/85	825	782
1985/86	1 000	1 000

Bilingual Annual Reports

Diepmeadow: bridging finance

398 Mr W J D VAN WYK asked the Minister of Constitutional Development and Planning +

Hansard

contribute towards the continuation of the rail service and that the matter again be considered after three months

Town planning proposals for Khayelitsha

616 Mr K M ANDREW asked the Minister of Constitutional Development and Planning

- (1) Whether any changes have been made to the town planning proposals for Khayelitsha announced in March 1984, if so, in respect of each of the villages in each of the demarcated towns in the Khayelitsha area, (a) what form of housing other specified residential development or site provision is proposed, (b) how many of each type are to be provided, (c) who is to provide them (d) when will they be built, (e) how much will they cost, (f) who will pay for this development and (g) what estimated total number of persons will it be possible to accommodate once this development has been completed.

The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

- (1) Yes (a) Town 1 village 1 and 2 No hotels to be provided, Town 1 village 3 and 4 Changed from residential sites to smaller higher density sites (b) Town 1 14 067 residential sites 2. 15 370 residential sites (500 site and service) 3 16 200 residential sites 4 No planning has been done yet (c) Services are provided by the state in all the towns except in terms of 800 sites in town 2 where the development will be

HQA

Party in salaries

618 Mr J J S PRINSLOO asked the Minister of Law and Order

- (d) Towns 1, 2 and 3 1988/89 (approximate dates) Town 4 1990/92 (approximate dates) (e) Town 1 Vary from R5 949 to R21 833 Towns 2, 3 and 4 No houses have been built yet and therefore no prices are available (f) See (c) above (Will be recovered from the residents through rent and service charges) (g) 301 600 people (2) (a) and (b) Yes

Police-officers

618 Mr J J S PRINSLOO asked the Minister of Law and Order

- (1) How many Black persons are officers in the South African Police Force at present, (2) whether there are any Black commanding officers of police stations in urban areas, (3) in respect of what date is this information furnished?

The MINISTER OF LAW AND ORDER

- (1) 76 officers (2) Yes (a) 35 Station Commanders (b) Colonel 1 Lieutenant-Colonel 3 Major 4 Captain 6 Lieutenant 1 Warrant Officer 17 Sergeant 3 (c) 19 (3) 8 August 1987

Party in salaries

619 Mr J J S PRINSLOO asked the Minister of Law and Order

Whether there is parity in salaries in respect of White and Black officers of the same ranks in the South African Police Force?

The MINISTER OF LAW AND ORDER

Yes I also refer the honourable member to my reply to written question number 170 in the House of Assembly and written question number 2 in the House of Representatives

Group Areas Act

620 Mr H J COETZEE asked the Minister of Law and Order

- (1) Whether the Town Council of Middelburg, Transvaal, lodged a complaint with the South African Police in Middelburg in 1984 in connection with certain Indian dealers allegedly trading in the local White group area in contravention of the provisions of the Group Areas Act, if so (a) when and (b) what was the purport of the complaint, (2) whether the Police have investigated this complaint, if not, why not, if so, with what result?

The MINISTER OF LAW AND ORDER

- (1) Yes (a) 12 April 1984 (b) That a number of persons traded from business premises in the White group area, in contravention of section 26 (1) of the Group Areas Act, 1966 (Act 36 of 1966) (2) Yes The case docket was referred to the Attorney-General for his decision He declined to institute prosecution

ANC-funeral

622 Mr J M BEYERS asked the Minister of Law and Order

Whether any members of the security forces were on duty on the occasion of the recent funeral of a member of the ANC at a cemetery in Matieland, if so, (a) why, (b) how many members were on duty (c) what was the nature of their duties and (d) what was the total cost of these duties to the State?

The MINISTER OF LAW AND ORDER

Yes

- (a) Because the South African Police received information that the organisers of the funeral apparently wanted to allow certain activities during the funeral which would have promoted the aims of the ANC (b) Sufficient members to deal with a given situation (c) General crime prevention duties (d) The duties were performed by members of the Force during their normal hours of service Separate calculation of expenses for these purposes is not kept by the South African Police

Fund-raising numbers

625 Mr C J DERBY-LEWIS asked the Minister of National Health and Population Development

Whether the approval given by him for a fund-raising number is subject to certain conditions, if so, what are these conditions?

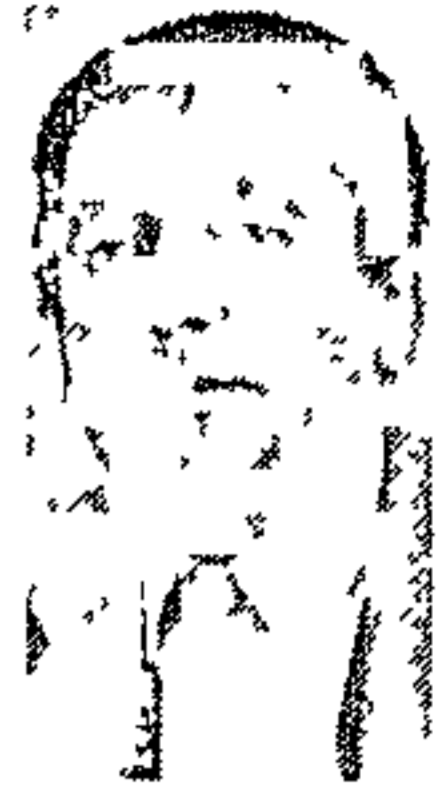
The MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

The Temporary Authority issued by the Director of Fund-raising is subject to various conditions as stipulated in the Fund-raising Act, 1978 (Act 107 of 1978) and the regulations promulgated thereunder The Director of Fund-raising has in terms of the powers vested in him, added a further condition to the effect that should a fund-raiser be made use of for the collection of contributions for the organization, his total expenses may not exceed 40% of the total proceeds of the collection

HQA

capl Thuis 8/10/87 (62) (251)

Police disperse pupils' demo



Mr Peter Carelse

Education Reporter

POLICE yesterday dispersed about 800 Mitchells Plain pupils who staged a placard demonstration outside the regional offices of the Department of Education and Culture (House of Representatives) in protest against their acting principal's demotion

A police spokesman for the Western Cape, Lieutenant Attie Laubscher, said an 18-year-old Glendale Senior Secondary School pupil was detained under the emergency regulations during the incident

Glendale pupils, who had marched from the school singing

and holding placards, staged a protest in front of the DEC offices in the town centre and then scattered when the police arrived on the scene

A delegation of pupils who went to speak to the chief inspector of the DEC about the demotion and transfer of Mr Peter Carelse, rushed out of the building while pupils were scattering

On Tuesday the school's staff of 53 marched to the same office to demand the "unconditional withdrawal of the transfer, demotion or any other action against the principal"

The Glendale Students' Representative Council said in a statement yesterday that the students wanted Mr Carelse to be recognized as the permanent principal of the school, that the DEC stop

harassing Western Cape Teachers' Union members and students, and that all security guards be removed from schools

In a statement yesterday, the staff said they saw the action against Mr Carelse as a form of victimization, as he had "consistently worked to promote democratic educational principles and values"

DEC spokesman Mr Thinus Dempsey confirmed that a group of four or five pupils held discussions with the DEC chief inspector, but they left hurriedly when they became aware that pupils outside the building were being dispersed

He said the DEC saw no reason to review the decision taken regarding Mr Carelse's transfer

Greenflies given guns, told to stop unrest

By MBULELO LINDA

PORT ELIZABETH — When David Trrivanhu finished a four-month municipal police course in the Transvaal he was given a gun and told to stop the riots in Port Elizabeth. Now Trrivanhu, 29, who works for one of the few black local authorities still in power after the 1985 political turmoil in the Eastern Cape, is unhappy and wants to resign. Many others also want to resign, he claimed. Trrivanhu, from Inanda in Durban, took the job because he was "desperate". He now believes he was "tricked".

He found out about the job on his second visit to Durban's Department of Manpower office to collect his Unemployment Insurance Fund cheque. Because he was desperate, he decided to take the job.

Rent collection

Before applying for the job he was told he would be stationed at the Ibhayi Town Council, and that his job would be the collection of rents and checking water and electricity meters. Today Trrivanhu is an unhappy man.

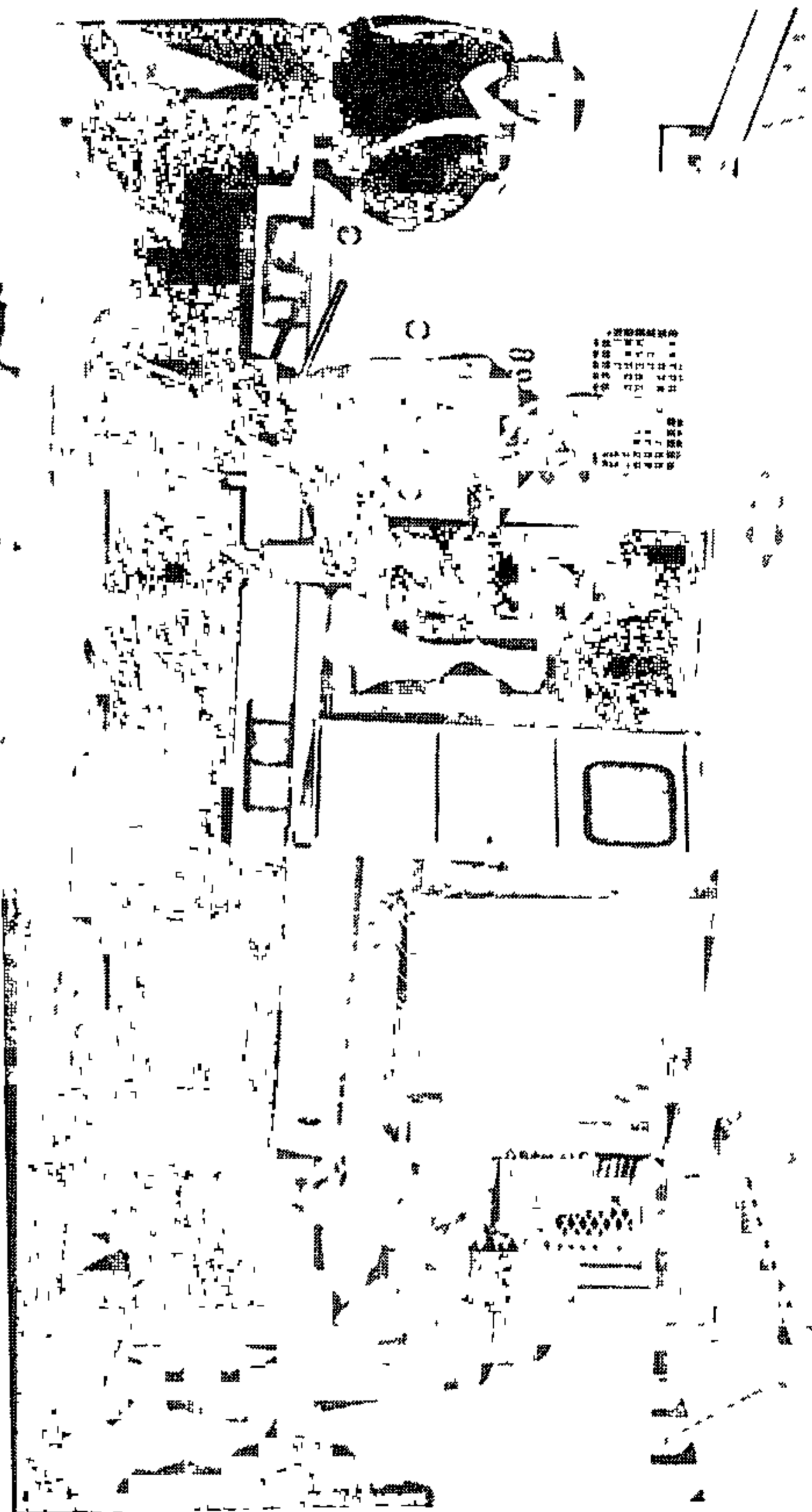
He has been away from home since June last year and has no friends or relatives in Port Elizabeth.

"We were told that although we might become familiar with the residents of the location, we should always keep them at a distance and never become too friendly."

"I did not know that I was going to do this kind of job, I was tricked. To me this looks like the council is under orders from above to monitor activities of the organisations, alternative structures and influential people. I wasn't told these things during my training," he said.

Like some of the municipal guards, Trrivanhu trained at Tladi Training College in the Transvaal where new recruits have to pass 18 subjects.

To qualify for the job he was tested on self defence, fire-fighting, marching, first aid, musketry, English, Afrikaans, Criminal Law A and B, Criminal Procedure, Black



Ibhayi Town Council municipal police guarding New Brighton's great centenary hall
PIC CHRIS GWAZI

(Urban Areas) Consolidation Act No 25 of 1945, Black Local Authorities Act No 102 of 1982, Black Community Development Act No 4 of 1984, public relations, radio procedure, maintenance and driving and baton drill.

After finishing the four-month course, Trrivanhu claims he was given a gun and told to go and stop the riots. "We were told by our superiors that everybody was on the rampage and there had been burning and looting," he recalled.

Now Trrivanhu is resigning from the force. He believes that many others will resign because they disagree with the laws.

He said his colleagues were dissatisfied with their jobs. "We were told to report our grievances to the warrant officers. We have done this, but to no avail. Grievances include poor living

conditions, unavailability of sports facilities and no entertainment facilities.

Trrivanhu, who lives in a Kwazakele single mens hostels, said he found it strange that there were people dedicated to the job. He has no friends among his colleagues.

All he owns is an iron bed with an oversized flabby mattress tucked in the corner of a hall-like flat. He has no locker or wardrobe to store his belongings, and there is no privacy.

Trrivanhu, a constable, said he earned R500,02 a month of which about R180 was deducted for medical and UIF, multi-plax insurance plan, PAYE and pension.

Many municipal cops had been suspended for committing crimes. Four of whom he knew were fired by the Council, one after a stabbing incident, he said.

However, Major JJ Nieman, the

commander of Ibhayi Municipal Police said his "boys" are happy and believes that they are accepted.

"The community often comes to us with complaints," said Nieman. He said people had previously been too scared to do this or to join the council because of "necklace" murders and "intimidation".

"We don't see those things (necklace murders) happening now and there isn't any confrontation between the municipal cops and the community," he said.

"I believe that it is more a police service than a police force."

According to Nieman, 99 percent of the force is black. Whites were there to train blacks recruited from standard eight graduates. The municipal guards had the same powers as the South African Police, but only within the radius of the black areas, he said. — Pen

(251) Jontz 8-14/10/87

Cop to sue SADF after son's death

South 8-14/10/87



GRAHAMSTOWN. - A Queenstown policeman is to take civil action against the SADF following the killing of his twelve-year-old son.

A Queenstown inquest court this week found that the death of Sherlock Davids - shot dead at an SADF roadblock in October last year - was "attributable to acts amounting to an offence" on the parts of Corporal Randall Moore and Rifleman Christopher Butler.

The boy's father, Warrant Officer Johnny Davids said after coming off duty at about 10pm on October 19 last year, he decided to return to the town's white commercial centre to buy cooldrinks. His wife Dalene and their son were with him.

In Victoria Road, which separates Queenstown's "coloured" and African townships, the car went through an unlit roadblock manned by SADF personnel of the King William's Town-based Kaffrarian Rifles unit.

Relieved

Acting on instructions by Moore, Butler fired three shots to stop the accelerating car.

Sherlock was shot in the chest. The boy was certified dead on arrival at the Queenstown hospital and his mother sustained injuries.

Davids told the court he had passed along the road after coming off duty and shortly before the fatal return trip into town.

He had seen a Buffel parked at the side of the road near a public toilet but was not stopped by soldiers.

Davids said he had returned from a course in which he had received intensive instruction on the establishment of roadblocks. He would definitely have stopped if an attempt had been made to stop him.

The inquest magistrate found that the actions of Moore and Butler were responsible for Sherlock's death.

A relieved Mrs Davids said the family was happy with the inquest findings. "My husband always had doubts about whether he had acted correctly. But fortunately I was with him, so we can be certain about what happened."

Mrs Davids said a civil claim against the Minister of Defence arising from the death of her son was pending. — Albany News Agency

11 in court after undertaker killed

PORT ELIZABETH. - Eleven people appeared in the New Brighton Magistrates Court this week charged with the death of an undertaker.

Annette Nomawethu Kahla died last April days after the petrol bombing of her plush home, four cars - including two hearses - and her New Brighton funeral parlour.

Mncedisi Gawulane, 18, Justice Ficks, 20, Zwelinzima Mtshumpela, 27, Fundile Mazweni, 18, and six youths aged between 10 and 17 were charged with two counts of murder, arson and public violence. Thembeke Olive Ndikani was also burnt to death in that incident.

On that day, four victims of a shooting incident were being buried when residents near the grave informed mourners that Kahla, 43, had been burying paupers without the knowledge or consent of the community.

Later that day seven unidentified burnt and mutilated bodies were exhumed. The "paupers" burial came at a time when members of the community had gone missing under mysterious circumstances.

The accused all pleaded not guilty. — Port Elizabeth News

Police man to sue after soldiers shot dead his son

A QUEENSTOWN policeman is to sue the Minister of Defence for R60 000, following an inquest finding that two SADF soldiers were responsible for the death of his twelve-year-old son, and for injuries to his wife.

Sherlock Davids was killed and his mother Dalene Davids injured, after SADF personnel fired on their car as it approached an army roadblock. A Queenstown inquest court this week found that Davids' death in October last year, was "attributable to acts amounting to an offence" as insufficient attempt was made to stop the car.

Warrant Officer Johnny Davids, the boy's father who was driving the car, told the inquest court he drove into Queenstown's white commercial centre to buy a coldrink after coming off duty at about 10 pm.

Accompanied by his wife and son, he drove through an unit SADF roadblock in Victoria Road, which separates Queenstown's "coloured" and black townships.

Acting on instructions issued by the officer in charge, Corporal Randall Moore, Rifleman Christopher Butler fired three shots at the accelerating car. Butler told the inquest that he "attempted to shoot at the wheels of the vehicle. At no stage did I attempt

Weekly Mail Reporter

to hurt anybody," he said.

Another soldier at the roadblock, Rifleman Deon Watkins, told the inquest that if Butler had not fired, he would have done so.

Sherlock Davids was shot in the chest and certified dead on arriving at Queenstown hospital. His mother was injured in the same incident.

Warrant Officer Davids told the court he had passed along the road shortly before the fatal trip into town. He had seen a buffel parked at the side of the road but was not stopped

by soldiers.

Davids said he had attended an intensive course on the establishment of roadblocks, and would definitely have stopped the car if an attempt had been made to halt him.

Inquest magistrate Mr Strydom found that Moore and Butler's actions were responsible for the boy's death, caused by a bullet wound in the chest.

Mrs Davids said her husband had had doubts about whether he was acting correctly. "But fortunately I was with him, so we can be certain about what happened," she said. "It now

depends on them whether or not anybody is going to be punished. We are just very relieved it's all over."

She said a civil claim against the minister of defence for about R60 000 arising from the death of her son was pending.

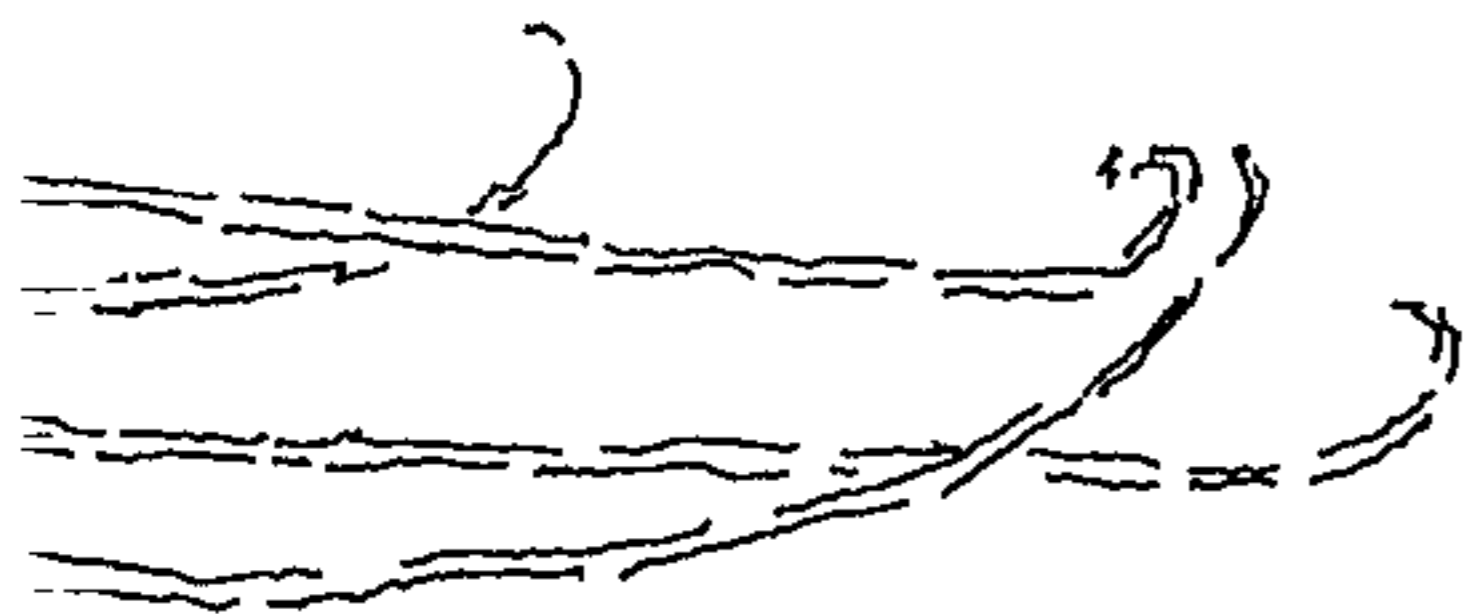
A spokesman for SADF headquarters in Pretoria said the matter was still *sub judice* and refused to comment on the findings.

The matter has been referred to the Grahamstown attorney-general for a decision on whether or not anyone should be prosecuted. — Albany News Agency

9-11/10/87 WJ Maree

15

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Minister sued for stadium shooting

By CARMEL RICKARD,
Durban

THE Minister of Law and Order has been served with claims of almost R170 000 in connection with an incident at Durban's Currie's Fountain Stadium during November last year.

After the Metal and Allied Workers' Union AGM held in the grounds, police took action in the area and a number of people were hurt and one man died. *W/maile 9-15/10/87*

Claims have been lodged in the supreme court on behalf of five Mawu members, and in the magistrate's court on behalf of a further 11.

A typical claim is made by Simon Jabulani Mchunu of KwaMakhutha.

In his court papers he says that on November 15 1986, members of the South African Police injured him with a quirt and fired at him, as a result of which he suffered multiple shotgun wounds.

In compensation for wounds he sustained, his pain and suffering, medical expenses and loss of earnings he is claiming a total of R27 060.

Another claim concerns Sibonakaliso Joyful Mchunu, who was shot and killed in the incident.

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A little child keeps guard over her family's belongings after their eviction. Pic: MIKE MZILENI

The accused are represented by George Bizos, SC and Gilbert Marcus. The case is proceeding

complete their unfinished deliberations

The matter was postponed to October 28

Court favours man assaulted by 'green flies'

By EDYTH BULBRING

A PORT Elizabeth civil court has ruled in favour of a "Little Soweto" resident who was suing the Ibhayi Town Council for over R4 500 after being assaulted by three municipal policemen on November 8 last year.

The court heard last month how, after the funeral of four unrest vic-

tims, Michael Tshiwula and two other men were forced into a vehicle of the Ibhayi Town Council by three municipal policemen and driven to the Struandale golf course.

Here they were made to strip naked, lie on their stomachs and were held down while beaten with a sjambok - apparently because of the "political" T-shirts they were wearing.

Magistrate W Viljoen found that the Ibhayi Town Council, as employees of the municipal police, were liable for their actions and ruled that the council should pay the costs and an amount still to be decided on by the court for shock, pain and suffering. - Pen.

● See Page 5

GOOD RAVENED

Woman tells of barracks sex

Sowetan 15/10/87
 A 21-YEAR-OLD Soweto woman who was arrested at a wedding together with 12 other people for "drinking liquor in a shebeen" has laid a charge of rape after she was allegedly forced to have sex with a policeman inside the barracks of Moroka Police Station in Soweto.

WIFE

BY SY MAKARINGE

'I was raped by cop'

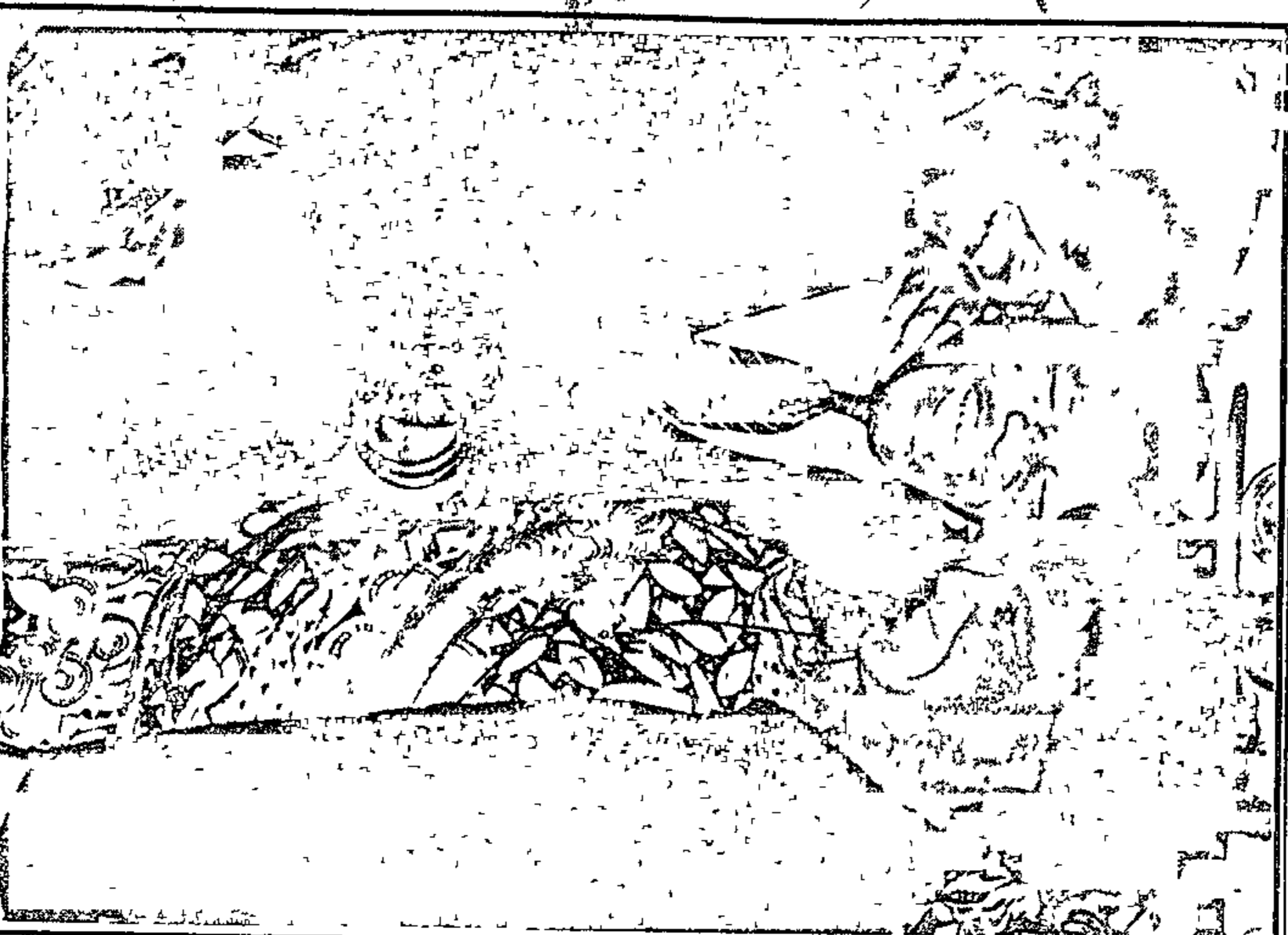
From Page 1

The woman alleged She said she ignored him at first, but had to wake up when he persisted. She said after scribbling something on a piece of paper, he called her out so as she could have her fingerprints taken. "I left (the cell) on the understanding that I was going to have my fingerprints taken. However, the policeman did not take my fingerprints. Instead, he

told me that I must go with him to the barracks. "I refused, and he slapped me in the face. He said that if I went with him, he would drop the charges against me. I was scared he would hit me again, and so I could not refuse," she said in the affidavit.

The policeman took her to his room where she was forced to have sex with him. "He abused me the whole night," she said.

The young woman told the *Sowetan* earlier this week that she was scared of reporting the matter to the police for fear of being ridiculed and harassed. She was advised to make a sworn affidavit before reporting the matter.



THE launch of Shareworld, an entertainment and education centre, was a dream come true for the Sechaba Sizwe Co-operative, a black consumer group. Pictures are Mrs Nonthabha Chabedi (left), Mr Simon Sehlagwe and Miss Charlene Foster who work for the union Shareworld, modelled along the United States' Disneyworld, is situated at Crown Mines, near the Rand Show exhibition centre.

Pic: MBUZENI ZULU

To Page 2



ARCS
15/10/87
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Major Dolf Odendal . . . transferred.

City riot squad's Major Odendal being transferred

By **STEPHEN WROTTESELEY**
Crime Reporter

MAJOR Dolf Odendal, second in command of the reaction unit in the Western Cape, is to be transferred

This was confirmed today by a police spokesman.

Major Odendal will take up the post of staff officer in Randburg "soon".

The spokesman said the transfer would "not necessarily" involve promotion. He declined to comment further.

CANCELLED

Confirmation of Major Odendal's transfer comes a month after claims in Parliament that his transfer had been cancelled by the Minister of Law and Order, Mr Adriaan Vlok.

Mr Jan van Eck, independent MP for Claremont, said in Parliament last month that Major Odendal and another policeman were known as "the Rambos of the townships" and had created a "reign of terror in black and brown areas".

He said he and many others had called for the removal of Major Odendal from his position but these requests had been rejected publicly.

Mr van Eck had said he had it on good authority that Major Odendal had received

an order transferring him to Randburg but that he had appealed to Mr Vlok, who then ordered his transfer to be cancelled.

Major Odendal, whose tall, imposing figure has become synonymous with police actions in the townships during unrest, has been praised by his colleagues in the past.

A former divisional commissioner of police, Brigadier G J Odendaal, said of Major Odendal — after he was injured by a hand-grenade blast in Guguletu in 1985 — that he was one of the most capable officers in crowd-control.

KRIEL FUNERAL

After protests were lodged by Mr van Eck following Major Odendal's conduct during the funeral of ANC activist Ashley Kriel in July the present divisional commissioner, Brigadier Ronnie van der Westhuizen, said he "fully supported" his actions.

A police spokesman said Major Odendal's transfer was one of several, including Brigadier Roy During, divisional inspector, who will become divisional commissioner in East London, and Major H A J Geldenhuys, Guguletu station commander, who will become district commandant in De Aar.

[CA.

arg, Brakpan, The Cape, nesburg, Kempton Park, .own, Port Elizabeth, rt, Sasolburg, Simon's Vereeniging, Westonaria,

mberley, Klerksdorp, tzburg, Somerset West, ellington, Witbank and

Traffic officers expected to be given same powers as SAP

251
15/11/87

JOHANNESBURG — Ten-thousand traffic officers countrywide are expected to be given the same powers as members of the South African Police in the next few weeks.

The change will effectively swell the ranks of the police force — who currently number 55 000 — by just under 20 per cent. It will empower traffic officers to search and make arrests in circumstances where they may presently only issue fines.

The new powers are also a further step towards the establishment of a municipal police force in Johannesburg.

The national president of the Institute of Traffic Officers of Southern Africa, Mr R. J. Klopper, said violence in Johannesburg parks last weekend has added urgency to the conferring of the extra powers. He "had reason to believe" the Minister of Justice would approve the move.

"It has been in the pipeline for some time. I am sure the minister will now consider this very seriously in the light of what happened."

Mr Klopper said traffic officials first asked for extra powers in 1968. These were consistently refused until

widescale unrest began two years ago.

The granting of extra powers had been approved by the South African Police Commissioner, General Hendrik de Wit, and the Minister of Law and Order, Mr Adrian Vlok.

"Only the Minister of Justice now has to approve. We are expecting these powers to be conferred within the next few weeks."

Mr Klopper said the last extension of traffic officers' powers was granted 15 years ago.

"Without getting into politics, when the unrest started in 1984 it was realised that the

police, the South African Defence Force and traffic officers had to work together."

The deputy chairman of the Johannesburg management committee, Mr Dame van Zyl, said yesterday that at present traffic police had limited powers of arrest and no power to search people or vehicles. This had to be rectified.

Mr Van Zyl said he hoped to meet Mr Vlok soon to discuss the extra powers.

● Meanwhile the town clerk's advisory committee is discussing fencing the parks.

See Page 9

Vigilantes keep fear levels high

VIGILANTES were responsible for keeping township communities in a state of fear and encouraging "black on black" violence, the Detainees' Parents Support Committee alleged

The actions of municipal policemen, *kitskonstabels* and vigilantes were condemned by delegates at the sixth national DPSC and Descom conference in Durban last weekend

The municipal police/*kitskonstabels*/vigilante alliance allegations arose from numerous reported cases where these forces were seen together during clashes against local communities and organisations, said delegates

Municipal policemen and *kitskonstabels* were allegedly recruited from communities with high levels of unemployment.

"The accounts of collusion between the security forces and vigilantes are too numerous to be disregarded. This collusion makes exposure and prosecution

The national conference on detention did not concentrate only on the plight of detainees. Vigilantes also came under attack. As did *kitskonstabels*, the hastily-trained men who are recruited from communities with high unemployment rates and then often posted elsewhere in the country.

tion for acts of violence difficult to sustain," said a statement released after the conference

Complaints reported at the conference included 195 cases from the Cape alone

The lack of protection and resources to justice afforded to alleged victims of the SAP, *kitskonstabels*, municipal police and vigilante activities

were also condemned

The delegates cited an incident which took place in Uitenhage early this year as an example of vigilante/police collaboration. Residents alleged that police monitored and sponsored the activities of a group of vigilantes and arrested people who managed to flee from the mob

A municipal police van was seen escorting the vigilantes from Uitenhage's Khayelitsha township when three United Democratic Front supporters died and many people were injured, residents claimed

At the time the Eastern Cape SAP liaison officer described the vigilantes as "a group of concerned people who marched through the streets calmly". The current police press liaison officer, Major Piet Grobler, refused to comment on the allegations regarding the police and said the matter was still being investigated — Pen

From Natal to DE with a ... in hand
Applications should be sent to ...

From Natal to PE, with a gun in hand

WHEN David Tirivanhu applied for a job as a municipal policeman he was told he would only collect rents and check meters in Ibhayi township, Port Elizabeth

Today he is an unhappy man. After he completed four-months training to qualify as a municipal policeman he was given a gun and told to go and stop the "war" in Port Elizabeth

Tirivanhu, who comes from Inanda in Natal, found out about the job when he went to collect his UIF payments from the Durban offices. He said he was desperate and decided to take the job.

The municipal policeman is employed by the Port Elizabeth Black Local Authorities. He received his training at Tladi Training College, Transvaal, where new recruits have to pass 18 subjects to become a constable.

In four months he learnt drill, criminal law A and B, criminal procedure, the Black (urban areas) Constitution Act No 25 of 1945, the Black Local Authorities Act No 102 of 1982, the Black Community Development Act No 4 of 1984, public relations, radio

One man's story: How an unemployed man from Inanda, Natal, ended up patrolling the streets of Ibhayi, Port Elizabeth, with a gun. By MBULELO LINDA

procedure, maintenance and driving and physical training

Then he was handed a gun and told to stop the riots in Port Elizabeth. "We were told by our superiors that everybody was on the rampage and there had been burning and looting," he said

Tirivanhu is resigning from the force. He has been away from home since June last year and he has no friends or family in Port Elizabeth

"We were told that although we might become familiar with the residents of the location, we should always keep them at a distance and never become too friendly.

"I did not know that I was going to do this kind of job. I was tricked. To me it looks like the (Ibhayi) council is taking orders from above to monitor activities of alternative structures and

organisations and influential people. I wasn't told about these things during my training," he said

His colleagues are also dissatisfied with their jobs, Tirivanhu said. "We were told to report our complaints to the warrant officers which we did, but none of the complaints have been looked into"

The grievances include poor living conditions and lack of sport and entertainment facilities.

Tirivanhu lives in the KwaZakele single men's hostel. All he owns is an iron bed which is tucked into the corner of a hall-like flat he shares with his colleagues. He has no privacy. Neither does he have a locker or wardrobe. He earns R320 a month after deductions

Many policemen had been suspended for committing crimes, according to Tirivanhu. He said four constables that he knew of were fired by the council after a stabbing incident.

The town clerk of Ibhayi town council, Edward Pullen, denied that his council received instructions to monitor the activities of certain organisations and influential people

"The instructions from this office are that the municipal police of Ibhayi must endeavour at all times to become and remain the friends of the community and not their enemy"

Over the past three years five municipal police officers had had their services terminated after receiving prison sentences for criminal charges, said Pullen.

During the past nine months, four municipal police officers had resigned because they wanted to be closer to their homes, he said

He was not in a position to comment on training as the instructors are at colleges which fall under other provincial administrations. However, he said the training period could be extended.

Major JJ Nieman, the commander of Ibhayi municipal police, said his "boys" were happy and that they were being accepted by the community. "I believe that it is more a police service than a police force"

The municipal guards had the same powers as the South African Police but only within the black areas, he said. — Pen

RURAL HEALTH FELLOWSHIP

The Valley Trust Socio-Medical Project for the Promotion of Health is offering the opportunity of a 12 month RURAL HEALTH FELLOWSHIP at The Valley Trust to an enthusiastic medical graduate committed to serving in a needy rural area after completion of the Fellowship.

Please write or phone soon:
The Medical Director,
The Valley Trust PO Box 33,
BOTHAS HILL, 3660
Phone Durban (031)
777-1930 or 777-1955

16-22/10/84 W/Kare

ANCING AND LAUGHTER

Transfer for riot squad officer

Staff Reporter

CAPE TOWN'S controversial riot police officer, Major Dolf Odendaal, has been transferred from Cape Town to Randburg, where he will take up the post of staff officer.

His transfer was yesterday confirmed by a police spokesman, who said he could not say when Major Odendaal, second-in-command of the Peninsula Reaction Unit, would leave for the Transvaal.

Major Odendaal declined to talk to the press about his transfer.

The 43-year-old policeman has been involved in riot control ever since the 1976 riots and first hit the headlines when he was wounded in a grenade

attack on police at a Gugulethu funeral in August 1985.

In October 1985 some of the men under his command assaulted a man during unrest in Cape Town. The man later successfully sued the Minister of Law and Order.

In July this year, Major Odendaal again featured when he grabbed an ANC flag off the coffin during Ashley Kriel's funeral in Bonteheuwel.

He also ordered that teargas be fired during the funeral and a call for his dismissal was then made by the then Progressive Federal Party MP for Claremont, Mr. Jan van Eck.

In early September, Mr. Van Eck said in Parliament that he had been

informed that Major Odendaal's transfer to Randburg had been cancelled by the Minister of Law and Order, Mr. Adriaan Vlok, after Major Odendaal had protested.

In mid-September, a video with footage showing Major Odendaal getting out of a police van shouting "Eik donner jou, kaffir!" was shown in the Supreme Court.

Other transfers announced yesterday include that of the Divisional Inspector of Police for the Western Province, Brigadier Roy Durring, who will become Divisional Commissioner in East London and the Gugulethu Station Commander, Major H.A.J. Geldenhuis, who will become District Commandant at De Aar.



Major Dolf Odendaal

251 5/day 16/10/87

IT IS A dark day in the Great War. A hospital ship, the British Llandovery Castle, is torpedoed. This is a crime against the international laws of war.

Two lieutenants, part of the crew of a German U-boat which has sunk the vessel, give orders to fire on the lifeboats bearing sick, wounded and other survivors. The submarine's commander has ordered these two to act thus because he wants to leave no trace — for he fears the consequences.

Are these two junior officers entitled to the defence that they were merely carrying out orders? Can they shelter behind the contention that, had they disobeyed their superior officer, they would probably have been court-martialled for serious breach of discipline?

The German Supreme Court in Leipzig in 1921 answered these questions in the negative. It held that the commander's orders to leave no trace did not free the accused from guilt.

The court was applying the principle of the existing German Code of Military Law, which provided that the defence of "superior orders" would not excuse a soldier where he must have known with certainty that the order was illegal.

But for some decades there was considerable confusion in international legal circles as to the correct law on the subject.

The British Manual of Military Law of 1914 had stated that "members of the armed forces who commit such violations of the recognised rules of warfare as are ordered by their governments or their commander are not war criminals and cannot be punished by the enemy," though the "officials or commanders responsible for such orders may be punished if they fall into the enemy's hands".

However, this view was in due course rejected by leading writers on international law, like Oppenheim, and in 1944 the British and American Manuals of Military Law amended the rule and said that soldiers "cannot escape liability if, in obedience to a command, they commit acts which both violate the unchallenged rules of warfare and outrage the general sentiment of humanity". They are "bound to obey lawful orders only".

If the order is obviously unlawful the accused is guilty. The high degree of resolution, however, required for a subordinate to disobey his superior officer justifies the recognition that there were mitigating circumstances. Thus indeed was what the Leipzig court said.

It was also the line taken in the historic trial of the major war criminals of Germany held at Nuremberg from November 1945 to October 1946. The whole approach of the Allies in formulating the indictment against the 22 Nazi

'I was ordered to do it'

In a murder trial last month in Bellville, Cape, two policemen accused of shooting people during a period of unrest pleaded they had acted under "superior orders". They were acquitted when the two assessors overruled the judge. GERALD GORDON, QC, looks at the legal history of the "superior orders" defence

leaders — including Goering, Von Ribbentrop, Keitel, Rosenberg, Streicher, Jodl — was that these men were to be prosecuted as individuals participating in what Judge Robert Jackson described in his opening address as "a plan and design to which all Nazis were fanatically committed, to annihilate all Jewish people."

In his concluding address he said "Germany became one vast torture chamber. Cries of its victims were heard round the world and brought shudders to civilised people everywhere."

It was apparently realised at the London Conference, where in mid-1945 the Allies met to draft the indictment "Crimes Against Peace," "War Crimes" and "Crimes Against Humanity," that the Nazi terror which so permeated the whole of Germany and later most of Europe could not be segmented into questions of separate "superior orders".

In the Charter of the International Military Tribunal which the "Four Powers" (Britain, America, Russia and France) produced, it was expressly provided that the tribunal was forbidden to entertain pleas based on the defence of superior orders — except as a mitigating factor. The plea of superior orders failed and 12 of the accused went to the gallows.

Adolf Eichmann, one of the principal Nazis implicated in effecting "The Final Solution of the Jewish People" — that is, by elimination — was charged in 1961 in Jerusalem to which he had been brought from his hide-out in the Argentine, with the killing of millions of Jews by gassing, burning and other means in the Auschwitz, Maidanek, Treblinka and other extermination camps.

His main defence was that at all times he was acting on orders from above, and his counsel, Dr Serva-

tus, cited the British Manual of 1914.

His own evidence, however, destroyed whatever possible reliance might have been placed on this defence, for he told the court "Your Honour, I must declare that I see in this murder, this extermination of the Jews, one of the gravest crimes in the history of humanity. I would ask the Jewish people for pardon. I am bowed down with shame at the thought of the iniquities committed against the Jews and the injustices done to them."

His own words were evidence of his guilty knowledge that this was no legal order.

And in the recent Cape case of *S v Villet and Kruger* (September 15, 1987) Mr Justice Howie cited Snyman's *Strafreg* "Our law, like most civilised systems, will not be prepared to excuse a soldier who on the command of an officer commits rape or, like the war criminal Eichmann, mass murder, solely on the ground that he was obeying the order of a superior."

Until last month the only reported local case on "superior orders" was *Rex v Smith* in the Cape courts in 1900 during the Anglo-Boer War. The accused, a private, was ordered by his captain to shoot a farm-hand dead if he did not hand over a bridle and saddle to the patrol which had occupied the farm. Upon the farm-hand's refusal, the accused did shoot and kill him.

The court laid down that a soldier is obliged to obey only an order which is not "manifestly illegal". On this basis it acquitted the accused.

In the *Villet and Kruger* case the evidence was that, during certain unrest in the Bellville area, the two accused policemen had, under orders from Captain O van Schalkwyk (a former riot squad commander), hidden themselves in

a garden at the corner of two streets. The police district commandant, Colonel Martinus Mans, and Van Schalkwyk were in the vicinity.

A crowd of about 50 had gathered and there was an order to arrest those who set up obstructions and set fire to them. Kruger said he had been ordered "to eliminate" those who again acted (against the police) (*hy het opdrag gekry om die wat weer sou kom optree, te elimineer*) and that the word "eliminate" was used by Van Schalkwyk.

Kruger interpreted this to mean that he was to do all in his power to arrest those who committed acts of unrest, and if necessary for this purpose, to shoot. They were to shoot those who made trouble (*die wat kak maak*).

Teargas was soon used, the crowd moved past the corner and some ran. Kruger said he decided what action was needed and instinctively shot at the crowd — in order to obey the command Van Schalkwyk had given him. The two accused fired seven shots with shotguns. The court found that from their own evidence it was clear they did not shoot in order to make arrests.

In consequence of the shooting a young woman, Miss Sarah van Wyk, was killed and three persons were wounded. The court was satisfied that the woman died through shooting by Kruger. When shot, she was less than six metres from him.

Mr Justice Howie sat with two assessors. In a court so constituted questions of law are for the judge alone, but questions of fact are for all three and any two can overrule the third. In the event this is what happened. The assessors overruled the judge and acquitted both accused.

"The pith of the question of the two accused's guilt," they said, "lay in the nature and contents of

the relevant command which, originating from Mans and spoken by Van Schalkwyk, was given to them, as well as the manner and spirit in which it was carried out."

The orders had to be seen against the background of the events of the day and the unrest which had prevailed. There was no room for discretion on the part of the two men and the congratulation of the accused by Mans immediately after the event left the assessors in no doubt that the accused did everything that evening just as they had been told to do.

However, the learned judge, who had analysed the authorities and, while citing conflicting views on the *Rex v Smith* decision, adopted it in broad terms and said he would have found Kruger guilty on the charge of murdering Miss Van Wyk and of attempting to murder the three wounded people. On the latter charge he would have likewise found Villet guilty, but not on the charge of murder.

He said the two men had been ordered to wound people with lethal weapons. This was not a lawful order. Killing of our fellowmen is always *prima facie* unlawful and the use of a firearm is a drastic operation.

While he agreed that the shooting could not be considered in isolation, this was a shooting not at people who were busy committing a crime but at a group of persons, some of whom had shown criminal intentions but in circumstances in which it was impossible to determine who they were. In his lordship's view the orders were manifestly illegal.

It is perhaps to be pondered whether, in the light of the considerable amount of juristic writing on the "superior orders" defence and the plethora of decisions in the forums of the world, the determination of a case like this does not turn fundamentally on a question of law and not of fact.

In this context one should notice that the issue as to whether it is a question of law or fact is itself a question of law to be decided only by the judge. If there is substance in this respectfully posed query, assessors in such cases could be debarred from contributing to the finding on the guilt or otherwise of the accused.

A concluding thought: if in any system the lawfulness of an order given in the armed or police forces cannot be questioned either at the lowest or highest or any other level, we would reach a state of government summed by that brilliant satirist of autocratic Rome in the first century of this era, Juvenal: "*Hoc volo, sic jubeo, sit pro ratione voluntas*" ("I will have this done, so I order it done, let my will replace reasoned judgment").

In the Supreme Court last month two policemen accused of shooting people during a period of unrest pleaded they had acted under "superior orders" and were acquitted when two assessors overruled the judge **GERALD GORDON QC** looks at the legal history of the "superior orders" defence

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But for some decades there was considerable confusion in international legal circles as to the correct law on the subject. The British Manual of Military Law of 1914 had stated that "members of the armed forces who commit such violations of the recognized rules of warfare as are ordered by their governments or their commander are not war criminals and cannot be punished by the enemy".

However in 1944 the British and American Manuals of Military Law amended the rule and said that soldiers "cannot escape liability if, in obedience to a command, they commit acts which both violate the unchallenged rules of warfare and outrage the general sentiment of humanity". They are "bound to obey lawful orders only".

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 (551) (78) (225) (232)
World courts do not absolve those who are ordered to kill

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Adolf Eichmann despite the defence in his 1961 Jerusalem trial that he was acting on orders, he was found guilty of committing one of the gravest crimes against humanity

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HOW many words of four letters or more can you make from the letters shown here? In making a word each letter may be used once only. Each word must contain the white letter and there must be at least one ten-letter word in the list. No plurals, no foreign words and no proper names.

R	A	N	L	E	
P	A	P			
A	D	E	R		
T	R	C			
C	H	L	E	S	S
E					C
S	T	U	P	O	R

TODAY'S TARGET 16 words, good, 19 words, very good, 23 words, excellent. Solution tomorrow.

YESTERDAY'S SOLUTION
 Adit aisled allied aside dais dale date deal dealt deasil deist dell delta desalt detail dial diet dilate dill distal distil DISTIL LATE edit idea ideal idealist idle isled lade ladle laid lased lusted load lapsed lied lifted listed listed said sailed sallied salted sated side sidle silted sited slated slid slide staid staled stalled stated stead

SAP men charged

By CARMEL RICKARD

TWELVE people, including three members of the South African Police, have appeared in court charged with the murder of 13 members of the Inkatha Youth Brigade who died at KwaShange outside Pietermaritzburg on September 25.

Announcing the deaths, police said a group of young men — aged between 14 and 22 — were meeting in a house in KwaShange, near Edendale, when another group attacked.

Last Friday 12 people, including the three policemen, all of whom had been held under Emergency provisions, appeared briefly in the Pietermaritzburg Magistrate's Court.

The 12 accused are. SAP member Nkosinathi Hlengwa, Allan Bonginkosi Mdlalose, Phillip Hlengwa, Robert Saca Ndaba, Musa Msane, SAP member Simon Simpiwe Zondi, Reginald Sibongakonke Msane, Siphon Mdlalose, Nicholas Ndlovu, Absalom Babayi Ndlovu, Thabane Vivian Magwaza and SAP member Matuba-Elphas Goge

Only five of the dead have been identified.

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W. Mail 15/10/87
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C. Press
18/10/87

Officers appear in court

By S'BU MNGADI

THREE members of the South African Police and nine men appeared in court last Friday in connection with the murder of 13 youths at Kwashange, outside Maritzburg last month.

The 12 appeared briefly at a preliminary examination in the Maritzburg Magistrates' Court.

They all pleaded not guilty and asked for bail.

The matter was adjourned and the question of bail has been referred to the Attorney-General, whose decision is expected when the case resumes on October 22.

The accused are: Nkosinathi Hlengwa, Allan Bonginkosi Mdlalose, Philip Hlengwa, Robert Zaca Ndaba, Musa Msane, Simon Simphiwe Zondi, Reginald Sibongakonke, Siphon Mdlalose, Nicholas Ndlovu, Absolom Babayi Ndlovu, Tabane Vivian Magwaza and Matuba Elphas Goge.

The three policemen have been suspended until the outcome of the case.

Only five of the dead have so far been identified as the remaining eight are not recognisable.

The five are: Sibongani Mkhize, Bheki Ngubane, Abednego Zungu, Mfungelwa Gasa and Raymond Shezi.

Suzman to give Vlok dossier on EP cops

Ent. Times 19/10/87

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Own Correspondent

PORT ELIZABETH. — Allegations of torture and police involvement in the establishment of the right-wing vigilante group Ama Africa at Uitenhage form part of a dossier to be presented to the Minister of Law and Order, Mr Adriaan Vlok, by trustees of the Human Rights Trust today.

Mrs Helen Suzman, Progressive Federal Party spokesman on law and order, Mr Andrew Savage, former PFP MP for Walmer, and Mr Rory Riordan, director of the trust are scheduled to meet Mr Vlok at 4pm today.

Mr Riordan said he had drawn up the more than 200-page document alleging:

- SA Police Security Branch torture of detainees;
- Police "sponsoring" of vigilantes at KwaNobuhle;
- The assault or murder of Uitenhage residents by vigilantes.

Police 'search ranks for UDF supporters'

By CHRIS STEYN

POLICE are searching their ranks for UDF supporters, it has been learnt.

It is understood investigations have been under way for some time.

The Cape Times learnt from a reliable source yesterday that policemen suspected of being sympathizers of the United Democratic Front or the Afrikaner Weerstandsbeweging would be subject to investigation.

"The police force has to maintain a neutral profile in the execution of its duties, and as such cannot allow its members to be to either to the extreme left or the extreme right of the political spectrum," said one source.

Reacting to the information, a UDF spokesman said: "Until such a time that there is democratic non-racial society in South Africa, the UDF don't see any of its members joining the SADF or the SAP, which represent the

government of the day to which the UDF is opposed.

"But we are of the opinion that those policemen who sympathize with the UDF should not be harassed. It is their democratic right to support the organization whose policy they find most acceptable."

The Cape Times was told that the African Nationalist Congress's "policy" to infiltrate government and quasi-government organizations would be at the root of police investigations.

"The UDF is still legal. Because it has not yet been banned, you naturally have a certain proportion of all races supportive of affiliated community-based organizations," said one source.

The Minister of Law and Order, Mr Adriaan Vlok, has repeatedly warned that members of the police force who joined the AWB would not be tolerated.

DAILY NEWS

COMRADE TO HANG

~~REF~~ 157
Johannesburg
20/10/87

A TEMBISA township "comrade" was yesterday sentenced to death in the Rand Supreme Court for the "necklace" murder of a policeman.

Johannes Moseki (23) was sentenced for the burning alive of Constable Malose Papo in Tembisa last year

His co-accused, Freddie Mashigo (22), was jailed for an effective 14 years

An application for leave to appeal against the death sentence was refused. Mr G Barlow, who represented Moseki, said in his application that another court might find that there were extenuating circumstances

Mr Justice Irving Steyn, sitting with two assessors, said Mashigo was lucky to escape the death penalty. There were extenuating circumstances in his case

Moseki and Mashigo were found guilty of public violence and the

Moseki sentenced for cop's 'necklace' murder

"necklace" murder of the policeman. Moseki was sentenced to a year for public violence and was given the death penalty for murder. Mashigo was given two years for public violence and 14 years for murder. The sentences will run concurrently

A 16-year-old youth collapsed in the corridor after Moseki received the death sentence. He was carried out of court to a kombi parked near the building

He was later taken to Hillbrow Hospital by car

The youth, who was also an accused in the case, was sentenced last month to six strokes and five years' jail suspended for five years

He is one of the eight who were sentenced to strokes and suspended jail terms last month by the same judge who said he did not want to make them martyrs

They were found guilty of public violence

Evidence was that they went about as a vigilante group that sjambokked and took dangerous weapons away from men in the streets and shebeens in Tembisa

Refused

Mr Franco Moseki, Johannes' father said his heart was sore. He said it would not help to pray now that his son had been sentenced to death and leave to appeal against the sentence refused

"My son was one of the group that was arrested and it disturbs and surprises me that he should be the only one given the death penalty", Mr Moseki said outside the court



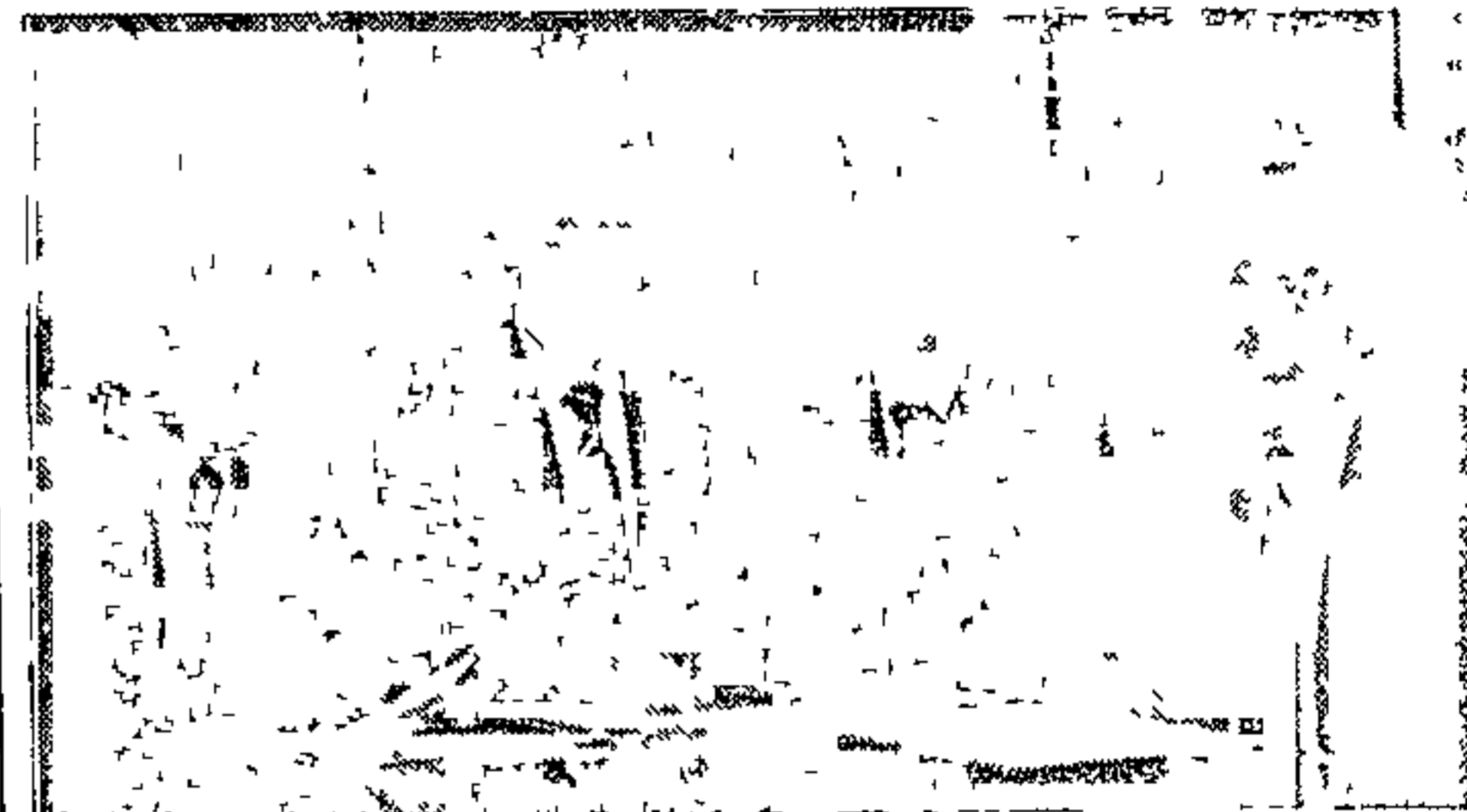
among the many trade unionists at the Rand Numsa general secretary Moses Mayekiso charges yesterday. From left are Cosatu rayi, Numsa president Mr Daniel Dube, and etary Mr Jay Naidoo. See story on page 2

BY MANDLA
NDLAZI

REPORTS, pictures and comment in this edition may be censored in terms of the Government's state of emergency

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Mr J P Brummer, Principal, Damelin Correspondence College



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Taxi attacks: 'Witdoeke also accused'

17/16/87
20/10/87

Supreme Court Reporter

WITDOEKE who burnt down houses in the KTC squatter camp in June last year as a "settlement" with KTC residents for attacks on taxis in which people were killed were themselves accused of the same conduct.

This was heard in evidence in the Supreme Court yesterday during a R312 000 claim for damages by KTC residents against the Minister of Law and Order.

Roman Catholic priest Father Desmond Curran said that early on June 9 last year he had heard a gathering of Witdoeke talking about "settling" with the KTC community

Cross-examined by Mr G D Griessel SC, for the Minister, Father Curran said the Witdoeke had complained that members of their group had been pulled out of taxis and killed, after which the taxis were burnt

"I didn't see any of these incidents but the Witdoeke themselves were accused of killing people in taxis I don't know if they (the victims) were Comrades or KTC residents"

Casspirs

Father Curran said that on June 9, 10 and 11 last year people in the KTC area would have gained the impression police Casspirs were escorting Witdoeke

"The impression was strengthened when a Casspir among a group of Witdoeke at the Zolani Centre did not stop them from carrying on (burning the premises).

"Casspirs were omnipresent — one didn't have to go far to see one

Mr Griessel: Isn't it a reasonable inference from what you saw that the police were monitoring the situation?

Father Curran: They weren't stopping the men.

Mr Griessel: Why would police have had to act against the men?

Father Curran: They were heavily armed with knives and pickaxes

He had previously seen police block marches with Casspirs and a wall of armed men.

He said teargas was another method which could have been employed

Machine-gun

"In three days the only action by the Comrades was when they prepared to counter-attack at the Zolani Centre A machine-gun was fired over their heads."

Father Curran said although he had given interviews to British radio and television at the time of the attacks he would not have described the Witdoeke as "pro-Government vigilantes", as put to him by Mr Griessel

"I think there were people who would have described them in that way

He said the Comrades — mostly young people — could be described as "anti-apartheid, anti-Government activists".

"But being an activist doesn't mean one is doing anything illegal."

Previous experience during the destruction of Nyanga Bush during similar attacks in May last year suggested to Father Curran that it would have done no good to tell the police on June 10 there was an impending attack on the Zolani Centre.

"On two occasions during the Nyanga Bush events police captains told me it was not part of their instructions to prevent people burning houses. They were to keep the two groups apart

"They were keeping one side away, but not the side burning the houses."

● KTC residents claim police helped the Witdoeke in their attacks on KTC last year, alternatively that they failed to prevent the attacks

The hearing continues today

Mr Justice de Kock was on the Bench Mr Griessel, SC, and Mr L Visser, SC, with Mr C Y Louw and Mr F D Brand, instructed by the State Attorney, appeared for the Minister Mr S Aaron, SC, with Mr A M Omar and Mr P Pretorius, instructed by the Legal Resources Centre, appeared for the plaintiffs

Gunshot, stab wound described

Unrest cops charged with murder

Chk Tink
20/10/87
25

Own Correspondent

GRAAFF-REINET. — Two men allegedly murdered by members of a police unrest unit died of a gunshot wound in the neck and a stab wound in the stomach, the Supreme Court here heard yesterday.

Before the court are W/O Leon de Villiers, 36, of Pollock Street, Rowallan Park, and Const David Patrick Goosen, 26, of Gamtoos Flats, Algoa Park. W/O De Villiers was in charge of a squad of 10 members of the Port Elizabeth Unrest Unit sent to Cradock to keep order at a funeral on July 26 last year.

The men are charged with:

- The murder of 18-year-old Mr Wheanut Mlungisi Stuurman
- The murder of Mr Andile Alfred Plaatjies, 45
- Assaulting Mr Zixolisile Goniwe with the intent to cause him grievous bodily harm.
- Similarly assaulting Mr Michael Qhina.
- They are also charged with attempting to defeat the ends of justice by ordering or persuading other members of the unit to give a false report of the incidents.

The accused pleaded not guilty on all counts and chose not to give an explanation of plea.

However, they did make a number of admissions, including that Mr Stuur-

man's body was found in the Great Fish River about 7km from Cradock the next day

Mr Plaatjies was found in a yard at Sikulu Street, Lingelihle, on July 26. He died later.

Professor T G Schwar, head of the department of medico-legal science at the University of Stellenbosch, conducted the post-mortem on Mr Stuurman. He found the cause of death to be a gunshot wound in the back of the neck that shattered the spinal cord.

There were other superficial injuries, but Prof Schwar said that if they were caused by an assault it was a very mild one.

He was of the opinion the bullet wound was caused by a direct hit fired from a distance of 1m or more.

Dr J A Schoeman, district surgeon at Cradock, said Mr Plaatjies died of shock resulting from pain and loss of body fluid caused by a stab wound of the stomach.

Part of the intestine extruded through the wound. Under cross-examination he said the small intestine was also penetrated.

He could not say why he did not mention this in his report or the fact that death was caused by shock.

The trial continues today.

Mr Justice Zietsman was on the Bench with Mr B P Loots and Mr Jean van der Riet as assessors. The Attorney-General, Dr J A v S d'Oliveira, and Mr W Kingsley appeared for the State. Mr C Jansen, SC, assisted by Mr N du Toit and instructed by Huisamen and Roelofse, appeared for the defence.

Police did not stop witdoeke witness

By SHAUNA WESTCOTT
Supreme Court Reporter

THE R312 000 damages suit against the Minister of Law and Order resumed yesterday with the evidence of the Rev Desmond Curran, the third witness to tell the Supreme Court that police did nothing to stop witdoek vigilantes destroying KTC camp in June 1986.

In fact, Mr Curran said, the impression he gained was that police escorted hordes of heavily-armed witdoeke into KTC.

Mr Curran, formerly minister at St Gabriel's in Guguletu and now at St Raphael's in Khayelitsha, said that on June 9 last year he saw a police Casspir moving slowly down Zwelitsha Road with more than 200 armed witdoeke following behind.

"Mingling with the rear ranks" of witdoeke were two police vans. The rear door of one of these was open and policemen could be seen seated inside. The policemen in the van were in touching distance of the armed witdoeke and "didn't seem in any way on their guard".

He said his impression that police were functioning as an escort was strengthened when a police Casspir parked outside the Zolani Centre, among a crowd of witdoeke, while other witdoeke torched the centre and cars parked in its grounds.

He also saw at least five Casspirs parked under trees on the northern boundary of KTC while large groups of witdoeke burnt houses nearby.

"It seemed so strange to us," Mr Curran said, "that here were these men destroying other peoples' houses and a large number of police Casspirs stood around doing absolutely nothing to prevent the destruction."

Later that day, he was among a group of clergy who met the Minister of Constitutional Development and Planning, Mr Chris Heunis.

The hearing — on which the outcome of 3 198 similar suits involving claims of more than R5 million may depend — continues.

Mr Justice M R de Kock presided Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister.

GMB Times 20/10/87

(251) (251) (251)



CAN'T STOP . . . Members of the cast of the play "You Can't Stop the Revolution" at Camps Bay beach yesterday. The play opens at the Baxter Theatre tomorrow, but a preview will be given tonight. From the left are: Thabane Mkhize, Tiki Nkumalo, Patty Nokwe, Bhe Shandu, Nelson Ngwenya, Beryl Ngcobo, James Ngcobo, Priscilla Mkhize, Henny Khulu and Pat Pillai.

Picture ROBERT BELLON

Playwright 'humiliated' by cops

By RONNIE MORRIS

DURBAN playwright Saira Essa is considering legal action after a "humiliating experience" at D F Malan Airport on Sunday when police searched her luggage in full view of the public soon after she had landed.

Interviewed yesterday at the Baxter Theatre, where cast members were rehearsing her play "You Can't Stop the

Revolution", an angry Ms Essa said that a woman, who identified herself as Warrant Officer Van Taak, approached her and, without any explanation, said she should accompany her.

They were joined by a Constable J Visser and she was taken to a locker near the exit where they were in full view of the public.

"I told the police if there was a problem and

they wanted to search me they could at least do so in private. They refused to do that and I was getting more agitated. No amount of pleading helped," she said.

She said the airport manager, Mr H B van der Westhuizen, was "very apologetic and embarrassed".

Approached for comment, a police liaison officer, Lieutenant Attie Laubscher, confirmed

that the incident took place, and that Ms Essa had been searched by a policewoman, but said Ms Essa was searched "in private".

Mr Van der Westhuizen said. "It is a domestic affair and I told her she could write a letter of complaint to me.

"I forbid you to link my name, my position or the airport to the matter. You must get in touch with my head office in Pretoria."

Fatal injury allegedly received in police care

POLICE have opened a murder docket following the death of a man who sustained brain damage allegedly while in custody.

According to his relatives, Mr Abraham Louw (29), of Warwick Place, Elsies River, was arrested outside an Elsies River factory in the early hours of Sunday.

A few hours later, police informed the family that Mr Louw had been admitted to Tygerberg Hospital.

Mrs Philida Franklin, a sister of Mr Louw's, said they found him in an intensive care unit where, linked to a life-support system and watched by a detective, he was bleeding from the ears and nose. He was unconscious.

X-rays revealed that Mr Louw had sustained brain damage.

He died in the hospital on Tuesday afternoon.

Mrs Franklin, a sister of the dead man, said:

"On Sunday, the police said Abraham was being held in connection with housebreaking and theft. They said we could bring lunch for him to the Elsies River Police Station at 12 noon on Sunday.

"When I went there, a detective said Abraham

**SOWETAN
REPORTER**

had been taken to the Bellville theft branch. We were supposed to return with the food at 3pm, but I decided to do so at 7pm. I telephoned the Elsies River police at 6.30 to check if this would be in order and I was told that Abraham was in hospital."

Mrs Franklin said nursing staff had held out little hope for her brother's life on Sunday and had told the family "to go home and pray for Abraham."

Mr Louw underwent emergency surgery at 2am on Monday to stop the haemorrhage.

Brigadier Nic Acker, Divisional Head of Criminal Investigations in the Western Cape, said on Tuesday that an investigation, headed by a senior officer in his division, was underway.

Mr Tommy Louw, the youngest brother of Mr Abraham Louw, said the family would take legal advice as soon as funeral arrangements were finalised.

Witness: Buffels could have halted witdoeke

Supreme Court Reporter

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2018/08/23
Capt. Timis 23/10/87

THREE army Buffels parked on Mahobe Drive on the second day of the witdoek rampage which destroyed most of KTC could have stopped the witdoek advance in minutes but did not, the Supreme Court was told yesterday

This was the evidence of the Rev Gerry Lorriman, the fourth witness to give evidence in the R312 000 damages suit against the Minister of Law and Order, brought by the Methodist Church and 21 families who lost their homes when KTC went up in smoke in June last year.

The suit is the first of some 3 200 — with claims of over R5 million — pending against the minister and arising from the destruction of KTC and the earlier razing of three satellite camps in which, it is alleged, police played an active role

Mr Lorriman said he was driving along Mahobe Drive with another priest, the Rev Des Curran, when they came across three army Buffels parked at the side of the road

"Father Curran opened his window and spoke to the commander of one Buffel I don't remember the exact words but he asked the commander whether they were going to stop the witdoeke

"I remember the reply was 'We are waiting for reinforcements' which I found a somewhat strange answer so I got out of the kombi and spoke to the commander," Mr Lorriman said

"I said I was in the British Army myself and with this amount of firepower (in three Buffels) you could

stop these people (witdoeke) advancing in three minutes

"At this stage witdoeke were shouldering past me and making hostile remarks and I was keen to get back into the kombi," Mr Lorriman said

Mr Lorriman said both he and Mr Curran then tried to telephone the then Divisional Commissioner of Police, Brigadier Chris Swart, but were told he was unavailable

They both spoke to another police officer whom Mr Lorriman told that "a very grave situation had again arisen, a witdoek attack on KTC was being mounted and there was going to be further bloodshed, destruction and misery"

"I said it was vital that police take immediate action to prevent this," Mr Lorriman said "The response was to thank us and to say they would look into it"

Earlier that day, Mr Lorriman pointed out to the commander of a parked police Casspir that he was "facing the wrong way" since crowds of witdoeke were streaming into KTC behind him and he could not even see them.

Like all the previous witnesses, Mr Lorriman saw witdoeke torch the Zolani Centre within sight of police, who did nothing to stop them He also saw witdoeke "running from shack to shack setting them alight" within sight of an army vehicle, with three armed soldiers standing beside it

The hearing continues

Mr Justice M R de Kock presided. Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griesel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney appeared for the minister

Court told of drinking squad boss

Own Correspondent

GRAAFF-REINET — A witness who told the Supreme Court here on Wednesday of police murder and mayhem conceded yesterday he was the most senior man on patrol when the leader of a 10-man patrol remained in a van heavily under the influence of liquor.

Sergeant Heinrich Blumenthal, formerly of Koevoet and later a member of the unrest unit in Port Elizabeth, was testifying at the trial of Warrant-Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, on two counts of murder, two of aggravated assault and one of an attempt to defeat the ends of justice.

The charges arose out of the alleged actions of a squad of 10 members of the unrest unit led by WO De Villiers which was sent to Cradock to keep order at a funeral on July 26 last year.

On Wednesday, Sgt Blumenthal told of a group of heavy-drinking, blood oath-swearing policemen descending on the black townships and assaulting numerous people before finally "executing" one of their interrogation victims on the banks of the Great Fish River.

Black man surrounded

Yesterday when Mr C Jansen SC, counsel for the defence, took him through the events of the two incursions into the black townships, his answers often were "I can't remember", "I don't know" and "I do not dispute that".

On Wednesday, he said WO De Villiers and Const Goosen had assaulted most of the five or six people arrested. Yesterday, he admitted he had seen WO De Villiers assault only one and Const Goosen none at all.

He admitted he was the most senior man on patrol when WO De Villiers remained in the van heavily under the influence of liquor.

He said he saw a group of policemen surround a black man and leave him lying on the ground.

He thought they had assaulted him but did not question them. He did not remember who they were.

He denied that he had kicked the man or knew that Const M D Nevelling, Const D E Botes and a Const Van Loggerenberg were carrying knives.

He denied seeing them bending over the man when he was stabbed or seeing a Const Booysen, who was in the group, hit the man with a spade.

He denied the state's allegation that the squad had gone into the township to "terrorize and assault people on the streets". He said they had gone in to counter stone-throwing and seeking information about terrorists who it was alleged would attend the funeral.

The trial continues today.

Judges ignorant of prison conditions

By Zenaide Vendeiro

There was a prevailing ignorance among judicial officers about the realities of prisons and the effects of imprisonment, Mr. Justice Kriegler said recently in an address at the University of Bophuthatswana on sentencing in times of political unrest.

Mr Justice Kriegler asked how many officers of the court had any knowledge of penology and how many of them knew what the inside of a prison looked like.

He suggested that judicial officers should get to know a great deal more about what a jail sentence really meant. "In times of political unrest, when it behoves each and every one of us to do his utmost to restore the image of the criminal process, we cannot allow this kind of ignorance to continue," he said.

The judge said he had been told, "but can hardly believe", that an "excellent" thesis on South African prisons had been embargoed, "presumably because it expresses criticism of the prison authorities".

He is believed to have been referring to the thesis by Dr Janos Mikalik, extracts of which were published in The Star.

"If it is so that a doctoral thesis has been embargoed, we should take note of that and we should inform ourselves all the better concerning the realities of our system of prisons and how it really works."

It was true that any organisation run by a bureaucracy resented any scrutiny of its internal affairs.

This was normal, natural and could even be right, said Mr Justice Kriegler.

But it was certainly not the function of the judiciary to adopt an apathetic attitude in these circumstances.

Cop's fatal shot:
'Accident' denied

Care Files 24/10/87

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WO Leon de Villiers



Const David Goosen

Own Correspondent
GRAAFF-REINET — It was suggested yesterday in the Supreme Court here that the shot that killed Mr Wheanut Mlungisi Stuurman next to the Great Fish River last July was unintentionally fired by a policeman

Sergeant Heinrich Blumenthal was in his third day in the witness box, testifying at the trial of two Unrest Unit members, Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, on charges of murdering Mr Stuurman and Mr Andile Plaatjes, and assaulting Mr Zixolisile Goniwe and Mr Michael Qhina

The offences were alleged to have occurred

when an Unrest Unit section of 10, under the command of W/O De Villiers, was sent from Port Elizabeth to Cradock to keep order at a funeral on July 26 last year

Both men pleaded not guilty to all the charges but they did not disclose their defence

Yesterday, it was put to Sgt Blumenthal by the defence counsel, Mr C Jansen SC, that when Const Goosen returned from the river pale and shocked, he told his colleagues that when he got to the river he slipped and a shot went off and hit Mr Stuurman in the neck

Sgt Blumenthal denied this, and said Const Goosen appeared nor-

mal and reported that he had pressed the pistol against Mr Stuurman's neck, fired, and that Mr Stuurman had fallen

When he was pressed on this issue, he added that Const Goosen had also said that one of the other constables had helped him throw Mr Stuurman's body into the river, but that it had fallen on a sandbank

Sgt Blumenthal said he did not remember who had originally said that Mr Stuurman should be "taken out"

He had not originally understood "take out" as execution, although he knew it could mean that. He thought they just intended to take Mr Stuurman out of town to somewhere more secluded to

continue the interrogation

When Const Goosen and two others had left with Mr Stuurman, W/O De Villiers said "I wonder when Goosen is going to shoot that black" He thought he was just "talking big" When he heard a shot soon after, he was shocked

He agreed that if he wanted to "take out" a man, he would have used one of the shotguns that were available, because they did not eject the spent shell and the shot could not be matched by ballistics

He would not have taken along two witnesses, and he would have tried to remove all trace of his presence at the scene. He certainly would not have announced his intention in advance, or reported shooting the man to comparative strangers on his return

The trial will continue on Monday

Claim: officer said he shot man in neck

GRAAFF-REINET — It was suggested yesterday in the Supreme Court here that the shot that killed Mr Wheatnut Mlungisi Stuurman next to the Great Fish River last July was unintentionally fired by a policeman and was not a deliberate execution

Sergeant Heinrich Blumenthal was testifying at the trial of two Unrest Unit members, Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, on charges of murdering Mr Stuurman and Mr Andile Plaatjes, and assaulting Mr Zixolisile Goniwe and Mr Michael Qhina

The offences were alleged to have occurred when the unit section, under the command of W/O De Villiers, was sent to Cradock to keep order at a funeral on July 26 last year

Both men pleaded not guilty to all the charges but they did not reveal their defence

It was put to Sgt Blumenthal by the defence counsel, Mr C Jansen SC, that when Const Goosen returned from the river he was pale and said that when he got to the river he slipped and a shot went off and hit Mr Stuurman in the neck

Sgt Blumenthal denied this, and said Const Goosen appeared normal and reported he had put the pistol against Mr Stuurman's neck and fired

He said Const Goosen had said one of the constables had helped him throw the body into the river, but that it had fallen on a sandbank

Sgt Blumenthal said he did not remember who had said Mr Stuurman should be "taken out" Mr Stuurman had been assaulted during interrogation, but was not so badly hurt that he was likely to die

He admitted that it was possible that the purpose of taking Mr Stuurman to the river was to allow him to wash blood off his face before releasing him

He had not understood "take out" as execution, but it could mean that He thought they wanted to interrogate Mr Stuurman in a secluded place

Even after W/O De Villiers said "Dis maar bad as 'n mens so jonk moet dood gaan", he did not take it seriously, as to kill the man would be murder

When after Const Goosen and two others left with Mr Stuurman W/O De Villiers said "I wonder when Goosen is going to shoot that black" He thought he was just "talking big".

He agreed that if he wanted to "take out" a man, he would have used one of the shotguns, because the shot could not be matched by ballistics

He would not have taken witnesses and he would have removed traces of his presence at the scene He would not have announced his intention, or reported the shooting to relative strangers

He would also have taken care to conceal the body, and not just left it lying in the river

He agreed that when Const Goosen left with Mr Stuurman and the two constables, he was sober and seemed to know what he was doing

The trial will continue on Monday Mr Justice Zietsman was on the bench, with Mr B P Loots and Mr Jean van der Riet as assessors The Attorney General, Dr J A van S D'Oliveira, assisted by Mr W Kingsley appeared for the State Mr Jansen was assisted by Mr N du Toit, and instructed by Huisamen and Roelofse



The two unrest unit officers standing trial for murder in Graaff-Reinet, Warrant-Officer Leon de Villiers and Constable David Patrick Goosen.

Handwritten: 21/10/87

SAP-vigilante link

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to be probed

By MBELELO LINDA

HEADS of the newly established Human Rights Trust, based in Port Elizabeth, met the Minister of Law and Order, Adrian Vlok, in Cape Town this week in a further initiative to quell more than 10 months of violence in Uitenhage townships.

The Minister was also asked to investigate allegations concerning the treatment of detainees in the Eastern Cape by members of the security branch.

Director of the trust, Rory Riordan, PFP spokesman for Law and Order,

Helen Suzman and former PFP MP for Walmer Andrew Savage met with Vlok, two senior officers and the Commissioner of Police, Henrie de Witt.

Riordan said before the meeting that the initiative had the support of the community. He presented Vlok with a 200-page dossier

containing allegations about police involvement in vigilante attacks on residents in Kwanobuhle township.

Since the January 4 vigilante attacks in Uitenhage, Riordan has been monitoring the clashes which are believed to have been between Ama-Afrika vigilantes

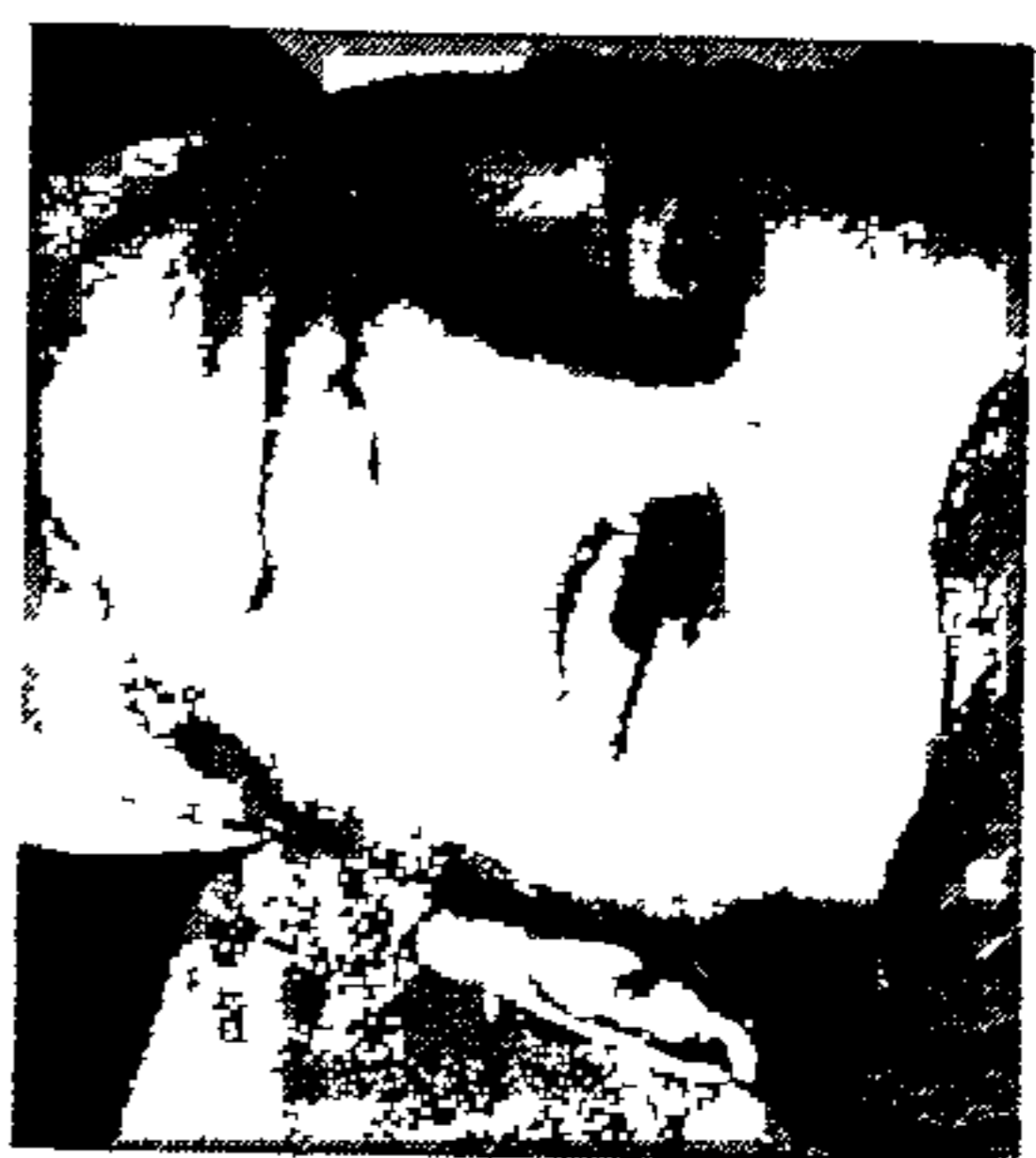
and UDF supporters

The Minister and De Witt, according to Riordan, have agreed to launch an inter-departmental investigation concerning allegations of security branch maltreatment of detainees and the alleged collusion between police and vigilantes in the assault and killing of Uitenhage residents

In a letter written by Riordan, the Minister has been advised that the dossier, consisting of over 40 statements concerning the treatment of detainees, were brought to his attention by Suzman during a parliamentary debate this year

Also included in the dossier is a series of documents concerning events

Adriaan Vlok ... called on to investigate police involvement.



monitored by the HRT in Uitenhage townships and a "diary" of the detention of Emson Banda, a Uitenhage Advice Centre worker who was brutally attacked by vigilantes soon after his release from a year's detention in August this year

Other documents contain an analysis of the reasons given by the Minister for the detention of individuals in the Eastern Cape and concludes that Vlok acted on incomplete and misleading information received from his sources in Port Elizabeth

It is alleged by Riordan in a covering letter to Vlok that SA police under Colonel Eaurie Strudom of the riot police, together with Ama-Afrika vigilantes, attacked residents of Uiten-

hage on January 4. Many people were killed or assaulted and the property of over 20 families was destroyed.

Meanwhile, the leader of the Ama-Afrika in Uitenhage and in Port Elizabeth, Rev Ebenezer Magina, said he had also collected affidavits from people who were the victims of certain individuals who were "used" by the police.

"There is a possibility that there are certain individuals who are using the Uitenhage situation for their own benefit," said Magina

He denied that his organisation had been working with the police and said Ama-Afrika was an Africanist movement which did not want any association with whites. - Pen.

Gops deny charge

THE SAP has rejected allegations by a union that 20 of its workers were "assaulted" by police after a work stoppage. 26/10/87

Police were reacting in a telexed statement to Sapa to allegations by the Paper, Wood and Allied Workers' Union (Pwawu) that the assaults took place at the Leonard Brushware Company near Johannesburg recently.

The statement confirmed that a clash between workers and police had taken place, but said police were dispersing an illegal gathering.

In reaction to Pwawu claims that five of its members were hospitalised after the alleged assaults, police said their records did not show anyone sustaining injuries. — Sapa (251) ~~USA~~ Smeeth

CME Tuis
27/10/87

251
251

Editor tells of witdoeke in police Casspir

Supreme Court Reporter

KTC was beginning to burn when the editor of the Western Province Council of Churches publication "Crisis News" saw an armed witdoek climb into a police Casspir in which other witdoeke were already seated, the Supreme Court heard yesterday.

This was the evidence of Ms Emma Huisman, the fifth witness to testify in the R312 000 damages suit brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when KTC was destroyed in June last year.

The minister is being sued on the basis of an allegation that police played an active role in the destruction. Some 3 198 similar suits, with claims of over R5 million, are pending against the minister and may depend on the outcome of the KTC suit.

Ms Huisman said she was a passenger in a kombi driven along NY5 by the Rev Des Curran on June 9, the first day of the witdoek rampage in KTC.

At least five Casspirs were parked at the side of NY5 on the northern boundary of KTC, which was already beginning to burn.

"Around each Casspir a group of witdoeke was gathered," Ms Huisman said, "and every now and then something in Xhosa was broadcast from a Casspir after which the witdoek group would leave the Casspir and disappear into KTC."

View into Casspir

She said she could not see what the witdoeke did in KTC, but that minutes after they entered houses began to burn.

As Ms Huisman drove past the Casspirs, she got "a clear view" into a brown Casspir whose rear door was open. She said she saw a number of witdoeke seated inside and an armed witdoek heave himself up into the vehicle.

Uniformed policemen were standing next to the Casspir while the witdoek climbed in, Ms Huisman said.

She said her impression of relations between witdoeke and police was that there was clear contact and communication between them "and it was not aggressive or unfriendly".

Like all the previous witnesses, she said police made no attempt to stop the witdoek rampage. On the contrary, her impression was that police vehicles functioned as escorts for the armed witdoek horde.

The trial continues

Mr Justice M R de Kock presided. Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister.

Inkatha wants SAP to hand over station

CMT Times 27/10/87 (251)

Own Correspondent

MARITZBURG — Inkatha leaders in strife-torn Maritzburg townships have called for the handover of Plessislaer police station to KwaZulu police because they allege the South African Police had failed to maintain law and order.

However, a UDF spokesman said he feared the worst if the police station was taken over by KwaZulu authorities

The KwaZulu Legislative Assembly member for Maritzburg, Mr Velaphi Ndlovu, said that after an emergency meeting to discuss the violence in the city's townships, a letter had been written to the Minister of Law and Order, Mr Adriaan Vlok, asking for the handover of the police station to KwaZulu

The Divisional Commissioner of KwaZulu Police, Brig Dries Laas, said last night that he did not know anything about the matter

A spokesman for the Minister of Law and Order said it was ridiculous to suggest the SAP was favouring the UDF

"It is not police policy to favour the UDF or any other organization and we have no knowledge of ill-feelings towards police there"

However, Mr Ndlovu said "Whenever our members phone the Plessislaer police station to report attacks on their homes police there do not do anything

"We are being attacked but when we try to defend ourselves we are being disarmed by police. But the attackers are not being disarmed," Mr Ndlovu said

Mr Ndlovu referred to the killing of 13 Inkatha members in the village of Kwa-Shange and said the arrest of three policemen after the incident indicated that they (the police) were biased towards the UDF

Three policemen were arrested after 13 Inkatha members had been killed in Kwa-Shange last month. They appeared in court in Maritzburg last week and the case was postponed to December 18.

Mr Ndlovu said that in Durban townships, where police stations had been handed over

PFP tours townships

Own Correspondent

MARITZBURG. — A Progressive Federal Party delegation yesterday toured townships here to gather information from warring political factions in the hope of bringing peace

The PFP envoy, headed by its Natal leader, Mr Ray Swart, met representatives of several community organizations in the Edendale townships

A contingent of 13 local and foreign journalists were barred from the townships by the police and were unable to accompany the PFP on its fact-finding mission.

to KwaZulu, there was no burning of houses and there was peace and order

A spokesman for the Edendale Youth Organization (EDEYO), who asked not to be named, rejected Mr Ndlovu's charge that the UDF was supported by police

"What has happened is that all members of the community who have been the victims of Inkatha violence have decided to resist. That might include police who have been victims of the violence," he said

He said he feared for the worst should the police station be taken over by KwaZulu police

"There have been several reports of assaults by KwaZulu police in Durban townships. We are suspicious of the motive behind the takeover of the police by KwaZulu"

On the question of talks, Mr Ndlovu said Inkatha was prepared to talk to local UDF leaders

● Police have found the body of another black man in the trouble-torn black township of Edendale outside Maritzburg

Police reported the discovery of the body in their latest unrest report issued yesterday. They said a charge of murder was being investigated, but gave no further details

In another incident near the Natal capital, a private dwelling in Harewood was "damaged by arsonists".

Court told of throttling attack

CMC Times 27/10/87 251

GRAAFF-REINET — A man told the Supreme Court here yesterday he was attacked and throttled by a man wearing a police uniform, carrying a fireman's axe and with a balaclava cap pulled over his face

Mr Monde Ngindi was testifying at the trial of two members of the Unrest Unit, Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, on two counts of murder, two counts of assault and attempting to defeat the ends of justice

Another witness, Mr Michael Qhina, said he and two friends started visiting shebeens early

on the morning of July 25. They parted in late afternoon, and after that he had no idea of what happened till he woke in hospital

He had stab wounds in his chest and the right-hand-side of his abdomen

Mr Phumlani Williams told the court that he had seen Mr Andile Plaatjes drinking with friends in Mr Ngindi's room on the night of July 25 last year

The next day he found Mr Plaatjes dead and noticed a wound on his stomach

Mr Ngindi said he, Mr Plaatjes and others, were in his room drinking till about 11pm

When they decided to go home they had just left the yard when a van came racing at them

They scattered and ran. He saw five policemen get out of the van and run into the yard

After he had sought shelter at a nearby house he was attacked and throttled by a man wearing a police uniform, carrying a fireman's axe and with a balaclava cap pulled over his face

He managed to break loose and escape. He could not identify the man. The next day he saw Mr Plaatjes was dead

The trial will continue today

KILLS SUSPICIOUS POLICE CORP

27/10/87
Smetin

POLICE have launched a massive manhunt for a man who shot and killed a security policeman in Soweto at the weekend.

Brigadier JJ Beeslaar, chief of the Soweto CID yesterday said Constable Thabo Makhalemele (24), who was stationed at Protea police station, was shot by a man he had earlier arrested in Hillbrow, Johannesburg.

The policeman was gunned down outside a house in Rockville. He died on the spot

Brig Beeslaar said the constable, who was accompanied by another policeman, went to a block of flats in Hillbrow looking for the man

"They found him. He took them to a house in Rockville. Soon after arriving at the house, the man opened fire, fatally wounding Constable Makhalemele. He then fled," Brig Beeslaar said

Victims

Brig Beeslaar also announced that six murders were reported in Soweto at the weekend. He said four victims died of stab wounds and the other two were shot dead

Other cases reported included three armed robberies, eight muggings and seven theft cases. Nine women were

Shot
dead
soon
after
being
taken
to a
house

AKW 2/11/85 (251)

Western Cape's top policeman transferred

Crime Reporter

THE Western Cape's top policeman, Brigadier Ronnie van der Westhuizen, is to be transferred

He will take up an undisclosed post in the criminal investigations department at Pretoria police headquarters on January 1

His departure from the post ends one of the briefest periods of a policeman in the position of divisional commissioner in recent years. He will have held the position for a mere 10 months

NO REASONS

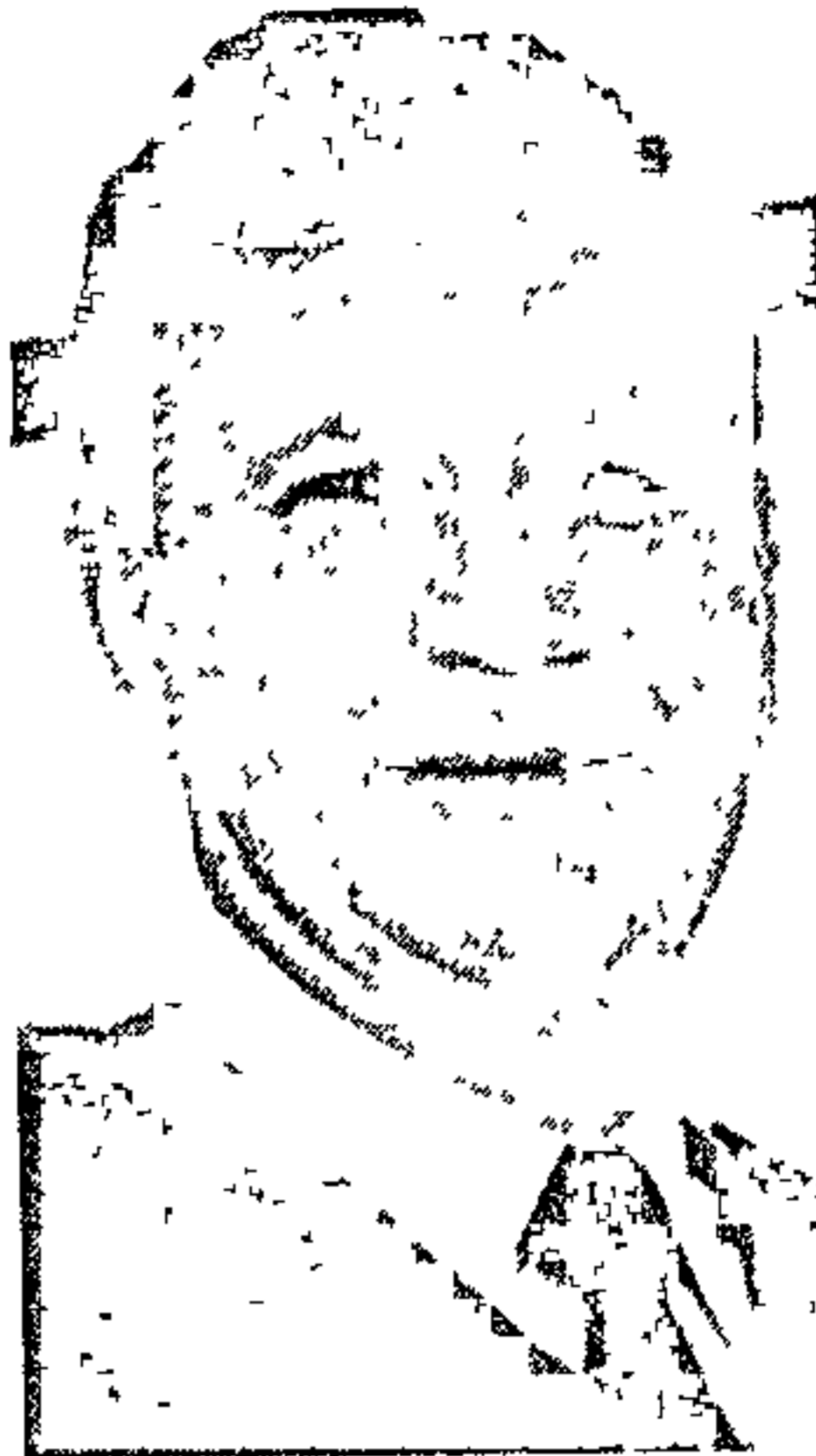
Brigadier van der Westhuizen, a seasoned detective, confirmed his transfer today but said he did not know the reasons for it

He had not been told what post he would be taking up in Pretoria, he added

He also said he did not know who his replacement would be

Brigadier van der Westhuizen said he was sorry to be leaving Cape Town as it had been "so nice to work here, especially with you guys".

During his period as divisional commissioner, he has strived to build better relations in the Western Cape — not only between the police and the public but warring factions as well.



Brigadier van der Westhuizen

He has tried to show that the police force is prepared to learn, to change with the times and to deal with faults instead of backing away from them

Brigadier van der Westhuizen, 56, took over the post of divisional commissioner when Major General Chris Swart was transferred to Pretoria earlier this year

In his years as a detective, he was seen as one of South Africa's top murder investigators

CMG Times 28/10/87 (251) ~~276/11/87~~

More police to be moved into Maritzburg townships

Own Correspondent

MARTITZBURG — An additional police task force is expected to move into the troubled Maritzburg townships following talks yesterday between Law and Order Minister Mr Adriaan Vlok and the KwaZulu Chief Minister and Inkatha president, Chief Mangosuthu Buthelezi.

Although the content of the talks in Ulundi yesterday was not disclosed by either party, it is thought the "goodwill" talks dealt with increased violence in the townships.

Reliable sources said extra police would be moved into the townships within a few days to sort out the problems there.

Mr Vlok's press secretary, Brig Leon Mellett, who attended the talks, confirmed the discussions last night but would not elaborate on them.

A spokesman for Chief Buthelezi's administration said a statement was

expected to be released today.

Mr Radley Keys, director of the PFP's Natal inland region, who was part of the delegation which met community leaders in the Maritzburg townships this week, said the conflict was one brought about by the lack of credible political structures which left a vacuum causing a power struggle between Inkatha and the UDF.

He said the state of emergency was preventing leaders of the UDF from discussing plans with their members in the area to end the violence at Maritzburg and was promoting the conflict.

Mr Keys said, however, that both sides now wanted to negotiate and end the violence.

He added that an additional aspect of the conflict was that people did not want to be forced to join either organization and seemed to arise out of frustration at this

251 SPAN 28/10/87

An Actonville police constable yesterday told the Rand Supreme Court he fired two shots while being beaten up by security guards at a Johannesburg discotheque

Mr Dawood Rehman (27), of Alice Street, Actonville, Benoni has pleaded not guilty to the murder of A bouncer, Mr Marcello Ferdinandi, who died after being shot twice on October 12 1986 at Club Mogambo in Mooi Street

Mr Rehman said he and three

I fired while I was being beaten up — policeman

friends went to the disco on Saturday, October 11, last year He and one of the friends were thrown out when security officers found the friend was carrying a gun and he had a knife

He said the knife and a pair of sunglasses were confiscated by the bouncers Later, he went

back to ask for them and a group of bouncers began to beat him up

When he fell after having his feet kicked out from under him, he felt his friend's gun in his waistband He pulled it out and two shots went off

The hearing continues.

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Casspir killing: Policeman in court

Court Reporter

A POLICEMAN appeared in Wynberg Regional Court yesterday in connection with allegedly killing a man by driving over him with a Casspir

Constable Stephanus de Beer, 22, of Broad Road, Wynberg, was not asked to plead and no formal charges were put to him

The state alleges he committed culpable homicide on May 28 by driving over Mr Vetman Sonti in Langa. He may also face charges of fraud

The hearing was adjourned to November 9

Mr A P Kotze was the magistrate. Mr Mark Sher prosecuted. Mr A Sharp appeared for Const De Beer

n Policeman testifies on drink, execution

OWN Correspondent
2511
28/10/87

GRAAFF-REINET. — A second policeman yesterday told the Supreme Court about a foray into the Cradock black township by an unrest squad preceded by drinking and ending in an execution.

WO Leon de Villiers, 36, and Const David Patrick Goosen, 26, are charged with two counts of murder.

Const Michael Neveling told the court that on July 26 last year the unit collected liquor from shebeens. He described a blood-brother ceremony around a fire to ensure the squad would keep its secrets.

Later they chased a man and he saw Const Goosen stab the man in the chest with a diver's knife.

The next day W/O De Villiers and Const Goosen questioned a Mr Wheanut Mlungisi Stuurman. Later he saw Mr Stuurman was bleeding.

W/O De Villiers said: "This boy must be taken out — he is too badly hit to detain."

He and others accompanied Const Goosen and Mr Stuurman to a canal and then turned back. Back at the van he heard W/O De Villiers say: "I wonder why Goosen is taking so long to shoot that boy." Then there was a shot.

Two constables returned silent and shaken. Const Goosen returned soon after, apparently normal, and said he had shot the boy in the back of the neck. The boy had dropped like an ox and they had thrown him into the river.

W/O De Villiers told them to "keep quiet about it".

Yes, you can afford

ARGUS 29/10/87

Member of unrest unit 'carried a kitchen knife'

The Argus Bureau

PORT ELIZABETH — A member of the police unrest unit told the Supreme Court in Graaff-Reinet he carried a 26cm kitchen knife stuck in his belt — particularly when he went out at night

Constable Michael Douglas Neveling was testifying yesterday at the trial of two other unrest unit members, Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26

They are charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice

The charges arise from alleged incidents in black townships after a 10-man squad under Warrant Officer de Villiers was sent to Cradock to keep order at a funeral on July 26 last year

LIQUOR FROM SHEBEENS

Constable Neveling said the unit was sent to Cradock to "monitor" the funeral. He knew nothing about six trained ANC terrorists who were expected to attend the funeral of a fellow-activist

Questioned about drinking that took place during the trip and the method of obtaining drink, he said the unit often got their liquor from shebeens

He agreed this practice was against regulations, as was drinking on duty. He was questioned at length about a "blood-brother ritual" carried out around the campfire that night, but was unable to say who had suggested it

He said Warrant Officer de Villiers told unit members to get "bashing tools" before they left on the "unofficial operation"

He took a shotgun. When reminded of the knife he had earlier said might have caused the accidental stabbing of a man, he replied that he always carried it and had not taken it as a bashing tool

He later changed his evidence to say he often carried it, and then again to say he sometimes carried it.

Answering a question by the judge, he said if he had thought of it he would have left the knife behind

He said that when the unit set out he did not see any other non-issue weapons in the possession of any of the members

He did not think the purpose of the operation was to "terrorise and assault people in the streets" as alleged. It was never suggested by anybody that it was to be a "bashing expedition"

(Proceeding)

'Conspiracy' by colleagues — counsel

Own Correspondent

GRAAFF-REINET — Members of the Unrest Unit had conspired to bring false evidence against two colleagues accused of murder, it was alleged in the Supreme Court here yesterday.

It was put to Constable Michael Douglas Neveling that there was a conspiracy between him and other members of the unrest squad to fabricate evidence against the accused

He replied that they could not conspire if each did not know what the other would say

Before the court were W/O Leon de Villiers, 36, and Const David Patrick Goosen, 26, facing two counts of murder, two counts of assault and one of attempting to defeat the ends of justice

The charges arise out of incidents which are alleged to have occurred when a squad of 10 Unrest Unit members under the command of W/O De Villiers was sent from Port Elizabeth to Cradock to keep order at a funeral on July 26 last year.

Const Neveling said he had seen Const Goosen stab a man (Mr Michael Qhina) in the chest with a diver's knife soon after the unit entered the black townships for the first time

He insisted that he was able to see it was a diver's knife that Const Goosen had used, having seen it only as it was plunged towards the man's chest and was withdrawn

He agreed that he made this observation from 30 metres at night. He could tell it was a diver's knife from the serrations along the edges

Mr C Jansen, for the defence, put it to him that he was fabricating evidence

251

Police man tells court he did not suspect prisoner would be killed

Daily Dispatch Correspondent

GRAAFF-REINET — Although he had heard that a "boy" must be "taken out", the possibility of murder never occurred to him as he drove the victim and members of the Unit to the Great Fish River, a witness told the Supreme Court yesterday.

Const Michael Douglas Neveling was spending his third day in the witness box at the trial of his colleagues, Leon De Villiers, 36, and Const David Goosen, 26. The two face

saulted and that W/O De Villiers had said the man was too badly injured to be detained and must be taken out, but said he "never dreamed" the man would be killed as he drove to the river.

On the way, his companion, Const D Hanekom, asked him what "taken out" meant, and he explained it meant shot. However, Const Ne-

veling said it was only after Const Goosen, Const R Fourie and Const Booyens had walked to the river with Mr Stuurman, and W/O De Villiers said, "I wonder when Goosen is going to shoot that boy," that the possibility that the man would be murdered occurred to him.

Const Neveling said that even after he heard a shot he did not think of asking W/O De Villiers what was happening.

He said he had gone to meet Consts Fourie and Booyens when he heard them returning but did not question them. Later in the bus, W/O De Villiers asked Const Goosen how he had shot the man.

W/O De Villiers did not ask "if", but "how". Const Goosen said "I shot him from behind, through the neck. I saw the bullet come out his face and hit the opposite bank. Sand flew

"The boy fell like an ox. We grabbed him and threw him in the river."

W/O De Villiers asked how deep the river was and Const Goosen replied "Very shallow. We threw the boy on a sandbank and he landed face down."

Const Neveling denied that in fact Const Goosen had made a spontaneous report when he returned to the bus, saying he had

slipped and shot the man accidentally.

He also denied that Const Goosen said he pressed the gun against the boy's neck and fired as testified to previously by Sgt H Bloementhal.

He admitted that a photograph of the scene showed no sandbanks and that the opposite bank was not visible because of vegetation.

The trial will continue today.

Police used irregular methods, court hears

251
ELOT
30/10/87

The charges

TWO members of the Port Elizabeth Reaction Unit, Warrant Officer Leon de Villiers, 36, and Const David Patrick Goosen, 26, face two charges of murder, two of aggravated assault and of attempting to defeat the ends of justice.

It is alleged that on July 26, 1986, they murdered Mr Wheanut Mlungisi Stuurman, 18 and Mr Andile Plaatjes, 25 and that they

- Assaulted Mr Zixolisile Goniwe, 20, and Mr Michael Qhina, 45, with the intention of causing grievous bodily harm

- Defeated the ends of justice by ordering or persuading other members of their unit to give an incorrect version of the events

All charges stem from incidents which occurred when the two travelled to Cradock to observe a funeral last year. Both pleaded not guilty.

By CHRIS RENNIE, Court Reporter

GRAAFF-REINET — Glaring irregularities in methods used by some members of the unrest unit were disclosed in the Supreme Court here today.

Const Michael Douglas Neveling was rounding off 3½ days in the witness box during the trial of two of his colleagues, WO Leon de Villiers, 36, and Const David Patrick Goosen, 26, on two charges of murder, two of aggravated assault and one of attempting to defeat the ends of justice.

The charges arose out of alleged incidents that occurred when a 10-man squad of the unrest unit under WO de Villiers was sent to Cradock to "monitor" a funeral there on July 26 last year.

During the trial it emerged that a number of people — including one of the deceased, Mr Wheanut Mlungisi Stuurman — were arrested, interrogated and assaulted by the unit.

After Const Neveling's evidence, one of the assessors, Mr B P Loots, questioned him about his reasons for arresting Mr Stuurman.

He said he had because Mr Stuurman was wearing a Cradoya shirt and ran away when they approached. Up to then he had been lying peacefully with two others on a patch of grass.

When Const Neveling was asked whether he thought this was sufficient reason, he agreed that the arrest was illegal.

Pressed, he conceded that all the other arrests they had made were unlawful too.

Mr Loots "What did you hope to achieve by them?"

Const Neveling "You never know until you try. It's pure luck if you get anything."

Mr Loots "And if the person does not want to talk?"

Const Neveling "You make them talk."

Mr Loots "How?"

Const Neveling "As we did — assaults, plastic bags and so on."

Mr Loots "Is that legal?"

Const Neveling "No."

Mr Loots "You mentioned a water method."

Const Neveling "Yes, you hold them under until they talk."

Mr Loots "Did you think that was what was going to happen when Mr Stuurman was taken to the river?"

Const Neveling "It was a possibility."

Mr Loots then asked whether Const Neveling or any of the other members had got any information from the people they had arrested in Cradock. Const Neveling replied that they had not.

Mr Loots "But how did you expect to when you did not even have anybody who could speak Xhosa?"

Const Neveling "If you take them far enough, they talk Afrikaans."

Const Neveling also said that it was common practice for members of the unit to collect their liquor from shebeens without paying and to drink it on duty.

He said the unit's vehicles and men were never inspected by officers while they were on patrol. He agreed that it was against regulations.

Mr Justice Zietsman was on the Bench with Mr Loots and Mr J van der Riet as assessors. The Attorney-General, Dr J A van S D'Oliveira, SC, assisted by Mr W Kingsley, appeared for the State. Mr C Jansen, SC, assisted by Mr N du Toit and instructed by Huisamen and Roelofse, appeared for the defence.

Constable admits arrests made were unlawful

251
3/10/87
DD

GRAAFF-REINET — Arrests made in Cradock by a police unrest unit on July 26 last year were unlawful, a policeman conceded in the Supreme Court yesterday

When Constable Michael Douglas Neveling was asked whether he thought the fact that a man was wearing a Cradora shirt and ran away when approached by police was sufficient reason for his arrest, he admitted the arrest was illegal

Const Neveling was rounding off three-and-a-half days in the witness box during the trial of two of his colleagues, Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, both of Port Elizabeth. The two face two charges of murder, two of assault and one of attempting to defeat the ends of justice

It is alleged that on July 26, 1986, they

● Murdered Mr Wheanut Mlungisi Stuurman, 18

● Murdered Mr Andile Plaatjes, 25

● Assaulted Mr Zixolisi Goniwe, 20, with the intention of causing him grievous bodily harm.

● Assaulted Mr Michael Qhina, 45, with the intention of causing him grievous bodily harm

On July 28, 1986, they are alleged to have attempted to defeat the ends of justice by ordering or persuading other members of their unit to give an incorrect version of the events.

They have pleaded not guilty.

The charges arose out of alleged incidents that occurred when a 10-man squad of the Unrest Unit under W/O De Villiers was sent to Cradock to "monitor" a funeral there on July 26 last year

During the trial, it emerged that a number of people — including Mr Stuurman — were arrested, interrogated and assaulted by the unit — DDC

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'INDIEGEMINGY' Mother locked up for breast-feeding

A 27-YEAR-OLD Sharpeville mother, Mrs Esther Motsamai, was arrested at the Vereeniging charge office last week for breast-feeding her one-year-old baby boy.

The policeman who arrested her charged her with public indecency and locked her in the cells with the child for about five hours before her lawyer asked that she be freed on warning to appear in court the next

BY LANGA SKOSANA

day
On Friday she appeared before Mr R Williams in the Vereeniging Magistrate's Court but the prosecutor withdrew the charges against her. A shocked Mrs Motsamai said yesterday that she was amazed that she could be charged for breast-feeding her baby. She said the incident happened at the police

station where she had gone to report a car accident with her husband, Mr Prince Motsamai.

They arrived at the police station at about 5pm. While they sat and waited their baby boy, Siphoo, was playing on the floor, apparently making a noise.

"Two white policemen kept saying 'shut up', to Siphoo, and I picked him up to try and quieten him. He started crying and I hugged him,

stroked him on the back to keep him quiet. When he did not stop I started feeding him," Mrs Motsamai said.

"After a while a black policeman came into the charge office and his white colleague instructed him to lock me up. There were other people in the charge office who were being charged and I thought the policeman was mistaking me for one of them," she said.

"I told the black policeman that I'd come

to report an accident, and was not in the group that was being fingerprinted.

"He said I was being charged for public indecency for breast-feeding the child in public. I was shocked and amazed that there could be such a charge as this sort of thing happens everywhere all the time."

Her lawyer, Mr T S Mahlong, asked policemen at the charge office to grant her bail, but was

told there could be no bail until her court appearance.

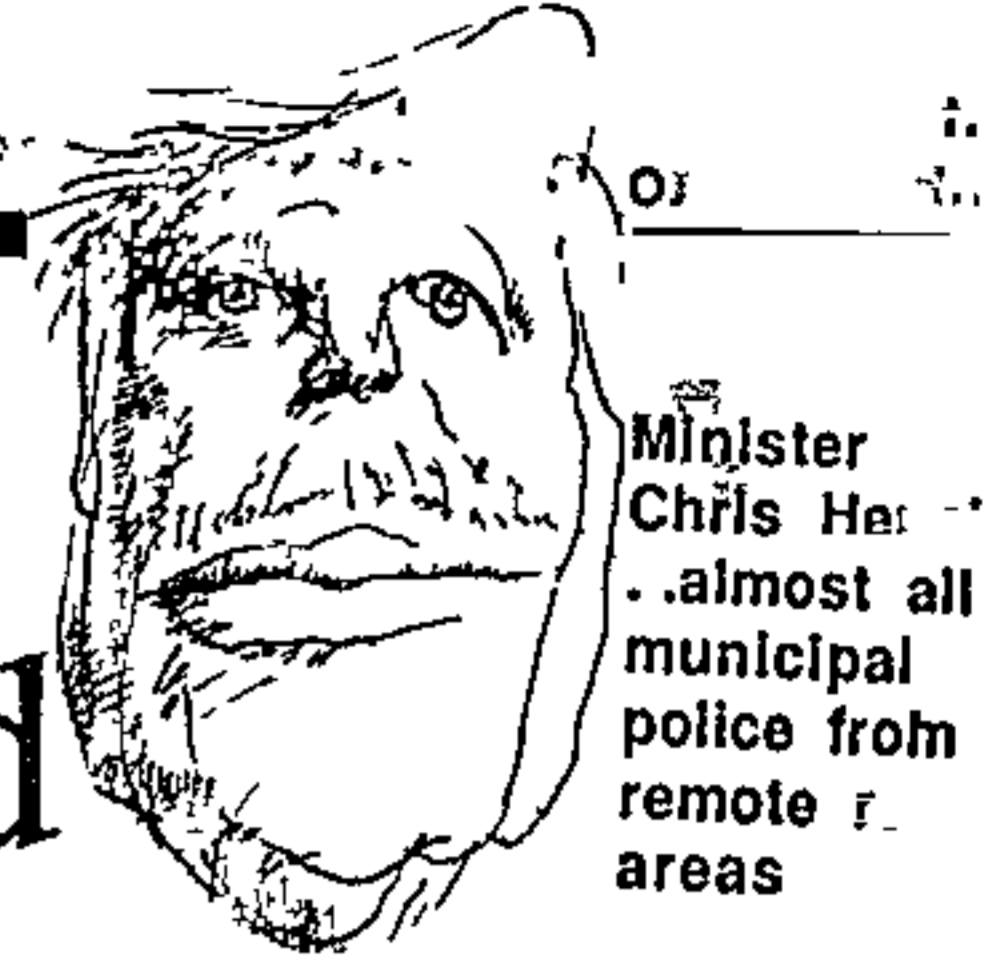
He said it was not until late at night after speaking to a senior police officer that she and the baby were let out on warning.

A number of blacks said they were surprised that people could be charged for breast-feeding in public. They said it was an accepted practice among blacks to feed babies anywhere if infants were hungry.

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w/maire 18 23/12/81

The day the state learnt it could not take black police for granted



The para-military municipal police played a key role in suppressing the township revolts. But last week they turned their guns on the riot police in a brief demonstration that they could not be taken for granted. **PATRICK LAURENCE reports**

WHEN black municipal policemen defied a white officer and turned their guns on hastily summoned riot police, they demonstrated in the most dramatic manner that their loyalty to the state and its institutions was neither fixed nor immutable

Last week's mutiny by municipal police in the Vaal Triangle — where the 1984 revolt in the townships began — was merely the latest of several episodes which have called into question their reliability as agents of state authority

The mutiny was quelled after a brief shootout with riot police, in which eight men were injured and 19 municipal policemen arrested. But its repercussions are still echoing in the corridors of power as an investigation into its causes proceeds

The idea of recruiting black municipal policemen to bolster the authority of government-established township councils was first mooted in 1984

By 1986 hundreds of municipal policemen were deployed in townships all over South Africa. One of their prime functions was to protect the township councils, and the councillors who served on them, against attack by radicals.

Municipal police are an updated version of the "black jacks," who were deployed in black townships by white city councils and, later, white-controlled administration boards.

Black municipal police differ from "black jacks" in two respects. They are employed by township councils and they are armed with guns instead of batons and handcuffs.



Six months ago municipal policemen were the trusted escorts of PW Botha. This week, in Lekoa, their revolt had to be quelled by riot police. Picture: WENDY SCHWEGMANN, Reuter

lucemen convened to discuss pay grievances, only to be surrounded and arrested by the SAP. Some were dismissed and 112 were arrested. A court case challenging the dismissals and arrests is pending.

Similar strikes or "work stoppages" took place in Soweto, where the first protest against low wages took place, and in Kagiso, where malcontent policemen were confined to barracks.

Phillip Dlamini, general secretary of the South African Black Municipal and Allied Workers' Union, identified two underlying reasons for the restlessness of municipal policemen: low pay and racial tension between black and white officers.

Many township councils are bank-

630 times

Ordinary black policemen have generally been loyal and efficient members of the SAP. But even they are not immune to subversion, as a recent trial of two black security policemen showed. It ended with the conviction of the men for spying for the African National Congress. Their ANC contact was a former black policeman.

Blacks have been recruited into the Defence Force on a volunteer basis. They serve in Battalion 21, a crack multi-ethnic force, and in regional or ethnic battalions.

Last month there were reports of a mutiny by Namibian soldiers in the South West African Territorial Force.

With the establishment of armies in South Africa's nominally independent states, there has been a multiplication of armed black men in the past decade. Their primary function is to buttress the existing order.

The growth of different, if not disparate, black forces, serving an assortment of political masters, has caused one diplomat to warn of a "descent into anarchy."

The arming of blacks may, however, have another long term and unintended consequence. As Tom Langley, now a Conservative Party MP, remarked in parliament a decade ago: "We should learn from history that he who defends his country physically is

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W/ MAIL

18-23 / 12 / 87

According to the Minister of Constitutional Affairs, Chris Heunis, 9 270 municipal policemen are employed by township councils. The bulk of them are stationed in the Transvaal, the highest concentration being in Soweto and the townships of the Vaal Triangle

As para-military auxiliaries, municipal police have helped repress the revolt. But in the past two years they have been involved in confrontation with their nominal bosses in the councils.

Soweto and townships on either side of it — Tembisa, Katlehong and Kagiso — were all the scene of strikes in 1986 by municipal police against low wages

In Tembisa striking policemen were supported by the entire council work force, leading to the intervention of the security forces and the detention of about 1 200 township workers.

The policemen were dismissed by the council. But most re-employed after the supreme court ruled that their sacking was unlawful

In Katlehong striking municipal po-

rupt The taxable base in the townships is too small for them to rake in much money and most township councils have been hit by rent strikes. The mutiny by municipal policemen in the Vaal Triangle was in part a rebellion against their salary of R128.

But, according to Dlamini, many white officers in the municipal police are not used to taking orders from blacks.

Captain Timothy Radebe, one of the Vaal municipal policemen wounded in the clash with riot police last week, claimed from his hospital bed that the trouble started when a white officer countermanded an order which he had given to his men

Black municipal policemen are merely one of several identifiable police units manned by blacks. There are the special or *kitskonstabels* and black members in the regular police

According to the Minister of Law and Order, Adriaan Vlok, since they first emerged less than a year ago, the 4 000 *kitskonstabels* have used their firearms 95 times to commit crimes and have been disciplined more than

'Policemen ordered to shoot if lives in danger'

ARGUS 8/12/87 (251) 275

Staff Reporter

THE only order given to policemen about to go on patrol in Athlone in the lorry which became known as the "Trojan Horse" was that they should shoot on their own initiative if their lives were endangered

This was evidence at an inquest in Wynberg yesterday into the deaths of Mr Jonathan Claasen, Shaun Magmoet, 16, and Michael Cheslyn Miranda, 12, on October 15 1985

Mrs S Swart, leading evidence, questioned Constable A J Smith, one of a number of railway policemen, who hid in crates on the back of the seven-ton lorry while it patrolled Thornton Road in Athlone

"What instructions did you receive from your commanding officer, Lieutenant Douw Vermeulen, before going on patrol?" she asked

Constable Smith That we should shoot if our lives were in danger

Mrs Swart Is that all?

Constable Smith Yes

He told the court he fired six shots from his pump-action shotgun in the direction of a crowd around the lorry

He said the firearm was loaded with buckshot He was not ordered to fire but did so of his own initiative

Mrs Swart Why?

Constable Smith Because I feared for my life

He could not remember whether the patrol had been issued with teargas and masks

He said the purpose of the patrol was to make arrests

Mr J Gauntlett, appearing for the families of Magmoet and Miranda, asked him "Didn't you or anyone ask Lieutenant Vermeulen before you went out how you could make arrests if you were trapped in a crate and all you could do was stand up and shoot?"

Constable Smith I don't remember

Mr Gauntlett The innocent people in the vicinity of the lorry did they have a

chance to get away before the shooting?

Constable Smith No

Mr Gauntlett You said people were running past but you still opened fire Why?

Constable Smith Because I feared for my life

Mr Gauntlett But the people were running past

Constable Smith Yes, but I didn't know where they were going and what they intended

Mr Gauntlett You didn't know where you were shooting

Constable Smith No, I didn't know where the shells were going

● A report in The Argus yesterday stated incorrectly that Lieutenant Douw Vermeulen had given evidence at the inquest The magistrate, Mr G Hoffman, pointed out today that Lieutenant Vermeulen had not yet been called to testify

Municipal policemen demonstrate against 'low pay'

Shootout in streets as 60 police mutiny

11-77/12-87 w/mail (251)

By THAMI MKHWANAZI
and VUSI GUNENE

A MUNICIPAL police mutiny over poor pay yesterday led to a march through the streets of Lekoa, in the Vaal Triangle, and a shootout with riot police.

Police have confirmed the incident, saying eight people were injured when about 60 municipal police, known as "green beans", exchanged gunfire with an SAP unrest unit.

The "green beans" had been marching to the house of the Lekoa mayor, Esau Mahlatsi, to present grievances over pay when the shoot-out occurred.

Police have declined to give reasons for the mutiny. However, a vendor who works alongside municipal police headquarters said they had told him they were dissatisfied with their earnings of R128 a month.

According to an eyewitness, the mutiny began yesterday morning at 8.30am when members of the Lekoa municipal police reported for their daily parade and vehicle inspection.

About 100 of them, armed with pistols but dressed in civilian clothes, gathered in a group and refused the command for inspection.

A battle with white municipal police ensued when the latter tried to stop the mutineers from taking three of the vehicles, the eyewitness said.

Three Casspir-loads of riot police were summoned to assist, and a Casspir was used to block the road to prevent mutineers from leaving.

According to the witness, one of the "green bean" vehicles managed to leave. Riot police then emptied the two other vehicles, using sjamboks and batons, and there were violent

● To PAGE 2



Sixty green beans mutiny over pay.

● From PAGE 1
clashes between the two groups. Teargas was fired.

Part of the group then began to march to the mayor's house, but was confronted by the riot squad. There was an exchange of fire.

According to the police division of public relations, the incident began after an order by the commanding officer to hold a vehicle inspection.

About 60 municipal policemen had then arrived at their base in their vehicles and allegedly tried to run down the commanding officer.

The municipal police raced away at a Johannesburg when riot police arrived but were confronted between the municipal offices and the Sebokeng hospital.

The mutineers opened fire at the unrest unit, according to the SAP statement, and they returned fire.

11-77/12-87 w/mail (251)

GOURTOLD OF SAP MAN'S

GRAHAMSTOWN — Const David Patrick Goosen had threatened to "take out" or "take with him" any of his colleagues who turned against him, the Supreme Court heard today.

CHRIS RENNIE
Court Reporter

Const Rynard Egmont Fourie was testifying at the trial of unrest unit policemen W/O Leon de Villiers, 36, and Const Goosen, 26, on two charges of murder, two of assault and one attempting to defeat the ends of justice.

The charges arise out of alleged incidents in Cradock when the unit went there to monitor a funeral on July 26 last year.

Const Fourie, who had only graduated from Police College a month before, described the incidents leading up to the arrest of one of the deceased, Mr Mlungisi Stuurman.

W/O de Villiers subsequently instructed Const M D Neveling to drive to a quiet place so Mr Stuurman could be interrogated.

Near the sewage works, everyone except W/O de Villiers, Const Goosen and Mr Stuurman got out of the bus.

Const Fourie said when he returned to the bus, he

saw Mr Stuurman had blood on his face and clothes.

Mr Stuurman was not injured when he left the bus.

W/O de Villiers said, "Fourie, you know the place. Show us the shortest way to the river so the black man can wash his face."

Before he started his evidence, Const Fourie was warned by the court as a possible accessory to murder.

When he took them to a low-water bridge, Const Goosen said there were too many people who would see the man if he got out.

He was told to take them further to the river. On the way he heard W/O de Villiers say that the man was too badly "gepansel-beer" and must be "taken out", Const Goosen agreed.

Const Fourie said he heard Const D Hanekom

ask Const Neveling what "taken out" meant. Const Neveling replied, "kill".

At the river, Const Goosen told him to show the way. As they were going through the bush, he heard Const Goosen tell Mr Stuurman to walk, face the front and "follow that baas".

Const Fourie said he had turned off the path to relieve himself when he heard Const Goosen shout, "go, go".

He looked, and saw Const Goosen with his pistol extended in front of him. A shot went off and Mr Stuurman fell.

Const Goosen shouted to him and Const Booysens to help. Together they carried Mr Stuurman about two metres and tossed him in the river.

Const Goosen told them that because they had helped him, they were accomplices.

W/O de Villiers warned them that nobody was to talk about what happened.

Const Fourie said back in Port Elizabeth he had told Const Goosen that he was mad doing what he had, and that he could not get away with it. Const Goosen just laughed.

After members of the unit had got together and decided on a story, Const Goosen warned them that if anyone turned against him, he would "take them out" or "take them with him".

Birthday for Siamese twins

JOHANNESBURG — There is much excitement at Baragwanath Hospital today as Siamese twins, Mpho and Mphonyana Mathibela, celebrate their first birthday.

Bara staff and friends of the twins, will join in celebrating their birthday at a party in the Harriet Shezi hall at the hospital this afternoon.

A special birthday cake has been baked for the occasion and the party has been sponsored by a major chain store, a spokeswoman for Baragwanath Hospital said today.

Unfortunately the little girls will not be able to attend their own birthday party, but they will be honoured by everyone present, including their mother, Miss Sophie Mathibela — Saba



They Just Kept On Coming

They just kept falling. This was the scene in Dinsmore Road, Schauderville, Port Elizabeth, when a truck filled with soft drink bottles went off balance. The bottles crashed on to the surface of the road, holding up traffic and attracting a large crowd of curious onlookers.

(25) 577 10/12/87

Youth 'shot by police' dies: mother to sue

By McKeed Kotlolo, Pretoria Bureau

An 18-year-old Atteridgeville schoolboy, Mr Godfrey Siphon Mafuya, who was paralysed after allegedly being shot eight times by police two years ago, has died at the Kalafong Hospital with four bullets still lodged in his head and chest

Mr Mafuya, of Komane Street, was allegedly shot by the police near his home on December 7 1985

Mr Godfrey Mafuya died with two bullets still lodged in his head and two other bullets between the ribs, said his mother, Mrs Joyce Mafuya.

She said "the results of the autopsy revealed that

he died of a heart failure"

Mrs Mafuya is claiming R250 000 damages from the Minister of Law and Order

She said her son, who was in Std 5 at Walton Jameson Higher Primary School at the time of incident, was paralysed from the waist down and had spent most of the past two years in hospital

"He was never well since the shooting and was only discharged twice for a short period during the Christmas and Easter holidays so that he could be with his family and friends," Mrs Mafuya said

She said "On my last visit to the Kalafong Hospital on Saturday, my son's head and body were badly swollen"

In her affidavits, Mrs Mafuya submitted that her son was intentionally, unlawfully and with bad faith shot by a member of the police

She also said her son had suffered permanent loss of earning capacity and amenities of life and as a result of the injuries, she had suffered damages in her personal capacity for past and future medical expenses

Mr Mafuya will be buried at the local cemetery on Saturday. A service will be held at his home before mourners proceed to the old cemetery at 12 15 pm

Land Bank lowers rates

The Land Bank is to reduce its lending rate to farmers for existing and new long-term loans by 0,5 percent to 12 percent from January 15, it was announced yesterday

Also, with effect from January 1, the lending rate for agricultural co-operatives for existing and new long-term loans will be reduced by 0,5 percent to 13 percent, and those for existing and new cash-credit loans by 0,5 percent to 11 percent

The South African Agricultural Union welcomed the moves

Mr Kobus Kleynhans, the union's deputy director of general services, said the lowering of interest rates would mean a saving for agriculture of about R35 800 000 a year

He called on clearing banks to adapt their interest rates for agricultural financing to provide further relief — Sapa

Court orders Minister to pay shot pupil R300 000

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9/12/87

A second application by the Minister of Law and Order, Mr Adriaan Vlok, for leave to appeal against a Supreme Court order that he pay R300 000 damages to a Potchefstroom pupil who is a paraplegic after being shot by police, has been dismissed by the Appellate Division in Bloemfontein.

Mr Justice Stafford ruled in Pretoria on September 3, this year, that Warrant Officer Johan Lourens had wrongfully shot at Andries Moatshe (18), in Ikageng township, in Potchefstroom, on August 12, 1985.

Mr Aaron Philemon Moatshe, the victim's father, initially claimed R984 976 damages from the Minister of Law and Order and R20 000 in his personal capacity.

Andries was a Std 8 pupil at the Tlokwe Secondary School when he was shot. He is now paralysed from the waist down.

Mr Justice Stafford ordered the Minister to pay the young man's father R300 00 plus legal costs after Mr Dikgang Moseneke, who appeared for Mr Moatshe, and the respondent's lawyer Mr A Burger, had reached an out-of-court settlement.

Leave to appeal by the respondent's lawyers was refused by Mr Justice Stafford. They then petitioned the Chief Justice in Bloemfontein. Their application for leave to appeal was dismissed with costs last week.

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Death threats: Police told to leave youth alone

AN 18-year-old Pietermaritzburg scholar was granted an urgent interdict against the police yesterday afternoon, after he claimed they had told him to meet them last night or he would be killed.

By **CARMEL RICKARD,**
Durban

The court also heard startling allegations of police torture.

Hamilton Dladla brought the application in the Pietermaritzburg Supreme Court against the minister of law and order and a Detective Sergeant Chandler, asking that Chandler be ordered not to kill or threaten him.

The police are also forbidden to communicate with Dladla in any way un-

less the youth's lawyers are present. In court papers, Dladla said that on October 22 he was picked up in the street by Chandler and two other SAP members, including one called "Gideon" who questioned him about the death of an Inkatha member, Mike Shlembe, killed earlier that week.

He denied any knowledge of the incident but was taken to a police station and assaulted with a rubber tube over his face and electric shock to his genitals.

One of the policemen said Dladla had murdered the brother-in-law of "Gideon".

A few days later Dladla was charged with Shlembe's murder. He was released into the custody of his family and warned to appear again on December 7.

Dladla claims that on Tuesday this week "Gideon", Chandler and another policeman came to his home and he was taken off by them in a vehicle, this time to a lonely spot where he was blindfolded and again tortured. "I therefore admitted that I had participated in the killing in question

This is untrue."

He was later taken home but was warned to meet the police at 9pm last night to point out accomplices or he would be killed.

The next day he consulted a lawyer and was taken to a district surgeon and examined.

The doctor — whose report was submitted to court — noted abrasions on his arms and legs and between his legs.

The police did not oppose the granting of the temporary interdict by Justice Nicholas Bristowe. The matter will come to court on December 21.

Casspir flattens shack in shootout with ANC

BY MBULELO LINDA and
RICHARD BARTLETT,
Port Elizabeth

THERE were screams of agony as a police Casspir rode over a shack in which four people, two of them suspected African National Congress guerrillas, were hiding.

The two ANC guerrillas, one believed to be highly trained and the other a woman, were killed by the police in a pre-dawn raid on the shack in Port Elizabeth's Soweto township in Mlungu Sokupha, who skipped the country early this year, a 29-year-old only known as Mpumi, and Thozama

Fibi died when a police Casspir drove over the shack
Whirwa Oipphant, owner of the dwelling, was injured in the incident and taken into custody.
Police said they approached the dwelling and drew immediate fire. Heavy fire was exchanged and police warned the occupants of the shack to

come out, which they refused to do. The police then drove over the shack. According to witnesses, who do not wish to be named, many police cars and a Casspir were present and it appeared to be a planned operation to apprehend known guerrillas. Shots were exchanged and police then rode over the shack. Witnesses said they heard screams coming from the people in the shack. All three bodies had bullet wounds in the Whirwa was badly wounded in the

stomach and leg and is in Livingstone Hospital in a critical condition. South African Police press liaison officer, Captain Peet Grobler, said police removed a number of weapons and a quantity of ammunition from the shack. No members of the security force were injured, he said. All that remains of the shack is a pile of bent corrugated iron and a few pieces of broken furniture. A mattress was smouldering on the street

—Pen

SAP mum on SADF 'spy' arrests

ISI Crime Reporter

21/12/87
Police are remaining tight-lipped over a spy probe into alleged contraventions of the Defence Act by three national servicemen — apparently including an intelligence officer — who were arrested in Cape Town last week.

The South African Defence Force was assisting the police in the investigation, Pretoria police spokesman Lieutenant-Colonel Eddie Everson said yesterday

The three servicemen, all university graduates, were arrested last Monday night, only hours before their discharge at the end of their two-year training.

One of the detained soldiers is the son of a Stellenbosch academic.

It is understood the arrests are related to the passing on of classified information

Their names have not been released but it is believed all three worked at Western Province Command headquarters in the Castle.

Police would not comment on reports that at least one of the three had links with the End Conscription Campaign (ECC).

Sources said the academic's son was recently questioned by his commanding officer about attending an ECC meeting late last year.

It is not yet known when the three are expected to appear in court. They are being detained at Cape Town's army detention barracks.

Inquest: Shots hit people inside house

Accus 9/12/85 751

Court Reporter

SHOTS fired during the "Trojan horse" incident in Athlone wounded a woman and two small children inside a house, an inquest court at Wynberg was told.

This was evidence in the inquest into the deaths of Shaun Magmoed, 16, Michael Miranda, 11, and Mr Jonathan Claassen, 21.

Mrs Zanab Ryklief told the court that family and friends were visiting her home in Thornton Road on the afternoon of the incident on October 15 1985.

They were watching a video and she did not hear any screaming or noise from the crowd outside in the street.

Later, the children's friend, Ismail Abrahams, wanted to go home so she unlocked the front door. Several of the children went outside to see him off.

She closed the door and had just begun folding the washing when they knocked again to come in.

Mrs Ryklief said she opened the door and heard shooting as they ran inside.

She said Shaun Magmoed was holding his head. He fell to his knees and crawled into the bedroom where he collapsed on the bed.

Mrs Ryklief told the court that she and two small children were wounded when she opened the door.

She said shotgun pellets broke her kitchen window and sprayed the opposite wall. Glasses and tea cups were smashed.

Mrs Ryklief said she did not see where the shots came from, but her nephew, Ghalieb Ryklief, was also wounded while running back into the house.

She said she locked the door and refused to open it when two policemen shouted to open up. They kicked the door open.

A policeman wanted to take Ghalieb's small brother away and Ghalieb told them to take him instead.

Earlier, riot squad policeman Sergeant F A van Niekerk said that he was with one or two other policemen in a crate on the back of a lorry patrolling the area.

Mr J J Gauntlett, appearing for the Magmoed and Miranda families, put it to him that there were houses and shops in the street and there were probably many people walking around.

Sergeant van Niekerk: Yes.

Mr Gauntlett: Why did you start shooting?

Sergeant van Niekerk: Because our lives were in danger.

Sergeant van Niekerk said he could not remember if police identified themselves first before opening fire or if passers-by were given a chance to get out of the way.

He agreed that about three-quarters of the people in the crowd of about 200 did not have stones in their hands.

The hearing continues today.

'Man panelbeaten, killed'

South 10-16/12/87

(251)

From
JEREMY BERNSTEIN
GRAHAMSTOWN — A witness in the murder trial of two policemen agreed this week that the actions of one of the accused amounted to murder. And, for the second time in the marathon six-week trial, a police witness has admitted that the two accused decided to "take out" (execute) a suspect

who had been injured and was bleeding badly after being interrogated. Constable Raynard Fourie was testifying in the Grahamstown Supreme Court at the trial of Constable David Patrick Goosen, 26, and Warrant Officer Leon de Villiers. The two have been charged with two counts of murder, two of assault,

and one of attempting to defeat the ends of justice. The charges arise out of incidents alleged to have taken place at a funeral in Cradock in July last year. The two accused were members of a 10-man unrest unit, which included a former member of Koevoet, sent to Cradock from Port Elizabeth to monitor a "terrorist funeral"

Blood

On the day of the funeral, the unit patrolled the township and arrested five men for questioning. Four of the men were released after being interrogated and assaulted. The other man, Wheanut Mlungisi Stuurman, 18, was taken to "a quiet place for questioning", near the Fish River, and was shot dead. Fourie, who said he saw blood on Stuurman's face, said at De Villiers request he took the accused and Stuurman to the river to "wash the blood off his face".

On the way to the river, he heard De Villiers say Stuurman was "gepanelbeat" (literally panelbeaten), and that he should be "taken out". Goosen agreed.

This is the second time in the trial that the court has heard from a witness

that members of the unit had decided to "take out" Stuurman. Earlier in the trial, another member of the unit and former Koevoet member Sergeant Heinrich Blumenthal also testified to that effect. That De Villiers said "Dis maar bad dat 'n mens so jonk moet dood gaan" (it's bad that a person should die so young).

Fourie said he had heard another member of the unit, Constable D Hanekom, ask Constable M Neweling what "take out" meant. Neweling said it meant "kill".

On the way to the river, Fourie heard Goosen tell Stuurman to walk, keeping his eyes in front of him, and to "follow the baas".

Body

Fourie then turned off the path to relieve himself, when he heard Goosen shout "go, go". He looked up to see Goosen with his pistol in front of him. A shot went off and Stuurman fell to the ground.

Goosen then shouted at him and Constable Booyens to help Goosen roll Stuurman onto his back and grabbed his shoulders. Fourie took his feet, and between them they carried Stuurman to

the river, about two metres away.

They swung him twice, and Goosen released the body first, causing the body to turn in the air, and land face down in the sandbank. Stuurman's body was left lying at the river.

Thumbs up

On the way back to the van, while Goosen jogged ahead, Fourie said he turned to Booyens and said "that was murder". Booyens agreed. Goosen had already told them that they had acted as accomplices, and "there was nothing they could do".

On the journey back to Cradock, De Villiers asked Goosen: "Coolie, how do you feel now?" Goosen gave a "thumbs up" sign and winked.

De Villiers later warned the squad that nobody was to talk about what happened, not even to their families. The men returned to the township, washed the blood out of the van, and continued patrolling.

During the patrol they were stoned, and a number of the men fired shotguns at youths — one of whom was hit in the face and shoulders. Later, De Villiers had also fired an R1 at a group of "inquisitive people".

Small illegible text at the bottom of the page, possibly a page number or reference code.

Police colonel punished for 'farm caper'

By DE WET POTGIETER

A SENIOR police officer with the élite Counter-Insurgency Unit (Coin) in Pretoria has been departmentally punished for the kit-for-pals caper exposed by the Sunday Times this year

The investigation revealed how a colonel from Com, stationed at the SAP Training College in Pretoria West, supplied a friend's northern Transvaal game farm with police stock and equipped a weekend camping party at the coast for friends and girlfriends

This week the police Directorate of Public Relations confirmed that a departmental inquiry against the colonel had been held

The police report has been forwarded to the Minister of Law and Order, Mr Adriaan Vlok

The man at the centre of the affair is Pretoria printer Vink Kloppers, a former associate of J van Zyl Alberts, one of the principals in the Info scandal

Some of the irregularities revealed by a former associate of Mr Kloppers in an affidavit to the Sunday Times were

- The colonel supplied Mr Kloppers with camping, cooking and hunting equipment for his game farm, Ou.Hoek, on the Botswana border
- Senior military and police officers and junior Cabinet Ministers used the farm, apparently unaware that the equipment was irregularly acquired government stock
- The colonel provided tents, generators, blankets and food for a weekend jaunt at Cape Vidal on the Natal coast during which Mr Kloppers and his friends entertained four pretty girls

ARGUS 4/12/87 (251) ~~251~~ ~~251~~

Police could have stopped KTC violence, says MP

Staff Reporter

MR JAN VAN ECK, independent MP for Claremont, has told the Supreme Court it was his "honest opinion" that if the police had wanted to stop violence in KTC in June last year they could have done so.

"If the necessary action had been taken, the attack by the 'witdoeke' on KTC could have been prevented," he said yesterday.

He was giving evidence in the R312 000 damages claim against the Minister of Law and Order by 21 KTC families and the Methodist Church.

Mr van Eck, who was chairman of the Progressive Federal Party's unrest monitoring committee at the time, said he had extensive experience of "unrest situations" in the townships and had built up a considerable network of contacts.

He told the court he received a report after midnight on June 2 last year that the witdoeke of Crossroads were expected to attack KTC, Zolani Centre and New Crossroads that night.

Mr van Eck telephoned several people, including Sergeant Lubbe of the Athlone police station, who had told him that unrest units were investigating and that groups of witdoeke had been seen in Lansdowne Road but had left.

He received a call at 1.30am from a township community worker, a woman he had known for some years and trusted as a reliable source.

She told him that "police Casspirs are offloading in Lansdowne Road at this very moment".

Mr van Eck telephoned Sergeant Lubbe who said he was aware of the situation and had heard that the Zolani Centre was under attack.

Mr van Eck told the court that in the Crossroads satellite camps of Nyanga Bush, Nyanga Extension and Portland Cement, which were destroyed by witdoeke in May last year, he saw armed witdoeke talking to members of the police while other policemen prevented residents from saving their possessions from the burning shacks.

(Proceeding)

Comrade was my spy, policeman tells court

Own Correspondent

DURBAN — The chairman of the Umlazi Youth League, Mr Lawrence Sibusiso Nhlangulela (26), charged with murdering a policeman, was a police informer the Natal Supreme Court heard today.

Mr Nhlangulela, with a 17-year-old youth and two of 16, have pleaded not guilty before Mr Justice Howard to charges of murder, attempted murder and malicious damage to property

'SET POLICEMAN ALIGHT'

It is alleged that on November 22 last year they murdered Warrant Officer Abel Mkhwanazi of the SAP vehicle theft branch by pouring petrol on him and setting him alight at Umlazi. They are alleged to have attempted to kill Miss Nelisiwe Khoza who was sitting in the car with him.

Detective Warrant Officer E P Dutton of the security branch said Mr Nhlangulela, who was known as a "comrade", had acted as his inform-

er for 2½ years.

On November 28 last year, he arranged to meet Mr Nhlangulela and then drove him to Merebank police station where he handed him over to Lieutenant J H Cloete, who was investigating the killing

PRISON INFORMER

He said he had not tried to save Mr Nhlangulela from detention in June, 1986 as he was able to act as an informer on other detainees.

Warrant Officer Dutton said he was the only person who knew Mr Nhlangulela was an informer as the accused would have been necklaced if this information had become public.

Mr Nhlangulela and other detainees had brought interdicts claiming they were assaulted in detention and had sued for damages for the alleged assaults, he said. Mr Nhlangulela had done this to protect his identity as an informer.

Warrant Officer Dutton said that before the alleged murder he had re-

ceived unconfirmed information that Mr Nhlangulela and other members of the Umlazi Youth League planned to assassinate him. He then decided to reveal that Mr Nhlangulela was an informer.

Cross-examined by Mr P N Langa for the defence, Lieutenant Cloete denied any knowledge of Mr Nhlangulela being tortured during questioning about the alleged murder.

He denied pulling at Mr Nhlangulela's toenails with pincers.

The hearing continues.

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(251) SPAL

Constable's shooting unwarranted

Policeman to get R6 000 in damages

An Alberton businessman, Mr Brian O'Friel, was ordered in the Rand Supreme Court yesterday to pay R6 000 damages to a policeman whom he shot in the buttocks while the officer was investigating an activated burglar alarm on his business premises.

Mr O'Friel, a shareholder in Alberton Hardware, was also ordered to pay the Minister of Law

and Order R1 564,13 for medical expenses incurred by him in the treatment of Constable Solomon Tshikosi's wound

Mr Justice G Leveson found that Constable Tshikosi had been acting lawfully in the course of duty when he was shot.

He accepted the policeman's evidence that at about 2 am on March 20 1983, while on foot patrol in Alberton, he heard the

sound of a burglar alarm. He traced the sound to the vicinity of Alberton Hardware in Gerrit Maritz Street.

He walked down an alleyway next to the building and climbed on to a dustbin to look in the window but saw nothing amiss

As he turned around he heard a shot and felt pain in his buttocks.

Mr O'Friel told the court he arrived at his business after being

informed that his alarm had sounded

After checking and finding the alarm in order, he heard a noise in the alley and saw a human form climbing away on a wall. He ordered the figure to stop and when it did not, he fired.

REJECTED

The court rejected his evidence that he had shouted to the person to stop and also that Constable Tshikosi had been climbing on the wall

Mr O'Friel was ordered to pay costs

appeal

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Ex-policeman sentenced to jail — to appeal

Court Reporter

A FORMER station commander of Table View police station, Albertus Johannes van der Westhuizen, 26, was sentenced to three years' imprisonment — two suspended — when he was convicted in Cape Town Regional Court of theft and defeating the ends of justice.

Bail of R1 000 was allowed to stand pending an appeal when Van der Westhuizen appeared yesterday

In evidence Constable Andries Delpport said he was with Van der Westhuizen when a man was arrested at the Golden Acre Gold jewellery, a pearl necklace and R61 in cash was confiscated. He made a list of the jewellery

On the way to Milnerton Van der Westhuizen, of 10th Avenue, Melkbosstrand, stopped the police van and released the suspect.

Constable Delpport said Van der Westhuizen then offered him R30 of the cash, but he refused it.

He reported the matter to Warrant Officer M Muller, who visited Van der Westhuizen's home and asked where the jewellery was

Van der Westhuizen handed a packet containing the confiscated jewellery to the officer. A gold brooch and the pearl necklace were missing.

Convicting Van der Westhuizen, the magistrate, Mr M J Langenhoven, said the explanations he gave were "totally unacceptable and unbelievable"

Mr F Silbert appeared for the State. Van der Westhuizen was represented by Mr N Treunicht instructed by Nico Hickman and Van Eeden

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"Women police might be able to patrol a beat in Adderley Street, Cape Town, Commissioner Street, Johannesburg, or Church Street, Pretoria. But there are parts of all three of the towns where a woman certainly could not be sent and where it is even unsafe for a white policeman to go alone."

Help needed in search for first four policewomen

By **STEPHEN WROTTSLEY**
Crime Reporter

SOUTH Africa in October 1987? No. South Africa 70 years ago at the height of the controversy over whether women should become full-time members of the police force.

Debate raged in Parliament after four women were appointed in Cape Town and lengthy articles were written in the official police publication, *The Nongqai*

The Minister of Justice said his agreement to the appointment "was an admission of weakness on his part".

Now, as part of preparations for the 75th anniversary of the founding of the force, the police are trying to establish what happened to the four women about whom there was such controversy and whether any of them are still alive

Mr Hugh Wyndham, MP for Turffontein, who had called for the appointment of women police, believed women police patrols in Cape Town had proved a success and that they should be appointed in cities around the country.

However, he eventually withdrew his call during the debate on March 15 1917

And it was not until January 1 1972 — 55 years later — that 102 women were enlisted as full members of the force.

Since then their numbers have swelled. Policewoman now serve in virtually every branch of the force. Two women are now detective branch commanders

The call in 1917 was not for policewomen to work as their male counterparts' equals.

The women were rather to act as guardians of public morals

However, Mr DM Malan, MP for Heilbron, said that all the members supporting the call wanted was "to pay women for charity work"

In reply, Mr Wyndham said that whenever anyone brought a motion in the House of Assembly having anything to do with women, one could always foresee what the result would be

He said that such an attitude was unworthy of the House and unworthy of the Minister of Justice who he believed was in favour of the scheme but whose officials had got the better of him.

Speaking in support of the call, Mr HF Blaine said the administration of justice was sometimes hindered, if not defeated, when women were ashamed to make their complaints to policemen

Replying, the Minister of Justice said the deputy commissioner of police in Cape Town was the only officer of any standing to be in support of women policemen.

One difficulty was getting "a suitable class" of woman to undertake police work

Quoting a chief detective at Port Elizabeth, he said police work did not appeal to the better-educated class and recruits would therefore have to be drawn from "the ranks of uneducated young girls, fussy old maids and broken down old crocks". (Laughter)

A further objection was that women's tongues "wagged too much". (Laughter)

● Anyone with information about the Cape Town four can contact Lieutenant Denise Benson at 46-6604.

social anthropology department indicated that 44% of the squatter community had lived in the area for 10 years or more. A total of 75% of residents came to the area to find work and "all have stated that they would like to remain permanently", the group said. The surveys showed that 43,8% of squatters worked in Noordhoek and 28% worked in Fish

ing. Significant costs, in time and money, would be incurred in traveling to and from work and for many, wages are insufficient to cover costs. Inevitably jobs will be lost.

"In view of the current housing and employment crisis facing Cape Town, the Noordhoek removal is irresponsible and destructive in the extreme," the group said.

along the west coast to Lamberts Bay and along the east coast from Cape Agulhas to Port Alfred. This affects harvesting of black and white mussels and oysters. Samples of the red tide, caused by the algal plankton *Gonyaulax catanella* and which can be highly toxic, are being analyzed by the department to see if the tide is safe or not. Mr Damie Keet, spokesman for Sea Fisheries, said yesterday that kreef and fish were not affected by red tide.

Graphic: TINA COOMBES

MP says he saw police helping witdoeke

By SHAUNA WESTCOTT
Supreme Court Reporter

MP Mr Jan van Eck told the Supreme Court yesterday he saw police giving active support to witdoeke during the razing of the Nyanga Bush, Nyanga Extension and Portland Cement squatter camps in May last year.

Mr Van Eck was giving evidence in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes in the KTC destruction.

The action is a "test case" for more than 3 000 similar suits claiming R5 million damages.

Mr Van Eck, who was chairman of the PFP unrest monitoring committee for more than two years, was asked by counsel for the minister, Mr G D Griessel SC

"Would it surprise you to be told that witdoeke were fearing an attack by the comrades on the morning of June 9, according to police information?"

Mr Van Eck said it would indeed surprise him. "All the rumours were that witdoeke were going to pursue the people they had driven out, who had found refuge in New Crossroads, Nyanga and KTC. Our information was that the refugees were a source of irritation to the people who wanted them out of the area — preferably in Khayelitsha," Mr Van Eck said.

This information had come from his own contacts with residents of the afflicted area and from journalists.

Mr Griessel then quoted from a report headlined "Crossroads all over again", written on June 10 last year by Argus crime reporter Mr Stephen Wrottesley

His report attributed the burning of KTC to "faction fighting", and said that witdoeke, "incensed by attacks they saw as emanating from the emergency centres", took retributive action against refugees and KTC residents.

"You obviously were not moving in the same circles as this journalist."

Mr Van Eck said that "obviously there was an incredible amount of hatred and bitterness after the destruction of the satellite camps."

However, "the only people who had reason, as a group, to fear attack were the refugees", he said.

The trial continues.

Mr Justice M R de Kock presided. Mr J P Viljoen SC with Mr P Pretorius and Mr A M Omar instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr Griessel appeared with Mr I Visser SC. Mr I D J Brand and Mr C Y Louw and was instructed by the State Attorney.

Shock at arrest of police chief after deaths

By CHRIS STEYN

LATE last month Captain Jack le Grange, chief of the East Rand Murder and Robbery Squad, discussed the Smit killings with me. Less than a month later he was arrested on two charges of murder and one of attempted murder.

His arrest came as a shock, not only to journalists — who had regarded him with respect — but also to his colleagues with whom he had been popular.

Captain le Grange fell into the spotlight early this year when he became the investigating officer in South Africa's most infamous unsolved murder, the Smit killings.

Dr Robert Smit and his wife, Jeanne-Cora, were murdered in their rented home in Springs on the evening of November 22, 1977. A popular theory has been that Dr Smit, the National Party candidate for Springs, was about to expose massive currency-control contraventions involving prominent politicians.

On the eve of the 10th anniversary of the murders, I telephoned Captain le Grange to discuss the progress of the investigation. He was polite and cooperative — without giving away too many details. And he discounted claims by Dr Smit's brother, Iaan, that he knew the identity of assassins hired abroad and paid by South Africans.

As soon as we heard about the information he had, we travelled to Clocolan (in the Free State) to interview him. But he does not know who the killers are," Captain le Grange said.

He told me that the Smit killings were still being investigated "on a day-to-day basis" and suggested I contact General San Schutte, chief of the SAP's detective branch, for further details.

Less than a month after our conversation, the 40-year-old policeman was arrested in Margate where he was holidaying with his family. He appeared in the Johannesburg Magistrate's Court on Friday, and is still in custody today.

On Thursday, a former colleague of Captain le Grange's, Detective-Sergeant Robert Edmund van der Merwe, from the crack Britton Murder and Robbery Squad, appeared in court on the same three charges.

Their appearances arose from two alleged assassinations in September and October this year, when two men were gunned down and killed outside their homes and a third critically wounded.

All three men were wealthy, and were referred to as "magnates" in their social circles. All three were suspected by the police of being drug smugglers.

The first victim was Mr Bernie Alex Ogle, 29, managing director of Anduro Import and Export (Pty) Ltd. His body was discovered by his wife, Vanessa, outside his luxury Enderdale home on September 28. He had been shot through the head and stomach.

The next day Mr Ernest Malokoane, 34, a wealthy building contractor, was found critically wounded in Soweto. He was admitted to Bargawanath Hospital with six bullet wounds, but survived the attack.

A week later, on October 7, the body of Mr Peter Godfrey Pillay, 38, from Eldorado Park, was discovered in a car. Mr Pillay, who owned a fleet of taxis, had been shot in the head.

Mr Pillay and Mr Ogle were brothers-in-law. They were married to two sisters but were apparently in a constant battle to outdo each other.

After the discovery of Mr Pillay's body, the Ogle family put up a R10 000 reward for information leading to the arrest of his killer.

R300 000 award to pupil paralysed by a cop's bullet

MINISTER'S

Action dismissed with costs



MINISTER Vlok

APPEAL

FAILS

251
Smeets
9/12/87

Stoffel poised to impose censors

Smeets
9/12/87

THE Minister of Home Affairs, Mr Stoffel Botha, this week went a step nearer to suspending the *New Nation* newspaper by suggesting it published subversive propaganda, the newspaper said in a statement.

The notice, suggesting that the current issue of the newspaper published what Mr Botha said was "subversive propaganda", also put Mr Botha in a position to impose censorship on the publication "for a period of his choice", the statement to Sapa said.

The notice came three days after the Publications Appeal Board

overturned a decision of the Publications Committee which had declared three editions undesirable, the statement noted.

Mr Botha also gazetted a warning to the newspaper 10 days ago.

The newspaper has 10 days to make representations on issues raised on the current edition — after which the Government may suspend the newspaper for up to three months or impose "a censor, according to the statement.

"The Minister accuses the *New Nation* of

To Page 2

A SECOND application by the Minister of Law and Order, Mr Adriaan Vlok, for leave to appeal against a Supreme Court order that he pay R300 000 damages to a Potchefstroom pupil who is a paraplegic after being shot by police, has been dismissed with costs by the Appellate Division in Bloemfontein.

Mr Justice Stafford ruled in the Pretoria Supreme Court on September 3, this year, that Warrant Officer Johan Lourens had unlawfully and wrongfully shot at Andries Moatshe (18), along a street in Ikageng township in Potchefstroom on August 12, 1985.

Mr Aaron Philemon Moatshe the victim's father initially claimed R984 976 damages from the Minister of Law and Order as guardian of his son and R20 000 in his personal capacity.

Andries was a Standard Eight pupil at the Tlokwe Secondary School at the time he was shot by the police. He is now paralysed from the waist down and confined to a wheelchair.

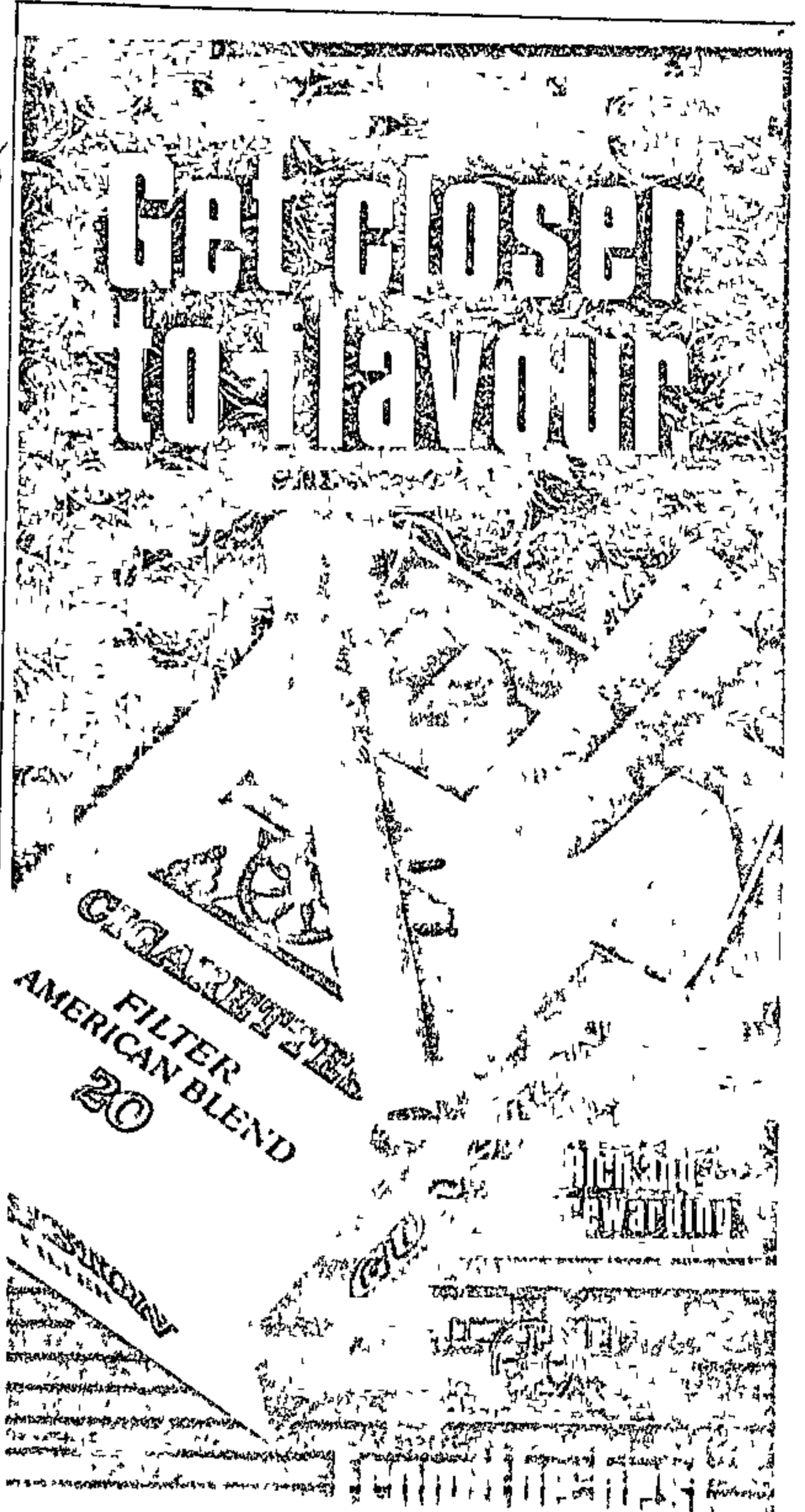
By MONK NKOMO

Mr Justice Stafford ordered the minister to pay the young man's father R300 000 plus legal costs after Mr Dikgang Moseneke, who appeared for Mr Moatshe and the respondent's lawyer, Mr A Burger had reached an out-of-court settlement.

Petition

Leave to appeal by the respondent's lawyers was refused by Mr Justice Stafford. They then petitioned the Chief Justice in Bloemfontein. Their application for leave to appeal was dismissed with costs last week.

A spokesman for Mr Moatshe's lawyers — Seriti Mavundla and Partners yesterday confirmed that the Appellate Division had dismissed the defendant's application.



SHADOW OVER



Row over Wattville police station

By MZIKAYISE EDOM

A MAJOR confrontation is looming between residents and the Wattville Village Council on the East Rand, following the building of a new police station in the township. The police station is being built in an open area which was apparently earlier earmarked for new houses and a shopping complex.

Reject confession — plea

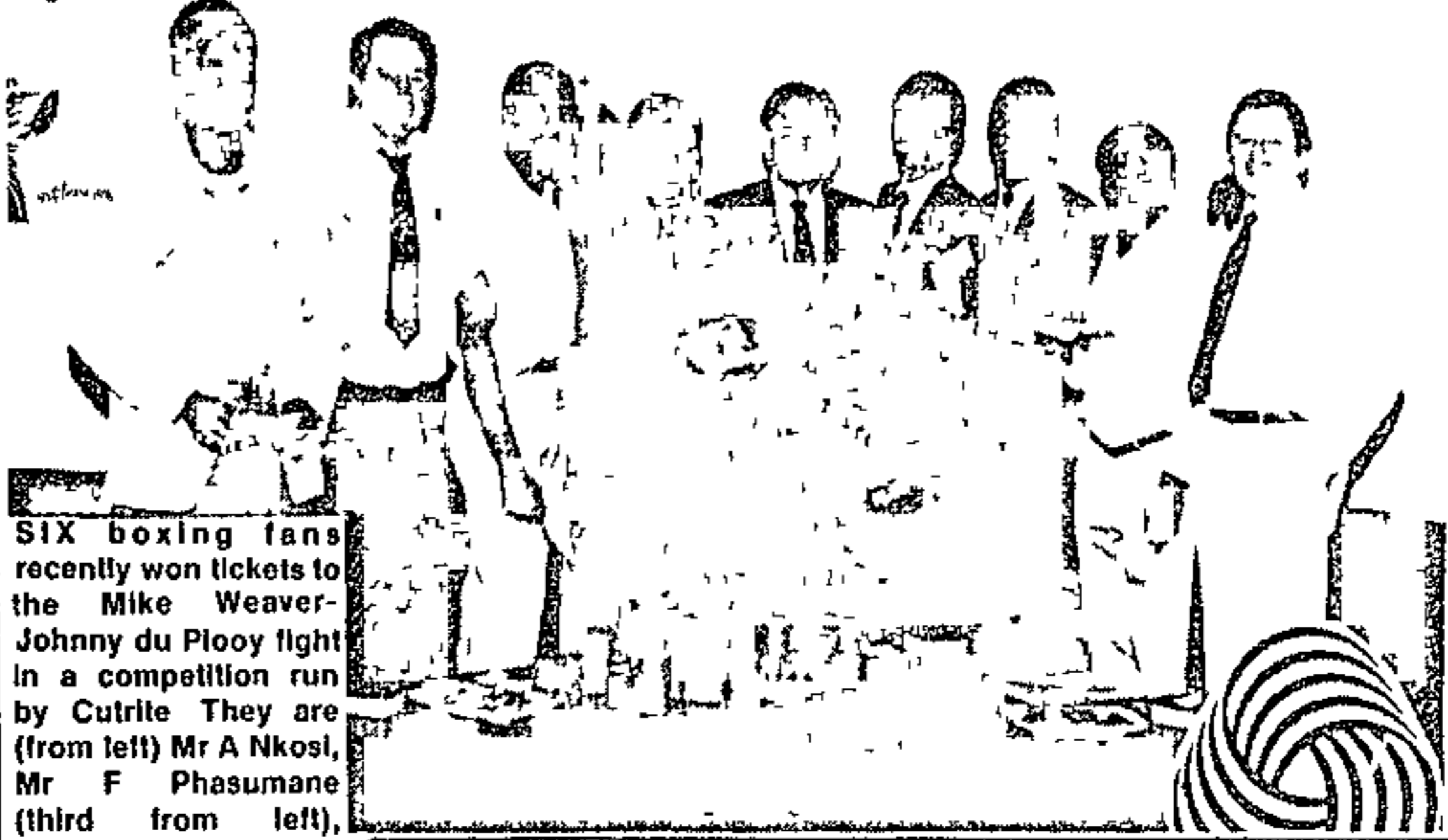
ADVOCATE Dikgang Moseneke, defence counsel in the Pan Africanist Congress trial, yesterday urged a Pretoria magistrate to reject a statement one of the accused made before a magistrate last year, writes Monk Nkomo.

Arguing in a trial-within-a-trial to determine the validity of a statement Mr Setsiba Mohohlo made before Mr Petrus Johannes Geldenhuys, Mr Moseneke said the ability to spell went hand in hand with one's efficiency to understand the language used.

"In this case the magistrate's ability to speak English is highly suspect. He gave literal Afrikaans translations and gave meanings to sentences as he saw them fit," Mr Moseneke said.

Mr Geldenhuys, he said, committed a number of spelling mistakes and could not identify the present and past tenses when he took a confession from Mr Mohohlo.

Calling on magistrate Mr J H Bekker to reject the statement, Mr Moseneke told the court that there would be greater risk in admitting it.



SIX boxing fans recently won tickets to the Mike Weaver-Johnny du Plooy fight in a competition run by Cutrite. They are (from left) Mr A Nkosi, Mr F Phasumane (third from left), Mr P Semanya, Mr R Segoe (fourth from right), Mr L Motokeng and Mr Sibinja. Congratulating the winners are company representatives (from left) Mr S Miller, Mr S Cope and Mr H Feinberg.

Four regain their jobs

FOUR Sebokeng and Vereeniging Hospitals employees who had challenged their October dismissals from work won their case in the Rand Supreme Court yesterday.

The four are Mrs Augustina Nthabiseng Tse, Mrs Maria Miku-me, Mrs Lizzie Iheletsane and Mrs Mary Mokoena. They were

dismissed on October 27 this year.

The case was heard by Mr Justice R Goldstone who said the dismissals of the four by the Senior Administrator of Vereeniging Hospitals, acting on behalf of the Administrator of the Transvaal, was wrongful and unlawful and had no effect.

The judge ordered that the four be reinstated and that the Administrator of the Transvaal pay costs of the suit, including costs suffered by the applicants.

Construction started three months ago and according to council officials the police station will start operating next month.

Residents this week said they were shocked that the council could decide to build a police station when more than 500 families were homeless in the township.

In the past the council said there was no land in the area to build more houses, but I am shocked to see the council building of all things a police station. Mrs Thoko Hlathwayo, the publicity secretary of the Wattville Committee of 20 said.

Clinic

Mrs Hlathwayo said the council could have used the land to build a clinic for Wattville residents.

"We have a police station at the nearby Actonville township. Patients have to travel to Actonville Clinic or the Boksburg Benoni Hospital for treatment. The councillors have got their priorities wrong," she added.

This is a cock and bull story. This is all sh... Mr Ezekiel Mshini, deputy mayor of Wattville said yesterday.

He said: "At no stage did the council take a decision that houses were going to be built where the new police station is situated. The building of the shopping complex is still in the balance."

But a source close to the council who asked not to be named said the area was earlier earmarked for the building of new houses and a shopping complex.

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BRAND NEW

God kills his God wife then he kills himself

251
 Sunday
 13/12/87

A MUNICIPAL policeman shot dead his police constable wife in Mamelodi, Pretoria, at the weekend before turning the gun on himself.

By MONK
 NKOMO

A spokesman for the Mamelodi Town Council yesterday confirmed the incident and said Mr Moses Kgadile (34) shot his wife, Mrs Jane Kgadile (27) at the local Moretele Park at about 7pm on Sunday.

The spokesman said Mrs Kgadile had attended a braai organised by a women's society on Sunday afternoon. Her husband arrived at the party about 7pm. An argument ensued between Mr Kgadile and his wife.

Firearm

He then produced a firearm and shot his wife four times. She died on the spot. He then went to their house in Section M, locked himself inside a room and shot himself twice.

The council's spokesman said both Mr Kgadile and his wife were constables in the local municipal police force. Lt Henne Crowther, liaison officer of the South African Police in the Northern Transvaal, yesterday confirmed the incident.



HAPPINESS is achieving a lifetime goal as illustrated by University of the Witwatersrand graduates Mrs Cotho Makhoba (left) Bachelor of Education (Hons) and Mrs Duduzile Moerane, also B Ed — but with a distinction. The ceremony was held yesterday and both are from Soweto.

Pic MBUZENI ZULU

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COP V COP

251

SHOOTOUT

Sanctum
11/12/87

Riot squad fires on 'mutineers'

IN A dramatic shootout in Sebokeng yesterday, about 60 Lekoa Town Council policemen, alias "Greenbeans," were involved in a gun battle with the West Rand SAP riot squad

By JOSHUA RABOROKO

Two municipal policemen were slightly wounded by buckshot and five others suffered injuries. About 19 were arrested. One of the injured men was admitted to hospital for medical treatment.

A member of the riot squad was stabbed in the left hand. The police took possession of various firearms and empty cartridges.

The pitched battle during which tear smoke, buckshot, firearms and knives were used took place in the open field between the Sebokeng Hospital and municipal offices.

The SAP Public Relations in Pretoria yesterday said that the council policemen mutinied after receiving an order from their commanding officer to hold a vehicle inspection.

The statement said about 60 municipal policemen arrived at their base in their

vehicles and tried to run their commanding officer down.

Members of the West Rand unrest unit arrived on the scene and the municipal police raced away from the scene. The unit managed to stop the group and confronted them.

Complaints

According to the statement, the municipal police opened fire at the members of the riot squad who in turn fired back with tear smoke and buckshot.

The SAP is investigating complaints of attempted murder, malicious damage to property and mutiny.

Late yesterday the atmosphere at the Sebokeng Hostel where police were due to hold an urgent meeting with mayor Mr. Lesau Mahlati was tense but calm.

To Page 2



MRS Constance Nkosi was selected the winner of the 1987 Black Management Forum Excellence in Achievement Award at a gala breakfast held at the Johannesburg Sun yesterday. Her prize is an overseas trip for one month to study at Wharton College, University of Philadelphia, USA, together with the Excellence in Achievement Award floating trophy.

SEASONS SPECIALS

Simply fasten the belt round your waist. A length of elasticated rope joins soccer ball to belt to ensure the ball always returns to you when kicked, headed, etc.



Public take cover

From Page 1

Mr. Mahlati was not available for comment.

Some municipal policemen last night said that they had been

preparing themselves for a meeting at the Mphahlatse Hall in Sebokeng, where they were to discuss their grievances when they were stopped by riot squad policemen.

"We were forced out of our vans. We abandoned the vans and walked to the hall when tear smoke and buckshot were fired at us. We ran in all directions," a municipal policeman said.

"Many of us were arrested and some, including our mayor, were wounded."

Their grievances included low wages, working overtime without pay, and racial discrimination when senior appointments and merits were awarded.

They complained that a white official was appointed to the rank of major when he had been away from the force for a long time. They want blacks to run their own affairs and promotion to depend on merit.

Eye-witnesses said that it was pandemonium as the police exchanged fire. Many people casually going to the hospital or municipal offices were forced to run for cover.

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