

PUBLIC SECTOR-GOVT-PRISONS
1983

- SEPT. — DEC.

Warders 'ignored complaints',

253

Tricks 1/9/83

CAPC

Own Correspondent
WITBANK — A prison dog handler, appearing as a State witness in the Barber-ton "prison farm heat exhaustion" trial, yesterday told the judge he was unable to follow up pleas from a very sick inmate — who was being beaten up and subsequently died — because "a white warden had already ignored the prisoner's complaints".

has been with the Prisons Services Department for 14 years and still has no rank. Mr Zulu said. "I could see the prisoner, Ernest Makhatini, couldn't take it any more, but what could I do? I am a black man and the white warden had already made a decision". Eight Barberton Prison Farm officials are facing three charges of murder. They are also charged with having beaten 37 inmates of the prison with rubber truncheons while they were pushing wheelbarrows loaded with gravel in a temperature of 35 deg C on December 29 last year.

They are Warrant Officer Gert Smit and warders Christiaan Horn, Jacques Stoltz, Burger van Dyk, William Kobyan, Jonas Madonsela, Lefasa Makhola and Fanyana Mahumane. The three convicts who died were Ernest Makhatini, Mayo Khumalo and Mhlakaza Xaba. Mr Zulu told Mr Justice Vermooten that on the morning of December 29 he was instructed to go with his dog to the Pretorius dam on the farm where inmates were instructed by Smit to load wheelbarrows and "to move fast". There were seven ward-

ers armed with batons, two dog handlers and four other warders armed with guns who were placed around the site as guards. "Smit told Horn that if the inmates didn't work fast enough, they should be helped," Mr Zulu said. He understood by that that they should be beaten with batons. "Many were beaten," he said, "among them Makhatini — one of those who died — and a coloured man called Barry Bloem". He said Horn beat Makhatini very hard "I then saw Makhatini talking to Horn I was called over to

interpret. "Makhatini told me that he couldn't take it any more because he was suffering from asthma. Makhatini added that he had not worked before in Durban Point Prison but had been at the hospital. "Horn replied that he could not do anything about that and that he had to continue with his work," Mr Zulu said.

Mr Zulu also told how he was called by Smit, who was pushing Bloem towards the dam water. Bloem walked like a drunk person. He then saw Bloem in the water lying on his back. "I cannot say how he got in there. Bloem refused to come out, and then Smit pulled him out. Bloem's clothes were full of water and mud and it splattered on to Smit's uniform. Smit then hit Bloem with his baton on the back about

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NEW BILL: NO TIME FOR MAMA

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Tricks 1/9/83

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STUBS

More complaints, court told

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One of the prisoners was
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who could only crawl "like
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nine to 11 other prisoners
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them unconscious

He said one young pris-
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staggered around like a
drunk person Van Dyk,
who had arrived at the
scene, then grabbed the
baton from Smit and ran
after the prisoner and hit

him on the back and in the
stomach

Mr Zulu said Warrant Of-
ficer Neweling, chief of the
dog squad, arrived with a
van and told him to stand
under a tree with his dog,
"because the dog can't stay
in the sun too long — it
might get sick and die"

Mr Justice Vermooten
then commented: "If a dog
can't stand it, how are hu-
man beings supposed to
stand it?"

Earlier one of the com-
plainants, Cecil Moreland,
told the court under cross-
examination that he was
scared to go to Barberton
because it was known as a

D-group prison

"D-group prisoners are
classified as very bad and
with difficult characters"

Moreland said that he
had not particularly wor-
ried about the assaults at
the time, because he had
been told by other inmates
that anyone arriving at Bar-
berton was usually "dusted
off" by warders there.

"It was only when I
heard that charges of mur-
der were being investigated
that I took it all a bit more
seriously. The outcome of
this case is not going to be
as easy as it may look," he
told the judge

The case continues today.



Detentions at Ciskei request

Political Staff
HOUSE OF ASSEMBLY
 — The SAP detained four unionists at the request of Ciskei police, Mr Louis le Grange, Minister of Law and Order, said yesterday to questions by Dr Alex Boraine (PFP, Pinelands)

The unionists were arrested in East London on August 19 and handed over because they were Ciskei citizens wanted for offences allegedly committed in Ciskei

The detained unionists are Mr B Norushe, Mr D Thandani (African Food and Canning Workers Union), Mr Y Mdyogolo and Mr B Melitafa (SA Allied Workers Union)

servants

The government went before October 1983 for civil service Affairs Mr F W

Jan van Zyl (CP) had announced salary increases giving the highest government had not — Sapa

Govt speaks on PRISON deaths

Call Times 1/9/83 (253)

Political Staff
HOUSE OF ASSEMBLY
 — Details of serious violence and overcrowding at Barberton Prison, where three inmates died in a fight last month, were given yesterday by the Minister of Justice Mr Kobie Coetsee

In reply to a question by Mrs Helen Suzman (PFP Houghton), Mr Coetsee confirmed that three prisoners died after a fight in a communal cell in the maximum-security section on August 22

He said the fight occurred in an area "completely unconnected" to the area where "incidents took place which are at present the subject matter of a Supreme Court trial at Witbank"

Eight warders from the prison are facing charges of murder and assault following the deaths of three prisoners at the Barberton Prison farm in December

'Worst elements'

The fight on August 22 was still being investigated and the outcome would be submitted to the Attorney-General

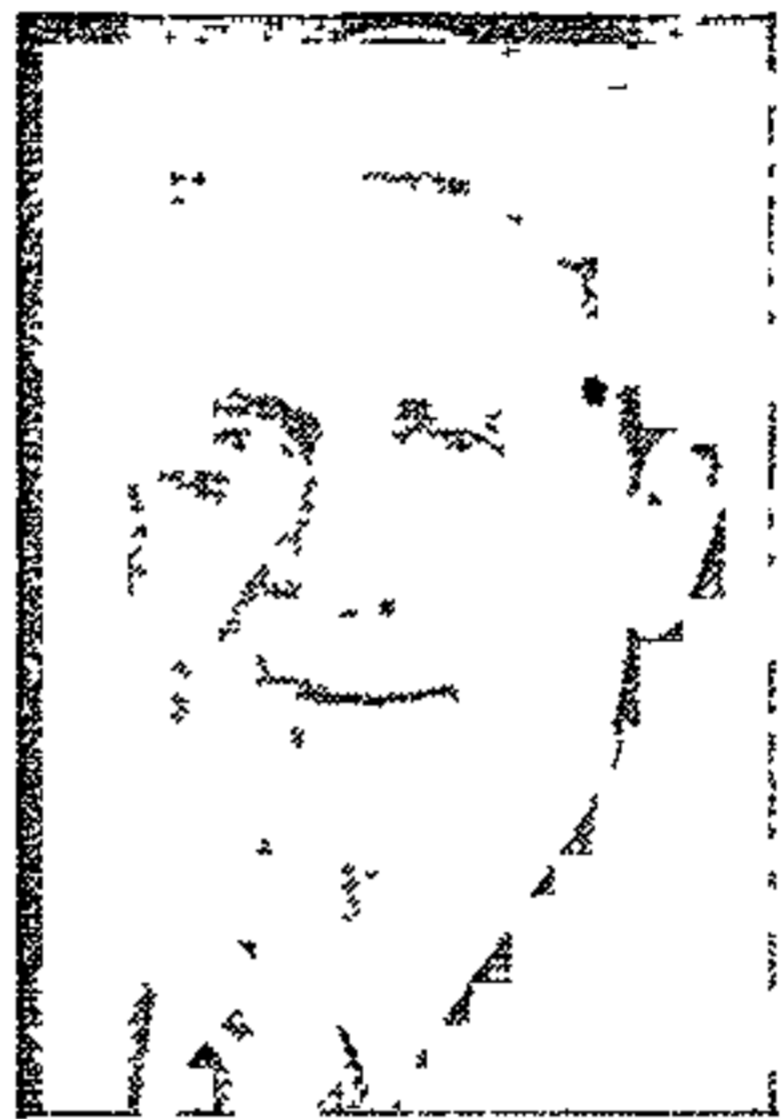
He said the "average over-population" of the six prisons in and around Barberton was "in the region of 36 per cent"

In a statement tabled in Parliament, Mr Coetsee said prisoners at Barberton Prison represented "the most dangerous and worst possible elements" of South Africa's prison population

"The prisoners are

hardened criminals serving long sentences of imprisonment mainly for crimes in which some or other form of serious violence was an element and who continue this violent behaviour in prison," he said

Mr Coetsee added that 47 prisoners were serving determinate sentences of more than 20 years and 91 were serving indeterminate sentences



Mr Kobie Coetsee

These prisoners apparently had "little to lose" and were continually clashing with or undermining the authorities which made it extremely difficult to control them

"When conflict arises among them or with the personnel they do not hesitate to resort to serious violence," Mr Coetsee said

Special security and other measures were taken in the case of these prisoners

Many problems also arose from gang activities and although everything possible was being done to identify the leaders and to "neutralize" their activities, it

was impossible to completely prevent the formation of gangs

The ideal control of the prisoners would be to detain each one in a single cell and let them work on their own but the costs were too high

The personnel position at the Barberton Prison was kept on a 'sound basis' All 83 posts were filled if possible by experienced personnel

Hammer attack

In spite of this several incidents occurred at the prison during the year On three occasions staff members were injured while trying to restore order and on one occasion the head of the prison was assaulted with a hammer and needed hospitalization "for a considerable period of time", Mr Coetsee said

On June 20 four "very dangerous" prisoners attempted to escape and could only be stopped by having shots fired at them On July 1 night-duty personnel were overpowered by 10 prisoners during an escape

"From the above it is obvious that high demands regarding the maintenance of order and discipline are made on the personnel of this institution" Mr Coetsee said

Mrs Suzman said in an interview later that the overcrowding at the prison "obviously" placed every prisoner in danger Violence in prisons was on the increase and it was linked to accommodation problems

PFP: 'Partisan' PC

HOUSE OF ASSEMBLY
 — A provision in the Constitution Bill for disputes between the three houses to be referred to a so-called "non-partisan" president's council was ostensibly a move away from the Westminster style of settling conflicts, but was in fact not that, the Leader of the

Opposition, Dr Van Zyl Slabbert, said yesterday

Speaking in the bill's committee stage, he said the present President's Council functioned purely in an advisory capacity, but would be a key decision making component in the new dispensation

It was obviously not

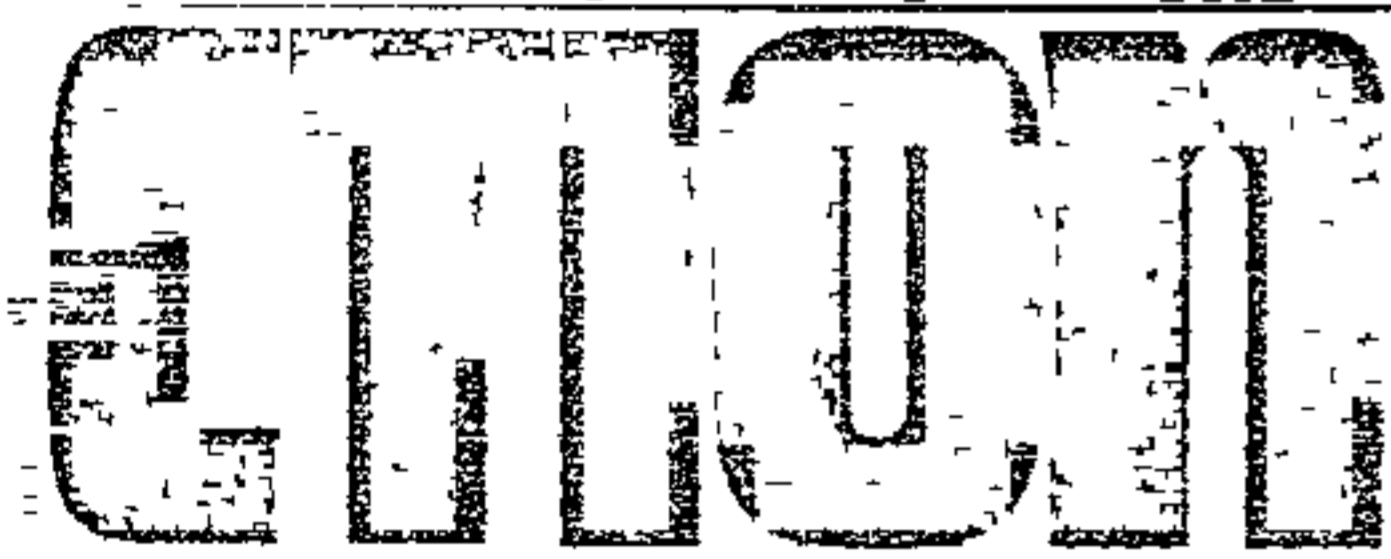
going to be a non-partisan body and it was "highly unlikely" it would make a decision on a dispute which did not reflect the opinion of the white majority party.

Mr Colin Eglin (PFP Sea Point) moved an amendment which would reduce the president's council's arbitration power in order that it might only refer back to parliament any disputed measure with or without recommended amendments

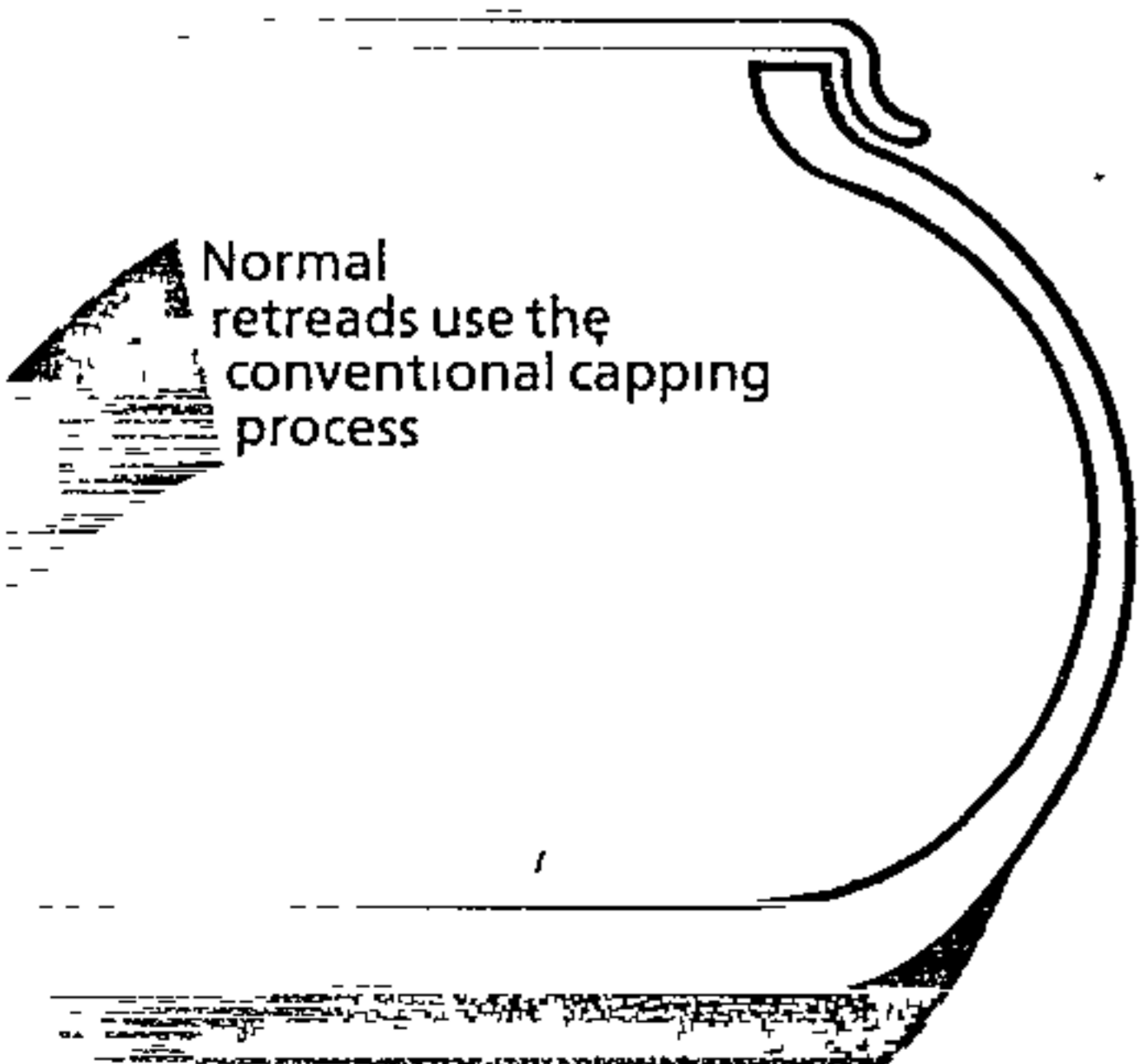
Mr Harry Schwarz

Briefs

Winnie makes history



Black Belt remoulds use the wrap around bead to bead process



Normal retreads use the conventional capping process

Dog taken into the shade, but ...

Unconscious convicts 'left in blazing heat'

By Fiona Macleod

WITBANK — Three comatose convicts were left in the 35 deg C heat — but a dog handler was instructed to take his dog out of the sun, the judge in the "heat exhaustion" trial pointed out today to a medical officer in charge of the prisoners.

The medical officer, Warrant Officer Pieter Jordaan, told Mr Justice DO Vermooten he had left the three unconscious convicts, who later died, in the sun because there was no shade nearby.

Mr Justice Vermooten referred to the testimony of dog handler Mr John Zulu, who said he had been instructed by a superior to take his Alsatian into the shade of a tree before the dog "burnt to death".

Warrant Officer Jordaan gave evidence for the State in the trial in which eight Barberton prison farm warders are charged with three counts of murder and 34 counts of assault with intent to do grievous harm.

He said that when the 37 prisoners arrived at Barberton from the Durban Point jail on December 28 last year, they were not examined by a district surgeon, contrary to normal procedure.

BATONS

They were taken out to work at a prison dam site the next day by a "punishment squad" of warders, who had been instructed by Lieutenant JH Niemand to "swing their batons".

For these reasons, and because it was unusual for convicts to work during the festive season, he decided to go to the site.

There he saw the warders "help" the prisoners by hitting them with batons as they pushed wheelbarrows loaded with gravel.

Warrant Officer Jordaan said he had the quali-

Relatives visit Barberton men

WITBANK — Relatives and friends of three convicts in the Barberton Prison Farm "heat exhaustion" trial travelled from Durban yesterday to see them for the first time in many months.

They said they had not been informed that the prisoners were moved from the Durban Point jail to Barberton on December 28.

When they read in the newspapers about the trial, which started in Nelspruit and was transferred to Witbank, they asked for and were granted permission to see the men in Nelspruit.

The tearful mother of Gen Griffins, who has yet to testify, said she was not able to go to Nelspruit. She had not seen her son for almost a year and came to Witbank on the offchance of being allowed to visit him.

Friends and relatives of witnesses Barry Bloem and Cecil Moreland said they would stay until the weekend to see them.

They were relieved to find that there appeared to be no objection to the visits. As the court adjourned for the day they were told by an official that the prison van would lead them to the men they wanted to see.

fications of a nursing sister and three years of medical experience, but he had not taken his medicine case with him because he had not known what to expect.

When various prisoners complained to him that they had headaches and could not work, he had not diagnosed heat exhaustion or heatstroke although he knew the symptoms of both.

He had wiped their faces with a wet cloth and given them water.

Former evidence from the Barberton district surgeon, Dr W Pretorius, revealed that most of the prisoners were suffering from heatstroke, the worst form of sunstroke.

One of the deceased, Ernest Makhathini, had been brought to him unconscious and he had sent for a prison van to collect him.

Makhathini died before reaching the prison hospital.

Another man who has since died, Mhlakaza

Xaba, was among the group of about eight prisoners in his care, Dr Pretorius said. "He started running off and a warder, Mr Burger van Dyk, ran after him.

"He caught Xaba and beat him until he fell. I shouted to him to stop.

"A van later arrived and Xaba was already dead when I put him in.

"As I loaded another convict, Robert Mayo Khumalo, he was unconscious and I noticed he was breathing strangely.

"Foam was coming out of his mouth and I tried to help him, but he died," he said.

The eight warders, — Mr Gert Louis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobyan (47), Mr Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fanyana Elman Mahumane (32) — have pleaded not guilty to all charges.

Prison 253

**violence
described**

Political Correspondent 11/9/77

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He pointed out that the fight occurred in an area 'completely unconnected' to the area where 'incidents took place which are at present the subject matter of a Supreme Court trial at Witbank'

Eight warders from the prison are facing charges of murder and assault following the deaths of three prisoners at the Barberton Prison Farm in December

Dangerous

The fight on August 22 was still being investigated and details would be submitted to the Attorney-General, who would decide what further action to take, Mr Coetsee said

He said the 'average overpopulation' of the six prisons in and around Barberton was 'in the region of 36 percent'

In a statement tabled in Parliament, Mr Coetsee said, prisoners at Barberton Prison represented 'the most dangerous and worst possible elements' of South Africa's prison population

'The prisoners are hardened criminals serving long sentences of imprisonment mainly for crimes in which some or other form of serious violence was an element and who continue this violent behaviour in prison,' he said

Mrs Suzman said in an interview later that the overcrowding at the prison 'obviously' placed every prisoner in danger. Violence in prisons was on the increase and it was linked to accommodation problems

Pleas of dying convict were ignored — W

By WIM VANVOLSEM

WITBANK — The judge in the Barberton Prison trial was told by a black prisoner's dog handler yesterday that he was unable to respond to pleas from a very sick inmate who was being beaten up and consequently died, because "a white warder had already ignored the prisoner's complaints".

The dog handler Mr John Zulu said "I could see the prisoner, Ernest Makhatini, couldn't take it anymore, but

what could I do, I am a black man and the white warder had already made a decision".

The warder is 19-year-old Christiaan Horn, one of the eight accused in the trial. The court also heard that Mr Zulu was instructed by his superior to keep his Alsatian dog in the shade of a tree, so that the animal would not get sick or die from the excessive heat, while injured prisoners were left lying in the blazing sun after being beaten, some of them unconscious.

Other evidence was that when inmates complained about cockroaches crawling over their food in the dining

Officer Gert Smit and warders Christiaan Horn, Jacques Stoltz, Burger van Dyk, William Kobyan, Jonas Madonela, Lefasa Makhola and Fanyana Mahumane.

Mr Zulu told Mr Justice D Vermooten that on the morning of December 29 he was instructed to go with his dog to the Pretorius Dam on the farm where convicts were instructed by W/O Smit to load wheelbarrows and "to move fast". There were seven warders armed with truncheons, two dog handlers and four other warders armed with guns who were placed around the site as guards

"Smit told Horn that if the inmates didn't work fast enough, they should be helped," Mr Zulu said. He understood that to mean the convicts should be beaten up.

When Mr Zulu asked warder Stoltz why the convicts had to work so fast, he was told they had sworn at a Lieutenant Fourie at Durban Point Prison the previous day before they were transferred to Barberton.

Mr Zulu said W/O Smit, and warders Horn and Stoltz then beat those convicts who could not continue with their work.

"Many were beaten," he

ti approached Mr Zulu and asked him to plead again on his behalf with Warder Horn, but, Mr Zulu said, he could not do anything about it, as "the white warder had already spoken".

Makhatini was then beaten again until he was unconscious.

Mr Zulu also told how he was called by W/O Smit, who was pushing Bloem towards the dam. Bloem walked like a drunk person. He then saw Bloem in the water lying on his back.

"Smit pulled him out and beat him with a truncheon until he fell to the ground".

He then accompanied this

said, "among others Makhatini, one of those who died, and a coloured man called Barry Bloem." He said Warder Horn beat Makhatini "very hard".

"I then saw Makhatini talking to Horn. I was called over to interpret. Makhatini told me that he couldn't take it any more because he was suffering from asthma. Makhatini said he had not worked before at Point Prison but had been in the hospital.

"Horn replied that he could not do anything about that and that he had to continue with his work," Mr Zulu said.

A short while later Makha-

PFP man denies charges

Council in mix-up as new clashes erupt

By JEANETTE MINNIE
Municipal Correspondent

THE Johannesburg City Council was in disarray yesterday as a fresh round of bitter clashes erupted among the city's leaders.

And in a terse comment later, the chairman of the management committee, M Francois Oberholzer, told the Rand Daily Mail: "There is a distinct possibility that the structure of the management committee may be affected."

His remark comes after his clash on Tuesday night with management committee colleague and National Party leader in the council, Mr Carel Venter.

Asked last night whether his comment meant he intended quitting as a management

Municipal Correspondent

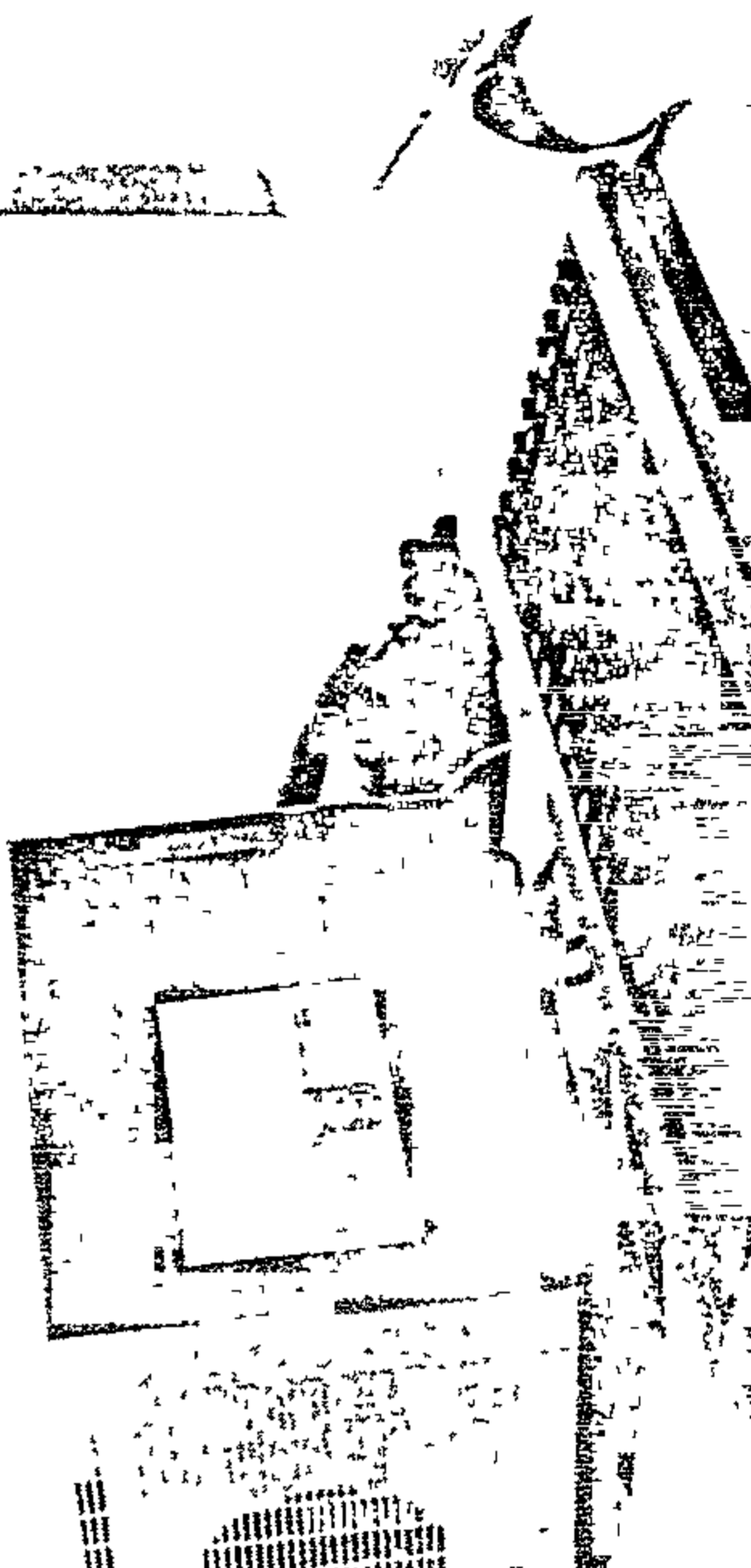
PFP Johannesburg City Councillor, Mr Les Dishy, denied yesterday an allegation that he had physically restrained Councilors Mr Koos Sadie and Mr Carel Venter from entering the council chamber during a July meeting. The allegation was made by Councillor Venter this week and supported by Councillor Francois Oberholzer after the PFP opposition had asked for an amendment to the council minutes for the July meeting.

the PFP about the TMA congress also shows that he is in conflict with both his NP coalition partner and the PFP.

That Mr Oberholzer is at present the "lone man in the middle" was highlighted this week when it was revealed that the NP and the PFP had entered into agreements with each other — without Mr Oberholzer's knowledge — about delegates to various conferences.

At one stage in the council meeting on Tuesday Mr Oberholzer left the chamber in protest after discovering that the NP had supported a PFP delegate to a conference in a vote and later Mr Venter left the chamber in protest after Mr Oberholzer had ousted a PFP member, Mr Sam Moss, from being a conference delegate.

And the effects of the clashes between Mr Oberholzer and Mr Venter were deemed so serious that a National Party caucus meeting



September 1, 1983

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Dying convict

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WO Jordaan told Van Dyk
to stop, but Warder Van Dyk
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The case continues today

in PFP man denies charges as new erupt

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reference delegate

And the effects of the clashes between Mr
Oberholzer and Mr Venter were deemed so
serious that a National Party caucus meeting
was called immediately after Tuesday's
council meeting to discuss the matter. The
meeting reportedly lasted until the early
hours of yesterday morning.

Municipal Correspondent

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The amendment, which
failed, said the quorum of
the July meeting would
have been



Cape Times 2/9/83
253

Barberton jail CO in hospital?

Own Correspondent

WITBANK — It was learnt here yesterday that the officer commanding the Barberton prison complex, Brigadier E. J. Victor, who is to be called as a State witness in the "prison heat exhaustion trial," had been admitted to hospital in Barberton.

He is reported to be suffering from a nervous collapse.

Brigadier Victor was called before the Bench when the trial was still sitting in Nelspruit two weeks ago after the complainants in the case had caused a stir by claiming that they were being intimidated at the prison and "fearing life and limb" if they were still kept there during and after the trial.

Witness Barry Bloem told the court the brigadier was the man who "is driving us all to suicide."

Two weeks ago another three inmates died at the ill-fated prison as the result of what

has officially been called a "brawl".

No further details about Brigadier Victor's condition could be obtained last night.

● Barberton trial. Yesterday's evidence, page 22

Friday, September 2 1983

By Fiona Macleod

WITBANK — Barberton prison warders threatened to kill convicts in the jail passages where no one could see them — and said they would blame other convicts if charges were laid against them, a witness in the "heat exhaustion" trial said today.

Adam Gys, one of 34 convicts to testify in the case, said he was scared to make statements or give evidence after the threats.

Mr Johan Els SC, appearing for six of the eight warders charged with murder and assault, pointed out differences between Gys's evidence and a statement he made to a Prisons Department official on the day after the prisoners were allegedly assaulted by the warders.

He testified that he had been beaten by three white and two black warders, but in the statement only mentioned one black warder.

Gys, serving a nine-year sentence for rape and robbery, said this was because he was afraid to incriminate the warders.

"The hidings came like raindrops which we could not block," he said.

The trial, before Mr Justice D O Vermooten, started in Nelspruit and was moved to Witbank after the prisoners refused to testify there.

The eight warders — Mr Gert Louis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobyan (47), Mr Jonas Zephania Madonsela (32), Mr Lefa-sa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32) — have pleaded not guilty to 34 counts of assault and three counts of murder.

Three of the convicts

'Hidings fell like raindrops'

More prison charges possible

WITBANK — Further charges against Barberton Prison Farm warders were being investigated by the Attorney General after allegations that the 47 prisoners transferred from Durban Point jail on December 28 were assaulted on their arrival, Mr Justice D Vermooten said yesterday.

During the trial concerning the alleged murder of three of the convicts and alleged assault of 34 others on December 29 last year, four prisoner witnesses have been reluctant to testify about the events of December 28.

They told Mr Justice Vermooten that they believed the events of that day were sub judice and that they would be in contempt of court to describe them.

After Mr Justice Vermooten had assured them

died on December 29 last year repeated and most have testified about the beat-

ings allegedly received by the three men who died — Mhlakaza Xaba, Robert Mayo Khumalo and Ernest Makhathum.

Gys said he saw Mr Smit beating Makhathum

he would not allow this to happen, they told the court that they were punched and kicked by warders when they arrived in Barberton.

After a 14-hour journey from Durban with no food or drink they were made to jump about three metres off the truck while still shackled in pairs.

They were given new clothing and examined by the medical officer who probed their anuses.

Cecil Moreland said he was put into a separate cell without food after a dagga pipe was found in his anus.

Andries Mtembu said the others were given food which most of them refused to eat because it was full of cockroaches.

"The warders hit and kicked me repeatedly. My lips were broken after I was punched in the mouth," he said.

with his rubber baton when he could not push until he lay still. He heard later that Makhathumi had died in the prison hospital.

"Sunny" Ndizulu Sibisa, a five-year convict, said he saw Mr Horn and Mr Stolz beating Khumalo

shirt and showed them a

mark on his side where he had been operated on. They hit him harder on that mark.

"They eventually dragged him off to where other semi-conscious and unconscious convicts were lying in the sun.

"Mr Smit also came and beat him," he said. Khumalo died as he was being loaded into a prison van which collected the prisoners who could not walk.

Gys and Sibisa said they saw Mr van Dyk — who arrived later at the scene — beating Xaba, who also died as he was loaded into the van.

Gys said Xaba started staggering away from the convicts and Mr van Dyk said "I like people running away like this. Where is the gun?"

He said Mr Smit threw his baton to Mr van Dyk, who chased after Xaba.

Warders told to 'swing batons'

273 ROM
2/9/83

Prison doctor tells of plot to beat inmates

By WIM VANVOLSEM

WITBANK — A Prisons Department medical officer described yesterday in the Witbank Circuit Court how he had heard of a plot to beat up convicts at the Barberton Prison Farm and that suggestions to this effect were made by the acting head of the prison at the time, Lieutenant J H Niemand.

The medical officer, Warrant-Officer Pieter Jordaan, told Mr Justice D Vermooten in the "prison heat exhaustion trial" that on the morning of December 29 last year he had heard at the prison that they were looking for staff members "who could swing batons" and that Lieut Niemand had instructed them to "make the convicts warm"

Lieut Niemand is scheduled to appear as a State witness in the trial in which eight warders, four whites and four blacks, are facing three charges of murder and 34 of assault in that they allegedly beat convicts with rubber truncheons while they were pushing wheelbarrows loaded with gravel on December 29 last year in a temperature of 35°C

Three convicts — Ernest Makhatini, Mayo Khumalo and Mhlakaza Xaba — died as a result

Yesterday, Mr Justice Vermooten questioned W/O Jordaan several times on whether he was trying to shield Lieut Niemand and he asked the medical officer about a possibility that Lieut Niemand could have instigated the plot to beat up prisoners at the farm dam

W/O Jordaan said he had heard that morning that prisoners who had arrived from Durban the previous day would be taken to the farm dam to work

He said this was an unusual procedure, as work gangs were normally not sent out from December 12 to January 5 as it appeared that attempted escapes occurred often during the festive period

W/O Jordaan also said that convicts first had to be examined by the district surgeon before being sent out to work to check whether they were physically fit for such labour

The convicts in question had arrived the previous day from Durban Point Prison and no such examination had taken place

The court was told earlier by a dog handler, Mr John Zulu, that it was also unusual for as many as eight warders to be sent out with a work gang. The normal number was two

Mr Zulu also said he found it strange that an administrative person, W/O Gert Smit, was put in charge of the warders

W/O Jordaan — who has a diploma in general nursing and eight years' experience — could not explain to the court why he went to the dam on that day

He denied that he had been sent there by Lieut Niemand because injuries could be expected or "that a battlefield could take place there"

Mr Justice Vermooten put it to W/O Jordaan that he was aware the convicts were not sent there "to go for a swim or hold a

church service and sing psalms"

W/O Jordaan said he did not want to report his absence from the prison hospital and explain why he wanted to go to the dam, "as my superiors would not have listened to me"

He would again not tell the court why he went to the dam and denied he was given instructions to do so

"Many things went wrong that day," he said

He also admitted that he had not been trained in heat illnesses and their symptoms or treatment

He said he could also not explain why he had not taken his medical bag to the site. He only sent for it later and also disclosed that the bag usually did not contain a surgical thermometer

"I saw before me convicts being beaten up several times with rubber batons by warders when they did not run fast enough with their wheelbarrows," he said

Several prisoners had collapsed and were lying down at a "sort of field hospital" he had put up

Asked by Mr Justice Vermooten why the injured, some unconscious, were lying in the blazing sun on a very hot day while a guard dog was kept in the shade of a tree, W/O Jordaan replied that all he had done, "was doing my best for these people"

He said he had wiped their faces with a wet cloth and had given them water to drink

He did not complain to W/O Smit to stop the beatings, as "Smit is my senior and I believed he was acting under instructions"

W/O Jordaan then said that when he realised that one of the injured convicts, Ernest Makhatini, no longer reacted to questions, he asked Smit to radio for a van to take him to hospital, where he later died

Later he also found Xaba and Khumalo in a coma when loaded into a van

"I saw Khumalo foaming at the mouth, but while I tried to help him out of the van again, he died," W/O Jordaan said

He looked in the van and saw Xaba was also dead

Adam Gys, a convict serving nine years for rape and robbery, who is a complainant in the case, told the court how he was sent to work at the prison farm dam and how he was repeatedly beaten with rubber truncheons by several warders

He said at one stage he pleaded for mercy and asked for water to drink after he had become short of breath

Gys told the court that W/O Smit had replied "This is Barberton Prisoners don't drink water. The sun drinks water"

He also claimed that Lieut Niemand had arrived at the dam with convicts Gen Griffin, Cecil Moreland and Kevin Meyers and had told Smit "These three must be hit dead"

W/O Smit had then told accused Christiaan Horn and Jacques Stoltz to "choose partners" among the convicts after which they then each selected one man and assaulted him with their truncheons

The trial continues today

2/9/83
A Dispatch

Prisoner may keep beard — court

UMTATA — An interim order restraining the Minister and the Commissioner of Transkei Prisons from forcibly shaving the beard and cutting the hair of a former Robben Island prisoner, Charlton Mabulala Ntuli, has been granted by the Transkei Supreme Court here

The order, which cites the Minister of Prisons, the Commissioner of Prisons and the head of the Umtata Prison as respondents, demands they show cause by September 22 why they should not be interdicted or stopped from threatening to shave Mr Ntuli's beard and hair, or molesting and abusing him for refusing to shave or cut his hair

Mr Ntuli, 70, who served as a political prisoner on Robben Island from 1965-69, was convicted under the Public Security Act by the Umtata regional court and was jailed for five years in August last year. His sentence was later reduced on appeal to three years

In his affidavit, Mr Ntuli said despite his medical history of reaction to hair-cutting, he has been forced by the prison authorities to do so, and was charged under the Prison Act for refusing to do so

Last year he defended himself at a prison inquiry in which he was charged with disobeying a lawful order to shave and cut his hair, and as punishment, he had to stay in solitary confinement for a day

Mr Ntuli said he last shaved at Robben Island in 1965

He said in 1965, while serving as a political prisoner he was told by a Robben Island prison warden to shave, and he refused for health reasons. He told him he had a skin problem which developed blisters and swellings of all the areas affected by a haircut or shave. After that he was forced to shave — SAPA

Prison officer chases reporter

By WIM VANVOLSEM

Pretoria Bureau

WITBANK. There were two incidents this week outside the Witbank Magistrate's Courts where the Barberton "prison heat exhaustion trial" is being held.

Yesterday, the acting head of the prison farm at the time of the alleged events, Lieutenant J H Niemand, threatened and then chased a journalist down the street in front of the courts.

The incident ended with a scuffle in the office of a clothing store at the nearby shopping plaza.

Lt Niemand was named in the case this week as a possible author of a plot to beat up convicts at the Prison Farm.

When Desmond Blow, a reporter from a Johannesburg newspaper, City Press, attempted to photograph the lieutenant outside the court building, he received threats that his "camera would be broken".

Lt Niemand then ran after Mr Blow, who took refuge in the Jet Stores where he hid in an empty office.

The shop's security men apprehended Mr Blow whose camera was confiscated. It was later returned to him.

Mr Blow had managed to remove his film before he had to leave his camera behind.

In another incident earlier in the week, relatives of the complainants in the case, allegedly shouted abuse to the eight accused when they left the courts during the adjournments.

Legal representatives of the accused confirmed that their clients had complained that some of the convicts' relatives and friends, who had travelled up from Durban, had accosted the accused in the street.

● See Page 3

Children in

Affidavits: no evidence of skin disease

~~first~~
253
D. D. is put in
8/19/83

UMTATA — There was no written medical proof a former Robben Island political prisoner, presently serving a three year jail sentence for terrorism in Transkei, had skin problems and reacted to shaving and haircutting, according to affidavits filed with the Transkei Supreme Court

The affidavits were made by a number of commissioned and non-commissioned officers of the Transkei Prison Department in a civil action brought against the Minister of Prisons, the Commissioner of Prisons and the head of the Umtata Prison by Mr Charlton Mabulala Ntuli

Mr Ntuli, 70, who served five years on Robben Island before being convicted under the Transkei Public Security Act last year, was recently granted an interim interdict restraining the three respondents either forcibly shaving him, forcibly cutting his hair, threatening to do both or molesting and abusing him for refusing to do so himself

In his affidavit, Lieutenant T N Dunjwa said there was nothing in the official files to indicate Mr Ntuli had a medical history of skin problems

Lieutenant Dunjwa said according to prisons regulations, any prisoner should be shaved or have his hair cut in the interests of personal cleanliness unless a medical doctor orders otherwise in writing

Lieutenant Dunjwa said on August 16 and 17 last year, Mr Ntuli refused to shave or cut his hair His excuse was that on one occasion in 1965 while serving on Robben Island, he was forced to shave and cut his hair He became very ill and had to undergo specialist medical attention in Cape Town Since then the authorities never dared to touch his beard or hair until he was discharged

Lieutenant Dunjwa said Mr Ntuli was then referred to Dr A T Mtinkulu, the Umtata district surgeon, who described Mr Ntuli's reaction to shaving and haircutting as "improbable"

Lieutenant Dunjwa admitted that another medical practitioner, Dr A C Solombela, said it would be extremely detrimental to Mr Ntuli's health to forcibly shave and cut his hair

Sergeant Pinkerton Nako said the evidence by Dr Solombela was unable to refute that of Dr Mtinkulu — SAPA

Man (36) dies after argument

DURBAN — A Richards Bay man died at the weekend in an argument with a woman after allegedly being hit on the head repeatedly with an ornamental bird

Police identified the dead man as Mr Hendrik Daniel van Biljon (36), of 7 Witstinkhoud Street, Arboretum

A 31-year-old woman was arrested in connection with the killing and is expected to appear in the Empangeni Magistrate's Court today — Own Correspondent

Policeman's bid at rescue in vain

CAPE TOWN — A Sea Point policeman swam into turbulent seas at Three Anchor Bay on Saturday in a vain bid to rescue an elderly woman who had jumped off the rocks

A passer-by saw Mrs A Hde Wit a resident of an old age home Sea Point Place going down the stairs leading to rocks at the beach

She leapt from the rocks into a cold, stormy sea

Mrs de Wit in her late 60s, had been ill for some time — Sapa

Deaf mute up on attempted rape

A 23-year-old deaf mute appeared briefly in the Springs Regional Court on Friday on a charge of attempting to rape a 14-month-old girl

Mr Joseph Stoltz of Geduld, Springs was also charged with assault and car theft

No evidence was led and Mr Stoltz was warned to appear in court again on November 4

Elderly man killed in crash

An elderly man was killed and five other people were injured in a collision between two vehicles on the corner of Barrage Road and Colenso Street in

(253)

Blacks 'did not help beat convicts'

By Fiona Macleod

WITBANK — Four black warders refused to beat 37 Barberton Prison Farm convicts because they did not want to kill their own people, a complainant in the "heat exhaustion" trial has told the court

"Sunny" Ndzila Sibisi, one of the 34 convicts to testify in the case, said the four warders were asked by four white warders to help them beat the prisoners as they worked on a prison dam site on December 29 last year

The eight warders Mr Gert Louis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobyané (47), Mr Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40), Mr Fanyana Elmon Mahumane (32) — have pleaded not guilty before Mr Justice D O Vermooten to 34 counts of assault with intent to do bodily harm and three counts of murder after three of the convicts died

FOUGHT BACK

Sibisi, under cross-examination by defence counsel today, said three of the white warders, Mr Smit, Mr Horn and Mr Stoltz hit and kicked him as he lay on the ground

I fought back and they called the black warders, but they refused to join in. They said that the whites were killing off their own people and that they did not come to the site to kill us

"Later the black warders told us that we must not say in court that they were involved in the beating. This is true," he said

Sibisi, serving a five-year sentence said his torso and arms were swollen after the beating and he was in hospital for several days

He said he saw the white warders beating many of the prisoners as they pushed loaded wheelbarrows up an embankment

"One of the dead men, Robert Mayo Khumalo, could not push his barrow up the hill

"Mr Horn and Mr Stoltz beat him. Mr Stoltz's baton fell out of his hand and he asked me for a cloth to wrap around the baton because his palms were red

"In the heat of the beating, Khumalo opened his shirt and showed them a mark on his side where he had been operated. They beat him harder on that mark

"They eventually dragged him to where other unconscious and semi-conscious prisoners were lying, and then Mr Smit came and beat him more," he said

He said he also saw the three beating another deceased, Ernest Makhathini who was crying and who told them he was sick

He said he saw another warder, Mr van Dyk, beating his brother-in-law to death

The case continues

15 die at weekend

A 22-year-old Soweto woman was allegedly stabbed to death by another woman on Saturday after an argument over a boyfriend

It was one of 15 murders in Soweto reported at the weekend

Brigadier J J Viktor chief of the Soweto CID, said the incident took place in a Naledi house on Saturday. No arrests have been made and the police are investigating

In another incident, a 35-year-old White City man is alleged to have been stabbed to death by his stepfather



heading, says note

Bertus Mulder, said "Shortly afterwards we got a note from one of her school friends saying she had said she was going to Durbs"

She was wearing blue jeans, a brown striped shirt and a windbreaker. She is about 1.57 m tall

Anyone with information can get in touch with Mr Mulder at telephone number 55-7323 or inform any police station

Walker aids the hungry

BLOEMFONTEIN — An exhausted but jubilant David Munslow arrived in Bloemfontein on Saturday morning after completing his 430 km walk from Johannesburg and raising more than R10 000 for "Operation Hunger"

It was after seeing children starved and dying of malnutrition that I decided I had to do something to help them, said Dave

Heat ²⁵³ deaths ^{COM} trial ^{5/9/33} resumes

By WIM VANVOLSEM

WITBANK — Cross-examination of fifth complainant Ndizuli Sibisi in the Barberton Prison Farm "heat exhaustion trial", now entering its fourth week, will continue today in a special sitting of the Supreme Court in Witbank.

Mr S W Burger, for the defence, will put questions to Mr Sibisi who last Friday made startling claims in his evidence that black warders had refused to obey orders from their white colleagues to participate in beating convicts with their truncheons, as they would not be part of "the finishing off of their own people".

Mr Sibisi described how he had seen three of the convicts at the farm being beaten to death by warders. He also said that the prison's medical officer, Warrant Officer Pieter Jordaan, had started trembling when he saw one of the deceased being beaten on operation marks on his stomach.

He had also seen how his brother-in-law had been beaten "until his screaming stopped".

Eight prison warders are facing three charges of murder and 34 of assault for allegedly beating convicts at the Barberton prison farm with their rubber batons while they were pushing wheelbarrows loaded with gravel in a temperature of 35°C on December 29 last year.

They are Warrant Officer Gert Smit and warders Christiaan Horn, Jacques Stoltz, Burger van Dyk, William Kobyan, Jonas Madonsela, Lefasa Makhola and Fanyana Mahumane.

The three convicts who died were Ernest Makhatini, Mayo Khumalo and Mhlakaza Xaba.

Mr Justice D O Vermooten is presiding.

Mr S A Engelbrecht, assisted by Mr J Jonker, is prosecuting.

Mr H de Vos, instructed by Mr S Hefferman, is defending accused Horn and Van Dyk.

Mr J Els, assisted by Mr S W Burger, is defending the other six accused.

Prisoner 'used blades after beating'

253
Mercury
6/9/83

Mercury Correspondent

WITBANK—The complainant in the Barberton Prison Farm 'exhaustion trial', now entering its fourth week, tried to cut himself with razor blades after the alleged mass beatings during which three inmates died.

Mr Kevin Meyers told Mr Justice D O Vermooten in the special Circuit Court he held yesterday that Barry Bloem, the first complainant in the trial, had to be taken to hospital because he had used razor blades on himself sometime after the alleged assaults on December 29 last year.

Mr Meyers caused an adjournment when he was sworn in yesterday when he produced a prepared statement which he took out of his prisoner's uniform pocket and started reading it out to the Judge before waiting to take the oath.

He wanted the Judge to sign a guarantee that after giving evidence he would not be returned to Barberton or Nelspruit prisons 'for my safety's sake'.

He said: 'I am happy to stay in Witbank or any other jail, as long as it is far away and out of reach of Barberton'.

Mr Justice Vermooten replied that such a guarantee had already been given when the Court was

still sitting in Nelspruit.

Meyers then, however, wanted a signature from the Judge, 'to satisfy myself'.

Murder

Mr Justice Vermooten then adjourned the proceedings and instructed the State prosecutor, Mr S A Engelbrecht, to explain to the witness the value a Judge's guarantee carried.

The hearing resumed after 10 minutes with Meyers satisfied.

Eight warders — four whites and four blacks — are facing three charges of murder and 34 for assault in that they, on December 29 last year, allegedly beat inmates repeatedly with rubber truncheons while they were pushing wheel-barrows loaded with gravel at the Barberton Prison Farm in a temperature of 35° C.

Meyers testified that he was kept in isolation after arrival from Durban's Point Prison at Barberton the previous day because a dagga pipe was found on him.

The next morning he was taken, together with Gen Griffin, and Cecil Moreland, accompanied by Lt J H Niemand, acting head of the prison farm at the time, to the Pretorius Dam on the prison farm.

'On arrival there, I saw four prisoners lying on the sand. I was given no instructions but picked up a laden wheel-barrow I saw there and joined the others in the work they were doing,' he said.

Hit

Meyers said that on his way he was struck across his back with a rubber baton by accused Warder Christiaan Horn.

'I knew of no reasons,' he said.

When returning to the loading point he saw Lt Niemand walking away from accused W/O Gert Smit, towards his van, but stopped halfway, turning around and shouting 'Smit! Smit! Those three must be hit dead'.

The hearing continues today.

Prisoner says warders beat convict to death

By Fiona Macleod

WITBANK — The acting head of the Barberton Prison farm, Lieutenant J H Niemand, did nothing to stop four warders beating a convict to death, a prisoner told the "heat exhaustion" trial today.

Gen Griffin, one of 34 convicts testifying, said Lieutenant Niemand took him and two other prisoners separately to a prison dam site where the other convicts were working on December 29 last year.

BEATING

He saw four warders beating Mhlakaza Xaba who died at the site.

Lieutenant Niemand called the chief warder, Mr Gert Louis Smit, who was taking part in the beating.

"Lieutenant Niemand must have seen the assault, but he just shouted to Mr Smit, 'These three think they are misters. They should be hit hard,'" Griffin said.

Mr Smit (38) has pleaded not guilty with seven other Barberton Prison farm warders — Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobyane (47), Mr Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32) — to 34 counts of assault with in-

Court is told lieutenant allowed killing



Mr Gert Louis Smit, one of the eight accused.

tent to do bodily harm and three counts of murder.

ISOLATED

Griffin, serving a three-year sentence for culpable homicide, said he and the two other convicts had been isolated the previous night when they arrived in Barberton from the Durban Point jail. Warders had found R15 on him.

"At the dam site, we were made to run with loaded wheelbarrows while three warders continuously assaulted us with rubber batons

"I had not worked or been in the sun since April. It was a hot day, I felt bilious and eventually dropped my barrow.

"Mr Stoltz and another warder beat me until I fell and a fellow convict carried me away in a wheelbarrow.

"I lay among other passed-out prisoners and was assaulted several times by four warders until I lost consciousness," he said.

According to earlier evidence by the Barberton District Surgeon, who examined Griffin, more than 30 marks were found on his chest, back, legs, arms and stomach.

COMFORTED

Griffin said he was in hospital for a week and when he awoke Mr Smit was standing beside his bed as a hospital official comforted him.

Mr Smit told him: "I am not finished with you, I will get you again."

Mr Johan Els SC, appearing for six of the accused, said Mr Smit

would admit hitting Griffin when he tipped over his barrow.

He would say he gave him one or two blows and Griffin lay on his back and refused to work.

A warder at the farm said he watched four fellow warders beating 37 maximum security convicts, three of whom died.

Warder Renold B Makwaza said he was sent to the dam site on December 29 last year as an armed guard to prevent escape.

He saw four white warders "helping" the convicts with rubber batons as they struggled to push loaded wheelbarrows in the 35 deg C heat.

He denied that four black warders took part in the beatings.

Warder Makwaza, who had been at the Barberton Prison for one year, said it was unusual that a work team was taken out during the festive season and that an administrative employee, Mr Smit, was put in charge.

(Proceeding)

Convict tells of threat in hospital

253
ROOM

By WIM VANVOLSEM
WITBANK — A Barberton Prison Farm convict claimed yesterday a warder who helped beat him so badly he ended up in hospital, then visited him as he lay in his hospital bed and said "I'm not finished with you, I will get you again"

Gen Griffin, said this in the Witbank Supreme Court yesterday in the trial of eight warders on three charges of murder and 34 of assault

The warders allegedly repeatedly beat inmates with truncheons while they were pushing wheelbarrows loaded with gravel on a very hot day on December 29 last year at the prison farm

The accused are Warrant/Officer Gert Smit and warders Christiaan Horn, Jacques Stoltz, Burger van Dyk, Wilham Kobyane, Jonas Madonsela, Charles Makhola and Fanyana Mahumane

The three who died were convicts Ernest Makhatini, Mayo Khumalo and Mhlakaza Xaba

Griffin said he arrived at the site, near the prison farm

dam, to hear Lieutenant J H Niemand, acting head of the farm at the time, telling W/O Smit to "hit him dead"

He said he and two other convicts were repeatedly assaulted by warders Smit, Horn and Stoltz while they were trying to push their wheelbarrows

"At one stage I could no more, and fell down Smit then stood over me and said that if I did not get up I would not get food I was not concerned about food, I just wanted to keep on lying there"

Later he was taken to the prison hospital, where he was visited by W/O Smit and the prison chief, a Major Roos

He said W/O Smit said to him "I'm not finished with you, I will get you again"

He admitted making a false statement to a prisons official after the incident

"What I said in the statement, I said only because I did not know any more who to trust I was still in fear, especially after what Smit had told me while I was lying in a hospital bed," he said.

A warder, Mr Reynold Makwaza, told the court that

he was sent out to the dam with a rifle to act as a guard

He also described how warders Smit, Horn and Stoltz, later joined by Van Dyk, hit the prisoners with batons

He said he had seen the three deceased being beaten by those warders, but denied the four black warders had not taken part in the assaults

Another convict, George Geldenhuys, said he had been beaten, and he had seen the three deceased being beaten

He said that when Makhatini was beaten, he was "howling like an animal"

When Xaba tried to get up "like a drunk person", Van Dyk hit him on the neck

"Khumalo was beaten on his stomach until he collapsed," he said

Under cross-examination, Geldenhuys said that the previous evening, on their arrival from Durban, Lieut Niemand had told the convicts while they were being assaulted by prison staff they would suffer "because you swore at an officer in Durban"

The case continues today

Star 253

Asthmatic convict tells court:

I was afraid to open my eyes when I came to

By Fiona Macleod

WITBANK — Tony Walker, a complainant in the Barberton prison "heat exhaustion" trial who suffered from asthma and could not cope with work, today alleged he was beaten by warders until he passed out.

"When I awoke, I was lying among other unconscious convicts. I was afraid even to open my eyes.

"Warrant Officer Jordaan felt my pulse and said 'This one is still alive'.

"I opened my eyes a crack and saw foam coming out of the mouths of some of my fellow convicts," he said.

Walker said he had not done any work during the 14 months he spent in the Durban Point jail before being transferred to Barberton on December 28

and three counts of murder after three of the convicts died.

Another complainant, George Geldenhuys, asked the judge today whether his jail sentence would be shortened because he had been assaulted by warders.

Mr Justice D O. Vermooten replied that Geldenhuys, serving a four-year sentence for theft, was entitled to lay civil claims.

Geldenhuys said he was hit by Mr Smit and two red-headed warders when he did not push a loaded wheelbarrow fast enough. Mr Stoltz and Mr Horn have red hair.

He had also seen Mr Smit, Mr van Dyk and the two redheads beat the three dead men countless times. He said the medical officer, Warrant Offi-

cer Pieter Jordaan, had poured water into the ears of unconscious prisoners who had collapsed after being beaten.

He said Warrant Officer Jordaan kicked the unconscious and semi-conscious convicts who were brought to him and turned their faces towards the sun.

"Warrant Officer Jordaan had medicine with him, but he refused the prisoners treatment."

Geldenhuys, who said he had a Standard 1 education and had "worked with fish and chips" before he was convicted, denied under cross-examination that the convicts had fabricated their evidence.

The court adjourned early today as Mr Justice Vermooten went to inspect the Witbank Prison. The case is continuing.

He had seen a warder in charge, Mr Gert Smit, assault fellow convict Barry Bloem and throw him into the dam, he said.

"Bloem asked for a chance to pray before Mr Smit killed him and Mr Smit left him for a while.

"Then he dumped him in the water and assaulted him until three or more water frogs sprang out of his clothes. Bloem passed out and Mr Smit left him," he said.

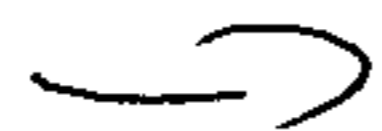
Walker, one of 34 maximum security convicts to testify, told the court that the prisoners were beaten by eight warders with rubber batons at a prison dam site on December 29 last year.

The eight warders — Mr Gert Luis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobyan (47), Mr Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32) — have pleaded not guilty to 34 counts of assault with intent to do bodily harm.

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329
Hansard 7/9/83
Children in detention
Q. 61.2062

1114 Mr D. J DALLING asked the Minister of Justice

- (1) (a) How many (i) male and (ii) female children of 18 years and under in each race group were detained in prison during the latest specified period of 12 months for which figures are available, (b) into what age categories did they fall and (c) for what offences were they imprisoned in each case,
- (2) whether prisons have special facilities for children, if not, why not, if so, (a) which prisons (i) have and (ii) do not



have these facilities and (b) what is the nature of the facilities in each case,

(3) whether these children participate in normal prison routine, if not, what is the nature of the prison routine for children?

The MINISTER OF JUSTICE

(1) Unfortunately statistics in this regard are not kept up to date on a regular basis. However, a test-check of the position in all South African Prisons was done on 17 July 1983, and the required information is as follows

Sentenced juveniles under the age of 18 years in detention on 17 July 1983

Crimes of violence	Economic crimes	Other crimes
2 Black male	Age 14 Years to under 15 Years 1 Black male	1 Black male 1 Coloured male
5 Coloured male 6 Black male	Age 15 Years to under 16 Years 3 Coloured male 6 Black male	1 Coloured male 4 Black male 2 Black female
2 White male 27 Coloured male 37 Black male 1 Coloured female	Age 16 Years to under 17 Years 2 White male 1 Asian male 28 Coloured male 1 Coloured female 1 Black female 52 Black male	3 Coloured male 11 Black male
7 White male 3 Asian male 145 Coloured male 255 Black male 3 Coloured female 3 Black female	Age 17 years to under 18 Years 8 White male 2 Asian male 248 Coloured male 247 Black male 1 Coloured female 20 Black female	19 Coloured male 41 Black male 2 Coloured female 25 Black female
Summary	Male	Female
Whites	19	0
Coloureds	480	8
Asians	6	0
Blacks	663	51
Sub Total	1 168	59
Grand Total		1 227

Unsentented juveniles under the age of 18 years in detention on 17 July 1983

Crimes of violence	Economic crimes	Other crimes
1 Black male	Age 10 Years to under 11 Years	

Crimes of violence

2 Coloured male

2 Coloured male
2 Black male

2 Coloured male

7 Coloured male
4 Black male

2 White male
35 Coloured male
32 Black male
1 Coloured female

3 White male
79 Coloured male
45 Black male
3 Coloured female

Economic crimes

Age 11 Years to under 12 Years
3 Coloured male
1 Black female

Age 12 Years to under 13 Years
5 Coloured male
1 Black male

Age 13 Years to under 14 Years
9 Coloured male
5 Black male

Age 14 Years to under 15 Years
20 Coloured male
15 Black male

Age 15 Years to under 16 Years
34 Coloured male
24 Black male
1 Coloured female
1 Black female

Age 16 Years to under 17 Years
5 White male
44 Coloured male
50 Black male
2 Coloured female
1 Black female

Age 17 Years to under 18 Years
9 White male
62 Coloured male
1 Coloured female
23 Black female
73 Black male

Other crimes

1 Black female

2 Coloured male

2 Black male
2 Black female

1 White male
2 Coloured male
2 Black male

3 Coloured male
4 Black male
2 Coloured female

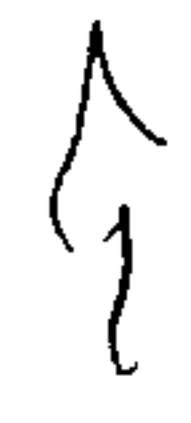
9 Coloured male
7 Black male
1 White female
1 Coloured female
1 Black female

1 Asian male
10 Coloured male
34 Black male
9 Coloured female
3 Black female

Summary

Whites	Coloureds	Asians	Blacks	Sub Total	Grand Total
22	353	1	312	688	743

(2) Section 29 of the Prisons Act (Act 8 of 1959 as amended) authorizes the detention of unsentenced juveniles in prison, but at the same time directs that such juveniles should not have contact with persons above the age of 21, except under special and specific circumstances. Prison Regulation 137 provides for the separation of sentenced juvenile prisoners from older and hardened prisoners. Apart from the fact that juveniles are separated



from other prisoners, the facilities are basically the same as those for adults

One must, however, distinguish between juvenile criminals—whether convicted or not—and children who were admitted with their mothers because of circumstances, or who were born in Prison. Although prisons do not have different facilities for juvenile criminals except that they are separated from older and hardened criminals, there are special facilities for children at all the larger female prisons e.g. Pretoria, Kroonstad, Johannesburg, Worcester, Pollsmoor etc., such as separate diningrooms and special nurseryrooms where such children are kept constructively busy under adult supervision. The children are not separated from their mothers at night. However, all prisons do not have special cells for these mothers. These children are not “incarcerated” in prisons and can at any time be placed suitably elsewhere, depending on the child’s physical and emotional dependence from the mother.

A juvenile criminal, on the contrary is detained in terms of a warrant in his name until the contents of the

warrant have been complied with, until it is substituted by another warrant

- (3) Children do not take part in the normal prison routine, while juvenile criminals (even if, strictly speaking, they are still children) do take part in the normal routine, even though they are, where possible, separated from the older prisoners

Children in detention

1116 Mr D J DALLING asked the Minister of Justice

How many (a) White, (b) Black, (c) Coloured and (d) Asian (i) male and (ii) female children in each age group were imprisoned with their mothers during the latest specified period of 12 months for which figures are available (bb) are in prison with their mothers at present

The MINISTER OF JUSTICE

(a), (b), (c) and (d) (i) and (ii)

(aa) Children admitted to South African prisons with their mothers: 1 July 1982 to 30 June 1983

White		Black		Coloured		Asian		Total	
M	F	M	F	M	F	M	F	M	F
6	6	1 254	1 403	109	152	—	—	1 369	1 561

(bb) Children with their mothers in South African prisons on 30 June 1983

White		Black		Coloured		Asian		Total	
M	F	M	F	M	F	M	F	M	F
1	—	90	115	13	19	—	—	104	134

Statistics on the definite age of these children are not readily available and details can subsequently not be supplied. However, most of them are infants and children up to about two (2) years of age who were born in prison or who were admitted with their mothers because of cir-

cumstances and who’s physical and psychological dependence is such that they cannot be separated from their mothers. These children are not “incarcerated” in prisons and are placed suitably elsewhere as soon as possible

terfly" Design
 Pink/Blue/Coral/Brown
 y, fully drip-dry poly/cotton fabric

Covers Set

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 - 2 pillowcases) **69⁸⁸**
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00 Kingsize
 - 2 pillowcases) **79⁸⁸**
 (cm)

Frills Each

" Double **39⁸⁸**

Queensize **45⁸⁸**

Kingsize **49⁸⁸**



Free Mandela bid widens its support

253 Stan
 7/9/83

By Jo-Anne Collinge

The Transvaal Release Mandela Campaign will use an extensive network of supporting organisations to get its message across in the face of official bans on gatherings, the campaign organisers say

At a Press conference yesterday, the Release Mandela Committee (RMC) described the banning of last Sunday's rally at Regina Mundi Church, Soweto, as an indication of "the acute awe and fear with which the regime regards Mandela"

The publicity secretary, Mr

Aubrey Mokoena, said the drive to collect signatures on a petition calling for Nelson Mandela's release would be launched immediately. It would be channelled through organisations that had pledged support.

The campaign organisers claim the backing of two major political groupings — the United Democratic Front and the National Forum Committee — and certain trade unions, student, civic and women's groups. The petition will be submitted to the United Nations, not to Pretoria.

A second public meeting was already in the pipeline, Mr Mokoena said.

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SA's first test-tube twins were born today

By Trevor Jones

South Africa's first test-tube twins were born in a Johannesburg clinic early today. Two boys, weighing about 2.5 kg each, were born to Mrs Maria Stypas of Kemp-ton Park shortly before 3 am at the Park Lane Clinic in Parktown.

It was the second South African test-tube birth. The first test-tube baby, Dominique Darvas, was born in Pretoria in January last year.

The gynaecologist treating Mrs Stypas said today the twins had been delivered by a family friend, Mr P Constanine, them about R17 000 and other medical fees have been available for interviews or pictures. The couple came to South Africa in the early 1970s. The trip to Greece in the early 1970s. The trip to Greece in the early 1970s. The trip to Greece in the early 1970s.

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CAPE TOWN — The 12 percent salary increase for public servants will cost the State more than R1 000 million in 1984, an opposition spokesman has said.

Major R Sive MP (PFP), welcomed the announcement of the increase.

He pointed out, however, that for every one percent pay rise for an amount of R70 to 80 million would have to be raised from the public. It seemed coincidental that the announcement was made just before the referendum, he said.

See Page 3, World section.

Salary rise to cost State R1 000-m

Political Staff



the surge to new records has been a national investors, led by the insurance industry, between them they are awash with more than R7 200 million a year.

It has now more than doubled since and low gold prices forced the JSE into a squeeze out by soaring share prices.

Senior members of the JSE Committee by as much as 55 percent in the past.

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 Senior members of the JSE Committee
 by as much as 55 percent in the past.

Options to jail are needed, says judge

Seminar in PE on prisons

AMONG the subjects to be introduced at a seminar in Port Elizabeth on alternatives to imprisonment today are

● "Overcrowding of prisons with particular reference to the Eastern Cape" by Lt-Gen J F Otto, Commissioner of Prisons

● "Punishment without imprisonment" by Mr W F Krugel, Regional Court President, Northern Transvaal, and chairman of the working group investigating prison overcrowding

● "Corporal punishment as alternative" by Dr J A van S d'Oliveira

● "Fines as alternative" by Mr P A J Kotze, a Johannesburg regional magistrate and member of the SA Law Commission

● "Restitution and community service as alternatives" by the Chief Magistrate of Cape Town, Mr C F W van Zyl

By SHIRLEY PRESSLY

A PRISON population growth much bigger than the population explosion was one finding of the Viljoen Commission's inquiry into the country's penal system

In his opening address to today's seminar on Alternatives to Imprisonment being held at the University of Port Elizabeth, Mr Justice Viljoen, an Appeal Court judge and chairman of the commission, said one could not ignore the causes of an increase in crime

"We are dealing with a crime rate that is increasing today, but if we do not know what the causes are for the increase in transgressions then we cannot give proper punishment," he said

He referred to an article in a Niero publication by Prof Eric Paul Kibuka, professor of law at Makerere University in Kampala, Uganda, which concluded that general criminal tendencies in Africa were related to socio-economic conditions. They could be summed up as stemming from a situation of serious poverty and unemployment

In South Africa crime was becoming better organised and sophisticated and individuals were organising crime on a business basis by abusing the unemployed, frustrated majority

"There is also poverty and hunger amongst our black population especially in times of recession, drought and in times of rising inflation

"Added to this is also the inequality in wealth and well-being between white and black which is sometimes blown up by political activists, which gives rise to rationalisation and justification for crime"

"This was often accompanied by violence, as in the case of robberies at large financial institutions, Mr Justice Viljoen said

"As far as I am concerned there is, generally speaking, only one way to deal with an organiser of economic crime and that is to put him behind bars for a considerable time, particularly where the execution of a crime is accompanied by violence and where it is plain that he had deliberately chosen crime as a career

"In retributive terms a prison sentence for this type of person is what he deserves and a prison sentence is also justified in such a case for the protection of the public

"But that does not apply to all types of offenders and it is for the very reason that we must provide accommodation for criminals who belong in jails that we must unabatingly search for alternatives to imprisonment as dispositions for those who do not belong there"

His own view was that if there was any alternative punishment to imprisonment which met the needs of the community and also fitted the crime, then preference should be given to the alternative

He believed that imprisonment was only justified when it was necessary that the transgressor be removed from society for the protection of the public and if there was no alternative punishment which fitted the crime

A revolution could not be hoped for but, through careful investigation and careful weighing up of the punishment in each case, it was possible to try to get away from the traditional punishments of imprisonment

The authorities at present did not know how many people were imprisoned who did not belong there

Alternatives sentences could pay off. He referred to a Mrs T, who was found guilty of shoplifting. It was her fourth offence and she had previously been imprisoned for several months. She was in her mid-thirties, married and had four children

Her husband drank and was unemployed at the time and she was the sole supporter of the family. She had a limited education and

had been employed in menial work. They lived in a council house. All her shoplifting offences had been economic in nature

She stole food by switching price tags on tins in a supermarket. She was very afraid of prison because she knew the children would have to be placed in foster care and that she would probably lose her house as there was no one to pay rent

She was well aware of the wrongfulness of her act and motivated to co-operate if she was given an alternative sentence. The court sentenced her to 150 hours of community service at a community-based creche in her neighbourhood

She co-operated at all times and was such a useful volunteer and assimilated so well with the organisers they decided after she had completed her hours, to sponsor her to do a child care course at the Early Learning Centre the next year so that she would have the opportunity of coming back as a full-time paid member of the staff

She also became involved in one of the self-help home industry projects of the organisation, which enabled her to earn an income to assist the family

Govt aim is to cut crime rate

in his would and the unable present think in punishment international symposium of the annual important on action being of government and to opportunity of life is and message of Justice, to Alternative investment investment in his would and the unable present think in punishment international symposium of the annual important on action



BEST PRICES FOR VANDER



Medicentre block in Durban

Brigadier J R van der Horst, Durban's Security Police chief, said "We are satisfied that the fire was not caused by a bomb or any similar explosive device, and we have withdrawn from the investigation."

The building houses more than 50 doctors, specialists and dentists, and has a large clinic. The explosions rocked the building at 5.40am. Had it been two hours later, there would have been scores of dead and injured.

Witt on brawl

and a manager Boela Dreygang expressed their disappointment at the events and apologised to Mr Kriel, who was assisted by Defence manager Mr Alec de Witt and several players.

In the process, though, a gun was pointed at Mr De Witt, his glasses were broken, he had a tooth knocked out, and his watch was stolen.

The committee will meet to review the incidents and consider disciplinary measures — including possible lifelong suspension — against some of the players — Sapa.

announced on Tuesday a tribunal will be established and Prince Gahbeni will be given the chance of defending himself before it, a Lingo spokesman added. It is understood the hearings will be held in camera.

At least four prominent Swazis have been detained since the palace coup against Queen Dzelwe. They are Prince Sulumolomo, Prince Thunduluka, Mr Arthur Khoza, Permanent Secretary for Agriculture, and Mr Douglas Lukele, a top lawyer and former judge.

Mechanic on murder charge

Mail Reporter

A BENONI dairy mechanic, Mr Clive Basil Nunn, 27, yesterday pleaded not guilty before a Benoni magistrate to a charge of murdering his 27-year-old wife.

Mrs Mfanwy Eleanor Nunn, a mother of three, was found dead in open veld next to the road between Daveyton and Puitfontein smallholdings on the morning of August 17.

Her body was clad in a gown and pyjamas. A post mortem found she had been suffocated.

Mr Nunn, of Clydesdale Road, Crystal Park, yesterday told the magistrate, Mr P van Zyl, he would not discuss the basis of his defence at this stage, and pleaded not guilty.

The magistrate postponed the hearing to October 7 pending the Attorney General's decision. Bail was set at R1 000.

Convict tells how he played possum

By WIM VANVOLSEM

WITBANK — An inmate of the Barberton Prison yesterday told the Witbank Supreme Court how he played possum to escape further assaults after being beaten by warders until he lost consciousness.

"I was too scared to open my eyes. I just lay still until they took me away in a van to the prison hospital, where I spent a week recovering," Mr Tony Walker said.

"A lot is going on inside the prisons — things the police do not even know about," he said. But he refused to elaborate, saying it would get him into trouble.

Mr Walker is one of the 34 complainants in the trial in which eight Barberton warders face three charges of murder and 34 of assault.

Warrant Officer Gert Smit and Warders Christiaan Horn, Jacques Stoitz, Burger van Dyk, William Kobane, Jonas Madonsela, Charles Makhola and Fanyana Mahumane allegedly beat convicts repeatedly with rubber truncheons while they were pushing wheelbarrows of gravel.

Mr Big tells of dagga profits

London Bureau

LONDON — The boss of a massive drug smuggling network claimed yesterday that if he made R34 000 from a trip to South Africa, then he was happy.

Mr John Green, 56, of Burnley, Lancashire — told Maudstone Crown Court if he did not make more than R28 000 on one consignment of dagga, he wanted to know why.

But trouble had started when one of the major "pushers", Kenneth Quinney, turned police informer, implicating 27 others.

Twenty-three are now awaiting sentence for supplying or importing drugs. Two of the gang have been acquitted but are serving prison sentences for other offences.

The gang used a number of middle-aged women to smuggle large amounts of dagga through customs at Heathrow Airport in London.

In a statement one of Green's sons, John Russell, father in Burnley, said "I started the whole thing off. It wasn't until I made a clear R24 000 profit from the first consignment that dad came in with me and tidied the whole operation up."

Discourt plea gets a laugh

By WIM VANVOLSEM

WITBANK — A witness in the Barberton Prison Farm "heat exhaustion trial" was unable to obtain a "discount" on his prison term from the judge yesterday.

Convict George Geldenhuis caused more than a giggle when, after given evidence in a colourful Boland dialect, he asked the judge, whom he addressed as "My Edel Kroon" (My Honourable Crown), whether he could now get some "afslag" (discount) on the sentence he was serving in exchange for the beatings he had received in Barberton.

Mr Justice D.L. Vermooten, middle-aged women to smuggle large amounts of dagga through customs at Heathrow Airport in London.

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Call to h in NG cl

Barberton — Mr Justice D.L. Vermooten also unable to suppress a quiet laugh, told Geldenhuis this was a matter for the prison authorities to decide.

Geldenhuis, who told the judge he only had a Standard education and had worked all his life in "fish and chips and transport", said he only asked the judge for help in this matter because he did not know how to deal with lawyers.

The Northern Transvaal synd started in Pretoria yesterday.

In an interview Prof

The case continues today

Call to h in NG cl

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In an interview Prof

The case continues today

Exhausted men 'had to face sun' Collapsed convict 'was collected in a wheelbarrow'

By Fiona Macleod

WITBANK — The Witbank Circuit Court today heard how Barberton Prison Farm convicts were knocked to the ground and assaulted, and a man who had collapsed was collected in a wheelbarrow and left with others turned towards the sun.

On trial are eight farm warders — Mr Gert Louis Joubert Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobyané (47), Mr Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32).

They have pleaded not guilty to 34 counts of assault with intent to do bodily harm and three counts of murder after three of the prisoners died

Joseph Rademeyer, a convict with tattoos on his face and hands, is serving a sentence of six years.

He told the court he saw Mr Smit beating a cripple, who was loading sand into the wheelbarrows, soon after they arrived at the site.

He was also beaten by Mr Smit, Mr Horn and Mr Stoltz as he pushed a loaded wheelbarrow up an embankment, he said.

"I was tired and could not go on being hit like this, so I stopped. A dog handler, Mr John Zulu, told me they would kill me if I stopped.

"The beatings were very sore and I had pains in my back. I don't know why they beat me, as I did my work as I should have.

"So I lay down beside my barrow and waited

until Visagie loaded me into it.

"He dumped me where other collapsed convicts were lying in the sun," he said.

Andries Visagie, an elderly man who did not have to work with the other convicts, said Mr Smit told him to cart the collapsed convict to a sort of "field hospital" in the care of medical officer Warrant Officer Pieter Jordaan.

"I was surprised when Warrant Officer Jordaan told me to turn the men towards the sun.

"I also had to carry water for the convicts, who could drink at any time but were allowed only one mug each.

"All the convicts were getting hit, but I don't understand why because they were working perfectly," he said.

Visagie said he could identify only Mr Smit, who was in charge of the warders, because at the identity parade — which was held four months after the incident — all the other warders pulled their caps down over their faces.

Rademeyer said he saw Mr Smit stand over Bernard Makhathini — one of the convicts who died — and beat him.

He showed the court how Makhathini held his hands in front of his face "like a chicken being braaied" to ward off the blows.

While he was lying in the field hospital, one of the convicts who later died, Mhlakaza Xaba, stood up on shaky legs and started walking back to work.

"Mr van Dyk caught him and hit him on the back of his neck. He was a small man and he screamed as Mr van Dyk beat him on the ground," he said.

The case continues.

253 Prisoners: farm labour 9/9/83
 Housard Q. Col 2097
 1126 Mrs H Suzman asked the Minister
 of Justice

- (1) How many prisoner were hired out as farm labourers in 1981 and 1982, respectively;
- (2) whether any inspections of the conditions of these prisoners were carried out in these years, if so, (a) how many inspections were carried out in each of these years and (b) how many inspectors were involved in each inspection,
- (3) whether conditions on any of the farms visited were found to be unsatisfactory, if so, (a) on how many farms and (b) what steps were taken by his Department to rectify the position?

The MINISTER OF JUSTICE

- (1) It is unfortunately not clear whether the question refers to—
 - (a) prisoners who were hired out to various categories of employers from prison daily and/or,
 - (b) prisoners who were paroled and for whom employment with specified employers was put as a condition of parole and/or,
 - (c) the practice to hire out prisoners at prison out-posts to applicants for prison labour

The details which may be required in all of these cases are not readily available as statistics of the different categories of hirers are not kept. At this stage it would be a very time consuming

and expensive process to collect all relevant information from the different prisons and to have it processed

- (2) (a) and (b) Yes, but all details are not readily available for the same reasons as mentioned above
- (3) (a) and (b) These details are not available either, but in applicable cases of misuse or failure to comply with instructions further provision of labour/parolees is halted, or employers are warned and called upon to correct or improve conditions
 Prisoners hired out as labourers also have the daily opportunity to lodge complaints or requests to the Head of the Prison, and occasionally to visiting inspectors, officers, magistrates and judges. Parolees, as members of the public, have access to any public institution or person, including the Head of the Prison and/or the Chairman of the Release Board/Institutional committee and as such, are at liberty to report any complaint to any institution or person they prefer

Oldest cricket Bok is dead

Mail Correspondent
EAST LONDON — Henry Louis Ernest Promnitz, at 79 the oldest surviving Springbok cricketer, died in East London on Wednesday night. He had been in indifferent health for some time.
 Mr Promnitz was an outstanding sportsman. He was an enthusiastic tennis player and golfer but cricket was always his first love.
 He was born in Berlin near East London, on February 23, 1904 and after attending schools at Fort White and Frankfort completed his education at Cambridge High School.
 In his first full Currie Cup season of first-class cricket he claimed 21 wickets at a cost of 14,76 runs apiece.
 Promnitz staked further claims for international honours in away matches against Transvaal and Natal in 1926-27. He dismissed five Transvaal batsmen at a cost of 68 runs and captured five Natal wickets for 81 runs in 31 overs.
 Promnitz is survived by his wife Rita, two children, Mrs Carol Creech and Mr Richard Promnitz both of Cape Town, and three grandchildren.
 A funeral service will be held tomorrow.

Convict told not to probe

By WIM VANVOLSEM
WITBANK — When a Barberton Prison Farm convict tried to find out why he and fellow prisoners were being assaulted with rubber batons by warders, he was told not to ask any questions — and then was beaten up again.

That was said yesterday by a complainant in the "prison heat exhaustion trial" in which eight Barberton Prison Farm warders are charged with three counts of murder and 34 of assault before a special Circuit Court sitting.

The warders are alleged to have beaten convicts with their batons repeatedly while they were pushing wheelbarrows at the Prison Farm dam in a temperature of 35° on December 29 last year.

The accused in the trial are

Warrant-Officer Gert Smit and Warders Christiaan Horn, Jacques Stoltz, Burger van Dyk, William Kobyan, Jonas Madonsela, Charles Makhola and Fanyana Mahuman.

Those who died are Ernest Makhatini, Mayo Khumalo and Mhlakaza Xaba.

Yesterday, four convicts claimed before Mr Justice D O Vermoten that the black warders were not involved and demed that they had conspired to say this and other aspects of their evidence in court.

Mr Joseph Rademeyer, who is serving a six-year sentence, told the court that, after the assaults, he and others had to travel back to the prison in a van with the bodies of Xaba and Khumalo. He described how Mr Smit

had hit "a cripple bended" Johannes Zuma with his baton and how he and other prisoners were repeatedly beaten by warders while doing their work.

Mr Rademeyer said that at one stage, dog-handler John Zulu had advised him to lie down "otherwise they will hit you dead".

While he was lying there he saw Xaba getting up "as if he was groggy" and then being hit with a baton in the neck by Mr Van Dyk.

"Xaba howled and screamed and then collapsed," he said.

He said the beatings were very painful and his back still troubled him.

Another convict, Mr Andries Visagie, who is not a complainant, told the court that he was ordered to fill wheelbarrows with a spade

"While I was doing this I saw Smit assaulting convicts with his rubber stick. I don't know of any reason — the men were doing their job very well," he said.

"Almost every convict pushing a wheelbarrow got struck," he said explaining that they had to pass between the two "ginger-heads" — Mr Horn and Mr Stoltz.

He said he was later instructed to collect all the inmates who had collapsed and take them in a wheelbarrow to where a medical officer, Warrant-Officer Pieter Jordaan, was standing.

Mr Visagie told the court that he had asked WO Jordaan why he was turning the faces of the injured towards the sun, and was told "Do what I say".

The trial continues today.

No cloth for elderly jailed priest

By CHRIS OLCKERS
AN ELDERLY Johannesburg priest jailed this week for refusing to make a sworn statement will not be allowed to wear the cloth of his profession while serving a six-month sentence.

Father Thomas "Timothy" Stanton 62, of St Peter's Priory, Rosettenville, was sent to jail yesterday after refusing to make a sworn statement involving high treason charges against a Wits student, Mr Carl Niehaus.

Mr Niehaus frequently visited the priory where Father Stanton was staying and the Anglican priest was

charged in terms of the Internal Security Act.

Yesterday the Anglican Bishop of Johannesburg, the Right Rev Timothy Bavin, came out in strong support of the priest and asked the faithful to remember Father Stanton and those responsible for the implementing of South African law to keep them in their prayers.

A Department of Prisons spokesman said yesterday Father Stanton would be treated as any other prisoner.

"He might get certain privileges depending on what category of prisoners he is in," the spokesman said.

In terms of Regulation

119.5 of the Prison's Act the priest may also have to complete his full term of sentence without any remission.

In a statement yesterday the Rt Rev Bavin gave his full support for the jailed priest.

"Father Stanton has my admiration and full support in the courageous stand he made of conscience before God.

"I know that for him it was an agonising decision after prayer and consultation.

"While acknowledging the rightful authority of the court and proper claims of the law, I believe some of the legisla-

tion in our country places an impossible burden on the consciences of Christians.

"Their Father Stanton is, in my view, not be condemned for his refusing to testify against a brother Christian in a 'political' trial.

Mail

cooler over Eastern Transvaal
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 area
ORANGE — Cloudy in the
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Woman held for killing

Mail Reporter
 A SOWETO woman has been arrested following the death of a man in Zone 10 Meadowlands.
 Mr Stanley Mahlamvu, 56,

Striking brewery workers' action

Human rights Mugabe flies

DUBLIN — Zimbabwe's Prime Minister, Mr Robert Mugabe, and three senior Ministers flew into Dublin yesterday.

Mr Mugabe is en route to the United States where he will address the United Nations. The Irish Prime Minister, Mr Garret FitzGerald, met the delegation of Mr Mugabe, his Foreign Minister, Mr W M Mangwende, the Minister of Finance, Economic Planning and Development, Dr B T Chidzero, and

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'Heat exhaustion' trial Court hears how warders beat cripple

By Fiona Macleod

WITBANK.— A crippled convict claimed in the "heat exhaustion" trial today that he was beaten and kicked by the Barberton Prison Farm chief warden until he fell to his knees.

He said the chief warden, Mr. Gert Louis Smit, then grabbed his collar and a black warden joined in beating him.

Johannes Zuma, serving a five-and-a-half year sentence, said the warders beat him soon after he and 36 other convicts were taken to work at a prison dam site on December 29 last year.

Because he was lame, he was given a spade to load gravel into wheelbarrows pushed by other convicts.

When Mr Smit and the other warden, Mr Jonas Zephania Madonsela, left him and chased after other convicts, his left hand was limp and he had to dig with his right hand.

Mr Smit (38) and Mr Madonsela (32) have pleaded not guilty with six other Barberton Prison Farm warders — Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobyané (47), Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32) — to 34 counts of assault with intent to do bodily harm and three

counts of murder.

Another convict, Abel Norkey, who is serving a six-year sentence, said he was hit twice on the arm by an unidentified white warden as he was pushing his barrow.

Norkey also described how Mr van Dyk beat Mhlakaza Xaba — one of the prisoners who later died — when he staggered away from the group like a drunkard.

"He caught him and hit him on the back of his neck with his baton. Xaba fell and while he was on the ground, Mr van Dyk beat him on his private parts. Xaba then stopped crying and became completely still," he said.

WELCOME RELIEF

As the case ends its fourth week and the evidence of convicts becomes repetitive, moments of light amusement have provided a welcome relief in the court.

Even the judge, Mr Justice D O Vermooten, could not suppress a giggle when convict, Joseph Rademeyer yesterday described how fellow convict, Ernest Makhathuni, held his arm before him "like a grilled chicken" to ward off Mr Smit's blows.

"Well, now we have heard evidence about buck, baboons, frogs and chickens. This is some farm," said Mr Justice Vermooten.

(Proceeding)

Star 10/9/83

SATURDAY DIGEST

Unions swing right, but head left

BLACKPOOL — Britain's Trades Union Congress (TUC), which registered a sharp swing to the right in elections to its General Council, yesterday picked a leftwinger as chairman

Mr Ray Buckton, militant leader of the Associated Society of Locomotive Engineers and Firemen, was elected for the next 12 months at the end of the annual conference — Reuter

Sailor gets life for burning ship

LONDON — A British Navy crewman who set ablaze and destroyed his own ship, killing a fellow sailor, was jailed for life yesterday

Derek Devine (24) used matches and a towel to start the blaze in the naval auxiliary ship, Hebe, after it docked at Gibraltar in 1978, prosecutors said

He waited 20 minutes and then raised the alarm, by which time the fire had killed crewman Leslie Mason (52) — Reuter

Thousands pay homage to Aquino

MANILA — Holding lighted candles and singing "Ave Maria", thousands of mourners yesterday marched from the home of former Senator Benigno Aquino to a nearby church to pay homage to the assassinated rival of President Ferdinand Marcos

The marchers carried banners and placards demanding Marcos' resignation — AP

Botswana Mandrax haul destroyed

GABORONE — Botswana detectives yesterday destroyed Mandrax tablets with a blackmarket value of R1,5 million which were intercepted en route to South Africa

The deputy chief of the Gaborone CID, Mr C D Sekwababe, said the 145 000 tablets were confiscated from smugglers over the past six months — The Star's Foreign News Service

Six more executed in China

PEKING — Six people, including a woman, were executed in the north-west Chinese city of Xian last Tuesday as part of a continuing Chinese crackdown on crime, according to a provincial newspaper

Dozens of people have been reported executed all over China since the middle of August — Reuter

Japan boasts 1 354 centenarians

TOKYO — Japan, which boasts the longest life expectancy in the world for both sexes, will have 1 354 centenarians at the end of this month, 154 more than at the same time last year, according to a government report released yesterday — Reuter

Suspended sentence for Awol soldier

BLOEMFONTEIN — A national serviceman, who went absent without leave (Awol) for more than six months because he had to help his mother with her farm after his father died, was yesterday sentenced to three months in jail (suspended for three years) by a Bloemfontein magistrate

Robert Henry Palmer (23), address given as 1 Parachute Battalion, Tempe, Bloemfontein, pleaded guilty

In his defence, Palmer said his father had died in August 1981 and he repeatedly asked for a transfer nearer home. He told the court his application was turned down because he was a qualified parabat and could not be transferred

Mr Van Noordwyk presided, and Miss A Geyer appeared for the State — Own Correspondent

Botswana signs with Rumania

VIENNA — Botswana President Quett Masire ended a State visit to Bucharest yesterday by signing a long-term economic agreement. A German news agency reported

'Heat' trial adjourns as accused warder sick in hospital

By Fiona Macleod

The "heat exhaustion" trial in Witbank adjourned early yesterday as one of the eight Barber-ton Prison farm warders charged with murder and assault complained of a pain in his chest and was taken to hospital

The 13 complainants who have testified during the four weeks of the trial have pointed out the warder, Mr Geit Lous Smit, as the man who allegedly beat them the hardest while they were working on a Barber-ton Prison dam site on December 29 last year

Mr Smit, usually an administrative employee, was in charge of the warders who allegedly murdered three maximum security convicts and assaulted 34 others with intent to do bodily harm

He has shown no emotion during the trial and has not avoided Press photographers — as have the other warders — but he went pale and thumped his chest shortly before the lunch adjournment yesterday

Mr Smit (38) has pleaded not guilty with Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobyan (47), Mr Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32) to all counts

Evidence this week centred on the white warders as most of the witnesses denied that the four black warders beat the 37 convicts

Kevin Meyers, serving a seven-and-a-half year sentence, testified that he heard three black warders saying the white warders should stop beating the convicts with rubber batons

He saw the four white warders beat the prisoners repeatedly as they pushed loaded wheelbarrows, but did not see the blacks assault anyone. He had pointed out a black warder at an identification parade, but said he could not recognise him in court

JSB

Botswana Mandrax haul destroyed

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Mr Van Noordwyk presided, and Miss A Geyer appeared for the State — Own Correspondent

Botswana signs with Rumania

LENNA — Botswana President Quett Masire ended a State visit to Bucharest yesterday by signing a long-term economic agreement with Rumania, the official Agerpress news agency reported. It said the agreement covered trade and the long-term development of economic and technological co-operation — Reuter

Stamps to help Operation Hunger

The Rosebank Rotaract Club has organised a stamp-designing competition to raise funds for Operation Hunger, which provides feeding schemes and self-help projects to drought-stricken areas

All primary school children are invited to design a stamp with "Save Water" theme. The competition closes on September 16. Prizes include R200 cash savings accounts and holidays for winners and their families. Entry forms are available at major SA stores

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He saw the four white warders beat the prisoners repeatedly as they pushed loaded wheelbarrows, but did not see the blacks assault anyone. He had pointed out a black warder at an identification parade, but said he could not recognise him in court

Warder Renold B Makwaza, one of four armed guards sent to the site to prevent escapes, said he saw only the white warders "helping" the prisoners along with their batons.

Another convict, Joseph Africa, said he saw Mr Smit, Mr Horn and Mr Stoltz beat Ernest Makhathini and Mayo Khumalo — two of the men who died — when they protested they were sick and could not work. Both convicts collapsed and were wheeled away in barrows

He saw Mr van Dyk, who arrived late at the site with cool-drinks for the white warders, beat Mhlabakaza Xaba, another man who died, when he staggered away from the other convicts like a drunkard.

He said he heard Mr Mahumane tell Mr Makhola that that was not the way to hit prisoners. He did not see any of the black warders assaulting the convicts

Abel Norkey, serving a six-year sentence for dealing in dagga, said he saw only one black warder, Mr Kobyane, use his baton

Johannes Zuma, a five-and-a-half-year convict, said all the whites hit the prisoners until they fell on their backs, but the only black he saw striking convicts was Mr Madonsela

The trial continues on Monday

In Memoriam

FURMAN

John, in cherished memory of my beloved husband and our dearest Dad and Zaida. Always remembered and sadly missed by his devoted wife, Esther, son Basil, daughters, sons-in-law and grandchildren

MAWREY

Brian, died two years ago. Remembered always with love and affection. Wendy, Jimmy, Andrew, Tessa

SHER

Papa Percy passed away 10 September 1975. Always remembered by his grandchildren Wendy, Tony and great grandchildren Farryl, Larry and Elise

SHER

Percy passed away 10 September 1975. Always remembered by his devoted wife Dolly, children Bea and Lee, grandchildren Julian and Merle. MHDSRIP

SYMONS

Vetl "Diamonds". Always remembered and sadly missed Brian and Dudley

War medals for SA men

Pretoria Correspondent

Two South Africans have been awarded medals for their part in the Falklands war

A notice in the Government Gazette said Mr Gerald Serafin and Mr Calvin Nel had both been awarded the South Atlantic Medal by Britain

The men, who live in Southampton, were merchant seaman aboard the QE 2 and stayed on while the ship was used to ferry 3 000 troops to the island in May 1982

It is understood, however, that they did not take part in any of the actual fighting

Court told prison head

ordered death beatings

253 S. Express
11/9/83

CASE IS HALTED AS ACCUSED SLUMPS IN PAIN

FURTHER evidence about the alleged beatings of inmates at the Barberton prison farm unfolded this week when 12 witnesses told Mr Justice D O Vermooten at the Witbank Circuit Court that they saw warders use their rubber batons on 37 working prisoners, leaving three dead.

There was evidence again that Lieutenant J H Niemand, acting head of the prison farm at the time, was heard giving instructions to W/O Smit that inmates had "to be beaten to death"

The trial adjourned dramatically on Friday when Warrant Officer Gert Smit, who was in charge of the warders on the occasion of the alleged assaults, took ill in court, reporting a pain in his heart and had to be rushed to a doctor

One of the witnesses was a warder who said he was on duty as a guard at the farm dam on December 29 last year. He had told inmates in a temperature of 35°C to push wheelbarrows loaded with gravel

Smit, 38, and warders, Mr Christiaan Johannes Wynand Horn, 19, Mr Jacques Coenraad Stoltz, 18, Mr Burger van Dyk, 20, Mr William Kobyanne, 47, Mr Jonas Zephania Madonsela, 32, Mr Lefasa Charles Makhola, 40, and Mr Fanyana Elmon Mahumane, 32, are facing three charges of murder and 34 of assault

Prisoners spoke of how they were assaulted by white warders — most seemed to indicate that the black accused were not involved

There was also evidence that prisoners already lying on the ground were further beaten.

Descriptions were given that the three who later died, Ernest Makhathuni, Mayo Khumalo and Mhlakaza Xaba, were beaten — one of them behind his neck and on his private parts until he collapsed and his screaming

had stopped

Convict Andries Visagie, who is not a complainant, told the judge how he was instructed by W/O Smit to collect those who had collapsed in a wheelbarrow. He was told to tip them off near the medical officer where they were lying in the blazing sun until taken away in a bakkie together with the dead, he said

One convict said that while he was lying in a hospital bed after the assault, he was further threatened by

W/O Smit

Another convict who later died was described as having been beaten on operation marks on his stomach which he showed warders to plead for mercy. An asthma sufferer was allegedly beaten up even more when he told warders about his illness

"Here in Barberton there are no sick people," he was told by W/O Smit, according to evidence

Other prisoners faked unconsciousness to avoid further blows while others testi-

fied that there were no rest periods

"Everybody was getting his rest at his own risk," one said

The beatings were indiscriminate not just for those who worked too slowly

Among the complainants is a crippled man from Zululand who was assaulted on his back and arms while trying to load the wheelbarrow with a spade

He told the court that he did not think Barberton was "a nice part of the world"

In cross examination, the defence is trying to prove that the convicts are conspiring to shield the black warders and "get only at the whites" and that they had agreed upon certain evidence, some of it based on hearsay

The trial enters its fifth week tomorrow



● Warrant Officer Gert Smit, pictured earlier in the trial.

Staff Reporter

(253)
trial
papers
12/9/83
trigger
dispute

By WIM VANSOLSEM

WITBANK — Statements made to the police by witnesses in the Barberton prison farms "heat exhaustion trial" and used by the defence team in cross-examinations, were the subject of a legal wrangle in the Witbank Circuit Court last week

Eight warders are facing three charges of murder and 34 of assault at the Barberton prison farm where they allegedly beat inmates repeatedly with rubber truncheons while they were pushing wheelbarrows loaded with gravel in temperatures of 35°C on December 19 last year

The presiding judge, Mr D O Vermooten, maintained the court should have been notified by the State team before the "privileged documents" — used by defence counsels Mr Johan Els and his assistant Mr "Brood" Burger to discredit witnesses in favour of the eight accused warders — were handed over

The State prosecutor, Mr S A Engelbrecht, said he had passed on the statements and quoted legal references as saying it was the State's duty to make available information to the defence if it could assist them in their case — but undertook to inform the court every time he handed over a document to the defence in future

The argument resulted in an adjournment ordered by the judge so that legal references could be consulted

The police statements concerned are also the subject of contention.

All statements were taken in Afrikaans, allegedly without an interpreter, but several convicts now claim in court that they cannot speak or understand the language properly

They maintained discrepancies were unavoidable in the circumstances — and that parts of their "statements" are unknown to them

The same applies to statements they made to prison authorities conducting an internal investigation

The complainants say that they were told by prison staff "here we talk Afrikaans, not sh English"

Evidence has been the statements "were not the full truth", because, as witness Gen Griffin put it. "I did not know any more who to trust"

Another convict, Adam Gys, said that he was threatened while making a statement. He was told "We will get you in the corridor where no-one can see us and kill you and then blame another prisoner for your death."

By Fiona McLeod

WITBANK — A third witness in the Barberton Prison "heat exhaustion" trial complained today about the treatment convicts received at the Witbank Prison. Before testifying in the trial of eight Barberton Prison farm warders charged with murder and assault, convict Robert Khumalo complained that he was being maltreated at the Witbank Prison. The trial moved from Nelspruit four weeks ago when the 34 complainants refused to testify there because they had been threatened by warders.

Yesterday two convicts complained to Mr Justice D O Vermooten that they were now being threatened by Witbank warders and were not being fed. Khumalo said he was sick and was being bullied by the head of the Witbank Prison hospital.

Mr Justice Vermooten stopped him and said Khumalo looked healthy and that he was tired of lengthy testimonies about matters unrelated to the trial. Khumalo then told the court he and 36 other maximum security convicts were taken to work on a Barberton Prison dam site on December 29 last year.

He was one of the convicts who had to push loaded wheelbarrows up an embankment. His barrow was larger than the others and he became tired quickly. When he stopped and his barrow fell over, he was beaten by warders.

The eight warders charged — Mr Gert Louis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobyane (47), Mr Jonas Zephania Madonse (32), Mr Lefasa Charles Makhola (40), and Mr Fanyana Elmon Mahumane (32) — have pleaded not guilty to 34 counts of assault with intent to do bodily harm and three counts of murder following the deaths of three prisoners.

During yesterday's proceedings, another convict claimed a Witbank warder had told him that when the trial was over "we will see who laughs last."

Patrick Schieman told the court it appeared that "the trouble which started at Barberton is not yet finished".

Before taking the oath, Schieman told Mr Justice

We are not being fed, claim convicts

253 Sitar

13/9/83

ferent cells after the incident. Schieman said he was assaulted by his new inmates, and prison officials refused to take action when he complained.

He, Bloem and another complainant made written protests to a Major Venter who charged them with avoiding team work and put them into solitary confinement.

Mr Justice Vermooten then referred his complaint to the head of the legal section of the Prison Department, Colonel P J Strydom, who is attending the trial. Schieman, who is serving a 2½-year sentence for dealing in dagga, testified that he was given a spade to load gravel into the wheelbarrows pushed by other convicts at the dam site.

"I was in total fear as I watched how my fellow convicts were beaten. I thought if I looked into the warder's eyes I would be dead."

"We were told that we would be 'dusted off' by the Barberton warders, who assaulted us with rubber truncheons because they said we had sworn at other warders."

"The work was tiring, especially because I had not worked for 16 months since I was jailed."

Schieman said that although he saw the others being beaten many times until they collapsed, he had received only one hard blow from Mr van Dyk.

A half-blind convict, Jabulani Thango, groped his way to the witness stand and wept as he refused to testify.

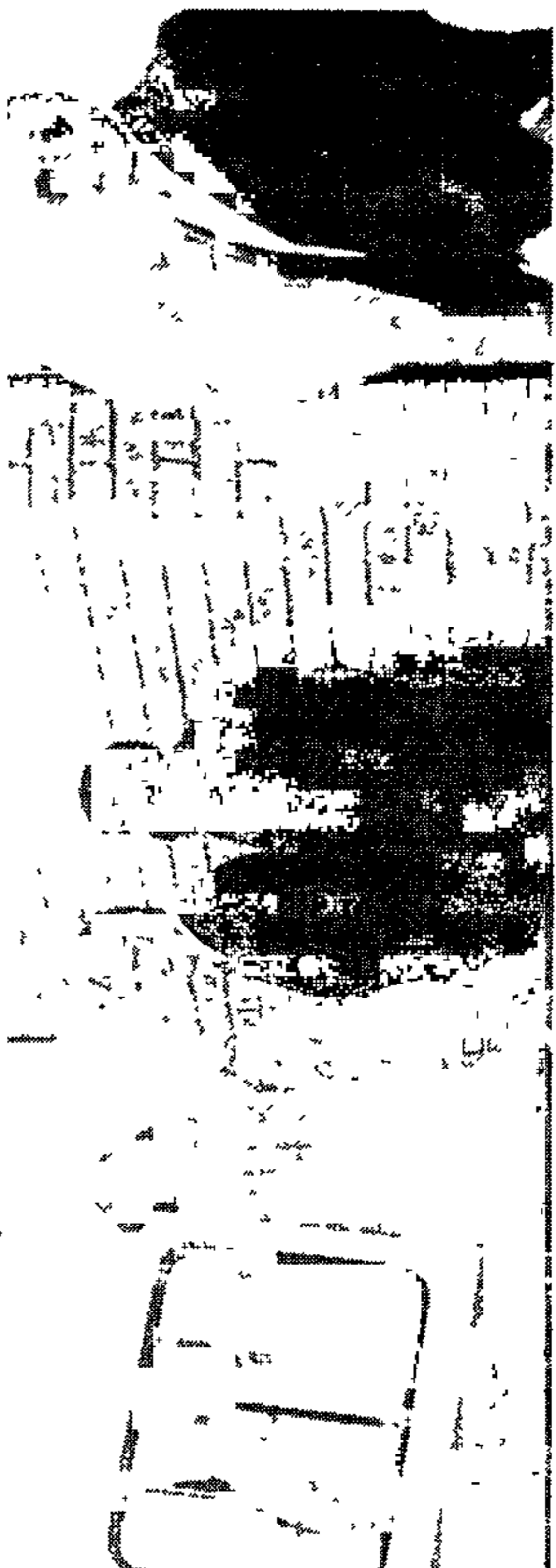
He said he had not eaten for days and was blind since a Nelspruit warder had thrown "medicine" into his eyes.

Mr Justice Vermooten called the head of the Witbank Prison hospital, Captain N J van Niekerk, who testified that Thango had received eye injuries before being jailed.

He said Thango refused to eat the normal prison food of soup, porridge, vegetables, eggs and meat.

Thango was dismissed after Mr A S Engelbrecht, Deputy Attorney-General appearing for the State, said he did not need his evidence.

The case continues.



Some of the Barberton "heat exhaustion" trial accused outside the court in Witbank. From left are Mr Burger van Dyk, Mr Jacques Coenraad Stoltz (back to camera), Mr Christiaan Johannes Wynand Horn, Mr Fanyana Elmon Mahumane (next to wall) and Mr William Kobyane.

commit suicide when he was confined for avoiding team work.

This was only two months after they and 35 other convicts were allegedly beaten by the Barberton Prison farm warders.

Schieman (52) said he had lived in fear since December 29 as he had never seen beatings such as those his fellow convicts received that day.

The 34 surviving prisoners had been placed in dif-

D O Vermooten that he had a complaint and he took a two-page written note out of his pocket.

Mr Justice Vermooten remarked "It seems I am a sort of King Solomon, here to solve all the problems in the world."

In his notes Schieman complained he had been put into solitary confinement after being falsely accused by prison officials of refusing to work.

He said a fellow convict, Barry Bloem, tried to

Another Barberton convict ^{13/9/88} has died

Pretoria Bureau

A black prisoner at the Barberton prison farm who was serving eight years for housebreaking has died after a scuffle with a warder who was trying to recapture him.

Jackson Khumalo (45) died on September 5 in the Nelspruit Hospital, Prisons Department officials confirmed today.

He is the fourth prisoner to have died at the prison farm since last December.

Eight Barberton prison farm warders are at present facing three charges of murder and 34 of assault in the Witbank Circuit Court after three prisoners died on the farm last December from "heat exhaustion".

A further three prisoners died after a brawl in the Barberton maximum security prison recently.

"Khumalo was injured during a scuffle on August 22," a Prisons Department spokesman said.

"After an escape, Khumalo was found on a farm in the area by a member of the Prisons Service. The prisoner attacked the warder, who defended himself with a stick. The warder sustained cuts and bruises in the incident."

The spokesman said a second warder helped to arrest Khumalo. He was taken to Nelspruit Hospital for treatment of what was thought to be a broken arm, but he later died "of other injuries".

(253) 12004 13/9/83

Another death at Barberton

By CHRIS OLCKERS

ANOTHER Barberton Prison inmate has died — this time after a scuffle with a warder, who was trying to capture the convict who had escaped, Prisons Department authorities said last night.

He is the seventh convict to die at the prison from violent causes since December last year. Three of those killed died during prison brawls.

Jackson Khumalo, who was sent to jail for eight years in 1978 after being convicted on charges of house-breaking, died at Nelspruit Hospital last weekend after breaking out of jail.

A Prison Department spokesman said last night that a prison warder was injured during the scuffle on August 22 which led to the death of the convict.

"The prisoner Khumalo

was found on a farm in the area by a member of the Prison Service," a Prisons Department spokesman said last night.

"Khumalo attacked the warder, who defended himself with a stick. The warder suffered injuries during the attack and he was treated for bruises and cuts after the incident.

"The prisoner was taken to Nelspruit Hospital to be treated for what at first appeared to be just a broken arm. He later died, and it was established that he died of other injuries," the spokesman said.

Police and prison officials have launched a top-level investigation into the death.

Eight Barberton Prison warders are at present facing three charges of murder and 34 of assault in the Circuit Court at Witbank.

'New threats' on prison witnesses

By WIM VANVOLSEN

WITBANK — There was more drama at the Barberton Prison Farm heat exhaustion trial yesterday when two witnesses held up proceedings with dramatic claims that threats by warders against witnesses had spread from the Barberton to the Witbank Prison

The trial was moved from Nelspruit four weeks ago when complainants alleged their lives were in danger there after warders had threatened them for giving evidence against the accused

A half-blind convict caused a stir in court yesterday when he said he had been refused food for the whole weekend at the Witbank prison

Eight warders face three charges of murder and 34 of assault following alleged beatings with rubber batons of prisoners who were pushing wheel-barrows at the prison's farm dam on December 29 last year in a temperature of 35°C

Convict Patrick Schieman told Mr Justice D O Vermooten that after he became sick last Sunday night, a fellow prisoner brought him food from the kitchen

When a warder found him eating in his

cell, he was told, "You must not think you are a gentleman. These things of Barberton are not yet finished — we'll see who laughs last"

Schieman complained the threat had frightened him and said although he was a prisoner, he was still a human being

The judge advised Schieman to speak to Colonel P J Strydom, head of the legal section of the prison's department, who has been attending the trial as an observer

A half-blind complainant with grotesquely deformed eyes, Jabulani Thango, caused another sensation when, after having been helped to the witness box by two warders, he broke down and started sobbing, saying he could not see and that he was hungry

He refused to give evidence "until I have been given food because I haven't had my last five meals"

Thango claimed he was supposed to receive only vegetarian food, but that he had been refused this

He also said a warder had thrown "a medicine" in his eyes in Nelspruit and this had caused him to go blind

The judge asked Thango to stand down and called for a full explanation

from the prison authorities

Later in the day the head of the Witbank Prison hospital, Captain N J van Niekerk, told the court Thango's requests for a special diet had been turned down by medical officers as "not necessary"

The captain also said that medical files showed that Thango had had one artificial and one very weak eye since 1981

The State prosecutor, Mr S A Englebrect, decided not to call Thango as a witness

Before taking the oath Partick Schieman handed over a written statement to the judge

The statement describes assaults, isolation punishment, attempted suicide bids and the refusal to do work, all after the incidents of December 29 at the Barberton prison

Schieman then gave evidence, saying he had seen convict Gen Griffin receive a beating which "still frightens me until this day"

Another convict, David Johnson, claimed Warder Burger Van Dyk had called him a "koolie" before beating him

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SA spends R700 000 a day on prisoners

Pretoria Bureau

South Africa's prison population costs the country about R700 000 a day.

In an address yesterday to the Springs branch of the National Institute for Crime Prevention and the Rehabilitation of Offenders, the State President, Mr Marais Viljoen, said the housing and upkeep for one prisoner cost the State R6,52 a day.

He added that the country's prisons were overcrowded by 36 percent.

There were 242 prisons which could accommodate a maximum of 72 892 prisoners. However, during the past three months the prison population had averaged out at 106 000 prisoners daily.

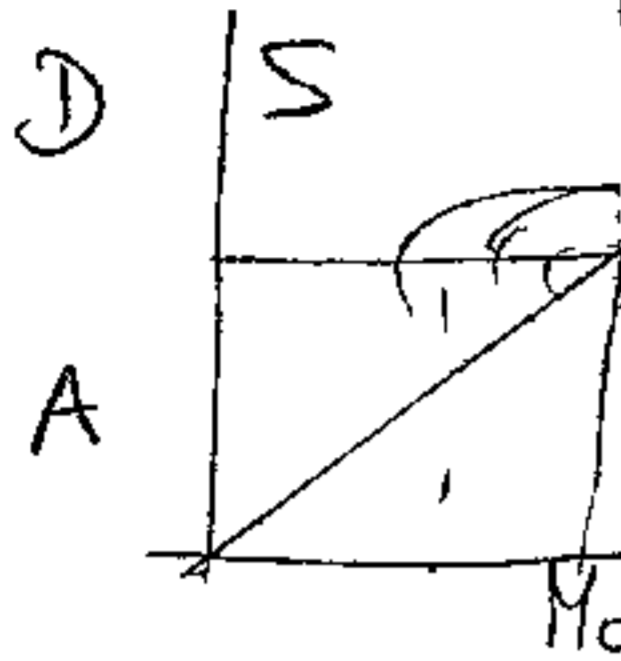
Mr Viljoen said that in the 1982/83 financial year the Departments of Justice and Law and Order spent R898 million in fighting crime.

1753 Stav 14/7/83

253

Exchange rate

Fried



'Human dump' at jail

Witnesses in danger, court told

By Fiona MacLeod

WITBANK — The lives of 36 convicts testifying in the Barberton Prison "heat exhaustion" trial were endangered at Witbank Prison, one of the complainants, Mncamzemi Myeni, said today.

Myeni, who is serving seven years for rape, said they had to be moved from that prison as they were being threatened.

The 36 convicts — 34 of whom are complainants in the trial — were moved to Witbank when they refused to testify in Nelspruit because they were "in fear of life and limb" there.

Four other prisoners complained this week about treatment in Witbank Prison.

One said a Witbank warder had threatened to "see who will laugh last" when the trial was over.

Mr Justice Vermooten assured Myeni that his fears would be dealt with by Colonel J P Strydom, head of the Legal Section of the Prisons Department, who is attending the trial.

One of the 37 prisoners who were allegedly beaten by warders at Barberton Prison Farm, Boyce Levy, claimed that prisoners were sent there to be punished for misbehaviour.

Levy said that, when he asked why sick and exhausted prisoners were being beaten while they worked on a prison dam site on December 29 last year, he was told they had done wrong.

Levy also said that, when Lieutenant J H Niemand, acting head of the prison, brought three convicts separately to the site, he instructed warders to "hit these three dead because they swore at an officer".

Levy further testified that he and 36 fellow convicts were "brutalised" by eight Barberton Prison Farm warders, who beat them with rubber truncheons. Three of the

convicts died

They had been transferred to Barberton from Durban Point jail on the previous day.

Eight warders — Mr Gert Louis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Burger van Dyk (20), Mr Jacques Coenraad Stoltz (18), Mr William Kobyané (47), Mr Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32) — have pleaded not guilty to 34 counts of assault with intent to do bodily harm and three counts of murder.

Before giving evidence, Levy had to be reassured by the judge that he would not be returned to Barberton Prison after the trial.

"The first man beaten at the site was the cripple, Johannes Zuma. I did not take much notice because I thought maybe he was not working."

"But I knew we were finished when Mr Smit, Mr Horn and Mr Stoltz started beating the prisoner Barry Bloem."

"Mr Smit dragged Bloem to the muddy water and pushed him in. He tramped on him and hit him in the water."

DENIAL

When Mr Johan Els, SC, defending six of the warders, told him Mr Smit would deny hitting Bloem in the water, Levy replied "Of course he will deny it."

Levy said he saw many convicts drop from exhaustion and the beatings. They were wheeled away to a "human dump" of unconscious and semi-conscious prisoners.

"Mhlakaza Xaba — one of the men who died — got up from the dump. Mr van Dyk dropped him with a blow on the back of his neck. Xaba screamed. Mr van Dyk then lifted his arms and beat him," Levy said.

(Proceeding)

RR

**Judge slams witness
who can't remember**

**Prisoner
'with the
heart of
a mouse'**

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ROM 14/12/83

By WIM VANVOLSEM

WITBANK. — "You are a big man but you have the heart of a mouse," the judge told a witness in the Barberton Prison Farm trial yesterday.

Mr Justice D O Vermooten was addressing Nicholas Muthwa, a State witness, who told the court he could not recognise any of the accused warders, and also could not remember any details about beatings inflicted on convicts.

Eight warders face three murder and 34 assault charges in the case. They are alleged to have beaten convicts with rubber batons while they were pushing wheelbarrows loaded with gravel on December 29 last year.

The accused are W/O Gert Smit, 38, and warders Christiaan Horn, 19, Jacques Stoltz, 18, Burger van Dyk, 20, William Kobyan, 47, Jonas Madomsela, 32, Lefasa Makhola, 40, and Fanyana Mahumane, 32.

The three convicts who died were Ernest Makhatini, Mayo Khumalo and Mhlakaza Xaba.

A prisoner, Simon Shange, was forced to give evidence in handcuffs yesterday because prison warders at the Witbank Circuit Court could not unlock the cuffs before bringing him into the courtroom.

None of the warders' keys seemed to fit the pair of cuffs Shange was shackled with — and finally the judge accepted that he give his evidence while handcuffed.

Prisoners again gave evidence on how warders at an identification parade allegedly used several tricks to avoid being pointed out.

Jerome Hlophe said certain warders on the parade drew their caps over their eyes, looked down at the ground and tried to confuse the prisoners by swearing at them and joking about their identity.

He said the warders pointed to themselves and urged the complainants to pick them out, saying "It was me who hit you, wasn't it? Point me out, come on — choose me, charge me."

Mr Johan Els, for the defence, said W/O Smit would deny having beaten Makha-

tini while he was being loaded into a van. Hlophe replied "I can accept that W/O Smit can't remember everything — he was too busy that day."

Mr Justice Vermooten "Busy with what?"

Hlophe "Busy hitting everybody around there."

At the end of his evidence Hlophe asked the judge if he could be transferred to another prison outside Witbank closer to his parents, who were alarmed that three of his fellow prisoners had already been "killed by the sun."

The judge said it was a matter for the prison administration.

Complainant William Morris lifted his shirt and showed his stomach to the judge in order to prove that he had undergone an operation.

He claimed that when he pointed this out to W/O Smit at the prison farm while he was being assaulted, Smit had told him to "f off".

Convict Robert Khumalo said he clearly recognised all the warders who had beaten him, "because while they were doing so I was not afraid to look them straight in their eyes".

Before giving evidence, he told the court about "further troubles" at the Witbank prison after their transfer from Nelspruit where they were allegedly threatened in connection with the case.

He said he had complained about being ill, but his complaints were ignored and he was answered in a threatening way.

The judge said he had now become "sick and tired" of requests to the court.

"This trial has now been going on for four weeks, and time and again I have had to listen to this and I have acceded to demands from the witnesses," the judge said.

He then ordered Khumalo to proceed with his evidence without further delay.

Joseph Zombi, who claims to be a heart sufferer, said he was beaten unconscious by Smit and only woke up later in hospital, where he spent six days.

Another 11 complainants are scheduled to be called as witnesses before the defence team presents its case.

The trial continues today.

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Judge to look into identity parade claims

By Fiona Macleod

WITBANK — The judge in the "heat exhaustion" trial said today he would order an investigation into the identity parade of eight Barberton Prison Farm warders charged with murder and assault

Convicts testifying in the trial had spoken of various irregularities, such as the warders covering their faces with their caps and threatening the witnesses

Mr Justice D O Vermooten said an investigation would be held to determine why

- The parade was held four months after the alleged assaults on December 29

- The warders were allowed to swear at the witnesses

- They were allowed to pull their caps down over their faces

- They were not stopped from threatening the witnesses and shouting out "Here I am," and "Point me out"

Mr Justice Vermooten said he was not satisfied with the parade after convict Tom Booyesen said he was afraid to point out some of the warders

He had only identified three of the eight warders because they had sworn at him and an official had told him to hurry

The eight warders — Mr Gert Louis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobyane (47), Mr Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fan-yana Elmon Mahumane (32) — have pleaded not guilty to assaulting 34 maximum security prisoners and murdering three others at a Barberton Prison dam site

It is alleged they beat the prisoners with rubber truncheons as they pushed wheelbarrows loaded with gravel in 35 deg C heat

Booyesen, the 29th convict to testify in the trial, told the court he was serving five years for theft. He was transferred to Barberton from Durban with other prisoners in December

He was given a spade to load gravel into the barrow pushed by others on December 29th. He said the pushers were beaten by warders

The case continues

Court told of 'human dump' in blazing sun

By WIM VANVOLSEM

WITBANK — A prisoner described yesterday how convicts who had collapsed after mass beatings at the Barberton Prison Farm were thrown together in a "human dump" in the blazing sun

Shortly after these disclosures in court, a high-ranking prisons official was ordered by the judge to make himself available to convicts who are witnesses in the case after renewed complaints by them of fear, this time in the Witbank Prison.

Mr Justice D O Vermooten made the order after two more complainants told the court they did not feel safe in Witbank, despite having been transferred from Barberton and Nelspruit for the same reason.

One of them said his life was in danger and that his family did not know of his whereabouts.

Mnancanzen Myeni said that several letters he had written to his parents had remained unanswered and that none of his family knew about the beatings, the resulting case or his transfers.

Boyce Levy also wanted to know from the judge whether he would have to stay on in Witbank.

It was then ordered that Colonel P J Strydom, head of the legal section of the Prisons Department Headquarters in Pretoria — and who is attending the trial — should be available to all those prisoners who had any fears or complaints.

"I order that facilities for this purpose be made available now," Mr Justice Vermooten said.

Eight warders are facing three charges of murder and 34 of assault after they allegedly beat convicts with rubber batons while they were pushing wheelbarrows loaded with gravel at the Barberton Prison Farm on December 29 last year in 35°C heat.

They are W/O Gert Smit, 38, and warders

Christiaan Horn, 19, Jacques Stoltz, 18, Burger van Dyk, 20, Wilham Kobyan, 47, Jonas Madomsela, 32, Lefasa Makhola, 40, and Fan-yana Mahumane, 32.

The three convicts who died were Ernest Makhatini, Mayo Khumalo and Mhlakaza Xaba.

In his evidence, Levy stated that he and other convicts had been "brutalised" by the white warders.

He described how warders Horn and Stoltz "pounded" on fellow prisoner Barry Bloem and how W/O Smit had "worked him over".

Levy said he saw several convicts being "worked over" by warders with the help of their rubber sticks.

Those who collapsed were taken to a place which looked like "a human dump", he said.

Levy then saw Xaba getting up from the "dump", walking like as if dizzy and then being hit by warder Van Dyk, who "dropped him" with one baton blow between his shoulderblades.

"Xaba screamed and after that he never spoke again. He had dropped dead," Levy said.

Another convict, Sefried Zondi, said he was also struck. He confirmed to the court that it was painful — "I am made from blood, not from steel", he said.

Convict Themba Khumalo testified he was still suffering from pain from the beatings he had received, while Edward Pretorius described how he was assaulted by two "rookoppies" whom he could not distinguish from each other.

Warders Horn and Stoltz have red hair. He also told the court about several prisoners being "whacked" and "dipped".

Mr Justice Vermooten urged witnesses — especially Levy — to use normal English when describing the assaults.

"This is not an American joint where we use slang," the judge said.

The State is expected to close its case this week.

Booth

P W Botha will ignore Free Mandela campaign

NO JOY FOR NELSON

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MR P W BOTHA

By ZWELAKHE SISULU - POLITICAL BUREAU

THE PRIME Minister, Mr P W Botha, yesterday clearly stated that the government would ignore the campaign calling for the release of the imprisoned African National Congress leader, Nelson Mandela.

Speaking at a Press conference at the Union Buildings in Pretoria, Mr Botha said he would not interfere with the court's decision to jail Man-

delo. Mr Botha was responding to a question on whether the government would consider the call for Mandela's release, and he said "South Africa has an independent judiciary and we do not want to interfere with it."

Nelson Mandela was found guilty under the laws of the country, was convicted and is serving his sentence. That is all I want to say on the matter," Mr Botha said.

The conference covered a wide range of issues including the forthcoming referendum, the constitutional proposals and the meeting between Mr Botha and the secretary-general of the United Nations, Dr Perez de Cuellar.

Asked if the government's commitment to adhere to the Rikhotso decision indicated an acceptance of the permanency of urban blacks, Mr Botha replied

"We realise that there will always be blacks in urban areas and that is why we have prepared the Local Authorities Act"

He said the government acknowledged that consultative structures had to be established and that the expansion of constitutional development for these black communities was a task for the future.

Regarding the Indian and coloured communities, Mr Botha said it would be up to the leadership of these communities to decide how to test their feeling towards the constitutional proposals.

He demed that the military was playing an increasing role in determining South Africa's foreign policy and added "Of course, as a country threatened by Russian expansionism, the military has an important role to play"

'Heat' trial ID parade 'was unruly'

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By Fiona Macleod

WITBANK — Witnesses in the "heat exhaustion" trial were reluctant to identify black warders who allegedly beat them but pointed out the white warders involved, a policeman in charge of the identity parade said today

Warrant-Officer S Botha also told the court that the black warders cooperated at the parade — which was held four months after convicts were allegedly assaulted and murdered by the warders — but white warders in the line-up were restless and undisciplined

The State called WO Botha after convicts said that the whites hid behind their caps, swore at them and threatened them at the parade

He said the parades of the four white and four black warders were held separately in a Barberton Prison Hospital yard on May 5

The black parade was over in an hour, but it took 2½ hours to complete the white parade.

He could not say whether the witnesses were unwilling or unable to identify the blacks, but it seemed that they had already decided not to recognise them.

He denied hearing whites swear at or threaten the convicts but said the

whites slouched against the wall and were unruly

Mr Justice D O Vermooten said yesterday he was disturbed by convict Tom Booyesen's evidence that he was afraid to point out white warders and that he had been rushed through the parade by the official in charge

The eight Barberton Prison Farm warders identified — Mr Gert Louis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobyan (47), Mr Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fan-yana Elmon Mahumane (32) — have pleaded not guilty to assaulting 34 prisoners with intent to do bodily harm at a prison dam site last December 29

They have also denied murdering three convicts who died

The investigating officer, Warrant Officer J de Klerk, testified that the parade was held four months later on the instructions of the Attorney-General

He said he did not hold it before because he knew which warders had been at the dam site and that they were linked to the case

He had received complaints about the parade from two convicts, Barry Bloem and Joseph Rademeyer

The warders' defence counsel recalled the Barberton District Surgeon, Dr W Pretorius

Dr Pretorius was asked to clarify convicts' complaints about the way he examined them on December 30 and January 4

He denied that the 34 convicts were filed in an out of the room and that some of them were sent back to the cells without being examined

The State closed its case with the evidence of the witnesses. The trial resumes next Tuesday.



These are identikit pictures of the two men sought in connection with the death of Mr Peter Resch, who was strangled in his Yeoville flat. His pregnant wife Verena was battered during the attack.

Man fire...

Heat trial hears of ID parade abuses

By WIM VANVOLSEM

WITBANK. — The judge in the Barberton Prison Farm "heat exhaustion trial" said yesterday he would call for an investigation into alleged irregularities at an identification parade.

Mr Justice D O Vermooten said he was "not very happy" about what he had heard so far after claims were made once again that the accused had hidden their faces and sworn at the complainants at the parade.

Proceedings were also adjourned after a tense argument between the judge and the defence about an alleged conspiracy to implicate the white warders accused of murder and assault.

Mr Justice Vermooten wanted to know if the defence was trying to suggest "a deal had been struck" between the complainants and the court or the prosecutor "to give the State its case on a golden plate" in return for the transfer from the Barberton prison to Witbank.

Eight warders are facing three charges of murder and 34 of assault

after they allegedly beat convicts with rubber batons at the Barberton Prison Farm while they were doing arduous work on December 29 last year in a temperature of 35°C.

They are Warrant Officer Gert Smit, 38, and warders Christiaan Horn, 19, Jacques Stoltz, 18, Burger van Dyk, 20, William Kobyan, 47, Jonas Madomsela, 32, Lefasa Makhola, 40, and Fanyana Mahumane, 32.

The three who died were Ernest Makhatini, Mayo Khumalo, and Mhlakaza Xaba.

Convict Tom Booyen confirmed several previous testimonials that during the identification parade warders had dropped their caps on their noses, and said he had finished the identification quickly and in a confused way because he had become frightened when the warders had sworn at him.

He said that when he had started pointing them out, W/O Smit had told him "yes, choose me" and then used foul language referring to his mother!

"You must understand me, I am just a black person and there in front of me

were whites in uniform making remarks in bad language I became scared."

Mr Justice Vermooten then said he would find out himself more about the identification parade.

"I want to know why it was only held four months after the events, what all that swearing was about, why suspects were allowed to drop their caps over their eyes, and why witnesses were intimidated," the judge said.

During cross-examination of Booyen, the defence counsel, Mr Johan Els, referred to a statement by a Nelspruit pro deo counsel, Mr Stanley Swanepoel who was acting on behalf of the complainants, that "they would give the State its case on a golden plate" if the trial were moved from Nelspruit.

Mr Justice Vermooten then asked Mr Els whether he was trying to suggest the witnesses had "struck a deal" with the Bench, Mr Swanepoel or the State in return for the venue of the trial and their place of detention being changed.

Mr Els said Mr Swanepoel's statement, together with certain other evidence, pointed to a conspiracy by the complainants.

'Heat trial' convicts still fear warders, court hears

By Fiona Macleod

WITBANK — Fearful convicts who refused to testify in Nelspruit about alleged beatings by warders were still in danger after they were moved to the Witbank Prison, witnesses in the "heat exhaustion" trial said this week.

Maximum security convicts said they were being threatened by Witbank warders, who warned they would "see who will laugh last" after the trial.

The judge, Mr Justice DQ Vermooten, had to reassure many of them that he had given his word when the trial was moved from Nelspruit five weeks ago, that they would not be returned to Barberton.

The 34 convict witnesses were transferred to the Barberton Prison farm from the Durban Point jail on December 28 last year. The next morning they were allegedly beaten by eight warders as they worked at a prison dam site in 35 deg C heat.

Mr Gert Louis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobyan (47), Mr Lefasa Charles Makhola (40), Mr Jonas Zephania Madonsela (32) and Mr Fanyana Elmon Mahumane (32) have pleaded not guilty to 34 counts of assault with intent to do bodily harm and three counts of murder after three convicts died.

TRUNCHEONS

The State closed its case on Thursday after 19 prisoners testified they were beaten with rubber truncheons as they pushed wheelbarrows loaded with gravel up and down an embankment.

Lieutenant JH Niemand, acting head of the prison, and Brigadier EJ Victor, in command of the Eastern Transvaal prisons, who were both cited as State witnesses, were not called.

Many witnesses testified that the warders were instructed by Lieutenant Niemand to "hit convicts dead". Defence counsel for the warders — who begin their defence on Tuesday — have centred cross-examination of the convicts on the identities of the warders who allegedly assaulted and murdered them.

They have also claimed that prisoners corroborated their evidence and conspired to incriminate only white warders.

They had conspired to "hand the State its case on a golden plate" when the trial was moved from Nelspruit, said Mr Johan Els SC, defending six of the warders.

By WIM VANVOLSEM
WITBANK — Two police officers were yesterday questioned by Mr Justice D O Vermooten in the Witbank Supreme Court about the identification parade for the Barberton Prison Farm "heat exhaustion" trial

The head of the Komati-poort CID, Warrant Officer Marthinus Botha, who was in charge of the parade, at the Barberton prison hospital yard, told the judge that 18 white warders, among whom were the four accused, behaved in an undisciplined fashion during the parade

Eight warders are facing three charges of murder and 34 of assault following events at the Barberton Prison Farm on December 29 last year

They are Warrant Officer Gert Smit, 38, and warders Christiaan Horn, 19, Jacques Stoltz, 18, Burger van Dyk, 20, William Kobyan, 47, Jonas Madonsela, 32, Lefasa Makhola, 40, and Fanyana Mahumane, 32

All warders on the identification parade were in uniform, without nameplates and insignia of rank, but all

(253) ROOM 17/5/83

Police questioned on warders' parades

were still wearing their caps
W/O Botha confirmed that some warders had their caps over their eyes, but he did not feel this hindered the purpose of the parade

W/O Botha said he was forced to ask the warders at the parade "more than once" to raise the brims of their caps and to stand erect. Following a complaint, he also asked them not to swear at witnesses

He was sitting at a desk some 7m away from the parade, and had not heard any swearing, but he could not say with certainty that there had been no swearing

He said the white warders stood slouched and "indifferent", in contrast to the black warders, who all stood erect during a separate identification parade. There were no difficulties during the black parade, which took less than

half the time of the white parade

W/O Botha said that his requests to the white warders to behave in a more disciplined way did not seem to have much effect

Photographs taken at the parade were handed in to the court, and the judge said it seemed quite clear from the pictures that the warders were standing around "without much discipline"

Asked why the identification parade had only taken place five months after the event, the investigating officer in the case, Warrant Officer Jacob de Klerk of the Barberton CID, said he had not found it necessary to hold a parade during his investigations as everything pointed to the eight warders who were on duty at the farm dam on December 29

"It was only after I had

completed my investigation and had sent the docket to the Attorney General that he then requested me to hold an ID parade, which then took place on May 5 this year," W/O De Klerk said

The judge said he could not understand why the investigating officer had not found it necessary to hold the parade sooner, during his own investigations

During cross-examination, W/O De Klerk said it appeared from his investigations that complainants Barry Bloem and Joseph Rademeyer were the "ringleaders" among the convicts

The trial resumes on Tuesday when the State will close its case. The prosecutor, Mr S A Engelbrecht, said he would hand in certain admissions he had obtained

Confusion and more prison threats, say 'heat trial' convicts

Staff Reporter

CLAIMS were made in the Barberton Prison Farm 'heat exhaustion' trial this week of irregularities at an identification parade, maltreatment of prisoners and threats having spread to the Witbank prison and a conspiracy among convicts.

The last of the 34 complainants in the five-week trial testified at the Witbank Circuit Court this week and the question now is who and how many of the accused will be called by the defence to give evidence when it opens its case on Tuesday.

Lieutenant J H Niemand, acting head of the prison

farm at the time of the three deaths allegedly arising out of beatings given by warders, has previously been named as a possible plotter of the alleged assaults.

Both he and Brigadier E J Victor, officer commanding the Barberton prison dis-

Makhola and Fanyana Mamane

They are alleged to have beaten three convicts to death and assaulted 34 others with rubber batons while the prisoners were pushing wheelbarrows loaded with gravel at the farm

dam on December 29 last year, when the temperature was 35°C

The three convicts who died that day were Ernest Makhatini, Mayo Khumalo and Mhlakaza Xaba.

Evidence has been that, the day after the beatings,

convicts overheard a radio news report which said that three prisoners at Barberton "had died from heat exhaustion"

This week, several witnesses claimed they had not them and had their caps drawn over their eyes

Mr Justice D O Vermooten questioned the police officer in charge of the parade, Warrant Officer Marthinus Botha of the Komatiapoort CID, on procedures during the parade.

WO Botha said the warders had behaved in an "undisciplined" manner during the parade and that he had to warn them several times

The investigating officer in the case, Warrant Officer Jacobus de Klerk, of the Barberton CID, was also questioned by Mr Justice Vermooten on why the parade took place five months after the alleged events

W/O De Klerk said he had held the parade only at the request of the Attorney-General as his investigations clearly pointed to the eight accused and he had thought a parade unnecessary

There were also claims that further threats had been

made to the complainants at the Witbank prison — the trial was originally moved from Nelspruit after alleged intimidation against witnesses there

A half-blind convict and complainant in the case, Jabulani Thango, broke down and cried in the witness box, saying he could not give evidence as he was hungry

He claimed he had not received meals for a weekend

Another witness told the court that he had been told by warders at Witbank "Don't think you are a gentleman, this case of Barberton is not finished. We'll see who laughs last"

The court heard that prisoners who had collapsed, as well as the three who died, had been taken to a "human dump" at the dam, where they were "tipped off" wheelbarrows and lay in the blazing sun until taken away in the back of a van

In cross-examination the defence said it had become apparent that the complainants had discussed with each other what to testify and that there was a conspiracy among them to lay all blame on the white warders accused, "to get back at them".

'No instruction on heat illnesses'

By Fiona Macleod

WITBANK — The Prisons Department issued instructions about heat illnesses and prison work in extreme climates only four months after three Barberton prison farm convicts died while working in 35 deg C heat, defence witnesses in the "heat exhaustion" trial said today

Defence counsel did not call any of the eight accused warders to give evidence and, after calling Prisons Department officials and a district surgeon, closed its case

Argument will start on Friday, after which judgment will be delivered

Prisons Department officials testified that, before last March, warders were given first-aid training during the early

six months of service but received no instructions on heatstroke or heat exhaustion

They were also taught that it was an offence to assault convicts and that they must carry out the orders of their seniors

Prisons Department officials opened the defence case of eight Barberton Prison Farm warders, charged with murdering three maximum-security convicts and assaulting 34 others last December 29

It is alleged that they beat the 37 convicts with rubber truncheons as they worked in 35 deg Cheat

The warders — Mr Gert Louis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk

(20), Mr William Kobyanie (47), Mr Jonas Zethania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32) — have pleaded not guilty to three counts of murder and 34 counts of assault with intent to do bodily harm

The head of the warders' training section, Colonel F G Smook, and the head of the health services, Lieutenant-Colonel T S Botha, said that it was only after the incident at Barberton that the Prisons Department gave instructions about heat illnesses

Warrant Officer S J Swanepoel, head of the prisoners' training and labour department, said that his department circulated a letter about work under extreme weather conditions in April

The letter said that convicts should be acclimatised before working in extreme conditions. Exhausting physical work should be avoided when the humidity and temperature were high

The policy followed before these instructions was that work teams should not be pushed or made to do heavy work if the day was hot

The Barberton district surgeon, Dr W Pretorius, who examined the convicts, said that they showed symptoms of heatstroke, the worst form of sunstroke

Colonel Botha said warders were instructed to carry out the orders of seniors

But an order to assault convicts would be unlawful and they would not be obliged to carry it out, he said

Knife raiders grab R8 000

Crime Reporter

Three young knifemen grabbed more than R8 000 in cash today when they stormed an Allied Building Society branch and held up the staff

At 9 am the three young men entered the offices in Kotze Street, Hillbrow

One of the men held the security guard at knife-point while the others approached the counter

They held up Mrs Nola Pretorius (32) and two colleagues and fled, taking R8 099

No one was injured during the attack. Murder and Robbery Squad detectives have been alerted. No arrests have yet been made



His wife Anneline, hopes to be discharged in Johannesburg, in two days' time. He says to work. The mild heart attack he suffered in his lifestyle — but nothing drastic. "The for me to stop smoking. I was smoking 60 'any since the attack," he said. At that time work pressures on him.

Minnaar tells court

... on July 19 ... he would be ... with the illegal ... of arms

... his interro- ... demanded he ... turned down a ... General Sebe ... his broth- ... esident ... equest of this

kind was ever made to me by General Sebe

"My interrogators indicated that General Sebe was trying to take over the government and that I would be unwittingly used by him, but I knew of no such plan"

He said he had not been in charge of equip-

ment at Mapasa at the time of his arrest, having moved from the base in May 1981

In an affidavit handed to the court earlier, Major Dennis Croucamp, of the Ciskei Police Force, said General Minnaar had given him a key to the trunk which was

used to store arms and explosives used in training at Mapasa

He said General Minnaar had instructed him to use the contents of the trunk in the event of any white contract security officers being detained

General Minnaar admitted the trunk belonged to him, but said its contents were for official use only

Putco, cyclists meet in bid to avoid deaths

An organiser of cycling events and Putco bus company have held talks in an attempt to prevent a repetition of a weekend tragedy

The parents and a baby of a family of four were killed by a Putco bus while they were taking part in a cycling event on Saturday

Mr Raymond Hollier (30), his wife

rible tragedy that happened this weekend," Mr Brett said

He said he felt restrictions should not be put on cyclists or runners. The onus should be on organisers who should

● Liaise with traffic departments and bus companies

● Have sufficient marshalls at the

Shots stop robber's escape bid

By Mike Cohen, Crime Reporter

An armed robber who attacked an employee of a Johannesburg dry-cleaning concern yesterday was shot and wounded by

ctzers first of tour

SBURG — The of the Total Na- Vintage Tour ... ed near Pie- yesterday after- won by Schalk ... Coetzer in ... Dodge with an

Ans
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Convict tells of 'testify or die' threats

By Fiona Macleod

WITBANK — Complainants in the Barberton 'heat exhaustion' trial had threatened to kill fellow convicts if they did not testify against eight warders charged with murder and assault, a defence witness said yesterday.

Convict Obed Masango, a complainant not called to testify for the State, said prisoners had been forced by prison gang leaders to say the warders had murdered three convicts who died on December 29 last year.

The eight Barberton Prison farm warders, who have pleaded not guilty to murdering three maximum security convicts and assaulting 34 others with intent to do bodily harm, were not called to testify.

The State alleges that the warders — Mr Gert Louis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coentraad Stoltz (18), Mr Burger van Dyk (20), Mr William Koboyane (47), Mr Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32) — beat the convicts with rubber truncheons as they worked on a prison dam site in Sedgeheat.

Masango countered the evidence of the other complainants by saying the warders had used their batons only to stop

Profiles of warders' lives in court

WITBANK — A Barberton prison farm personnel officer provided a glimpse into the lives of some of the eight warders charged with murder and assault when he produced their files during the 'heat exhaustion' trial yesterday.

Lieutenant F M du Toit, head of the prison's personnel section, read from the files of Mr Christiaan Johannes Wynand Horn, Mr Jacques Coentraad Stoltz, Mr Burger van Dyk, Mr William Koboyane and Mr Jonas Zephania Madonsela.

He said Mr Horn (19) had a Standard 10 education and was single. He started his training with the Prisons Department at Kroonstad in January last year and was transferred to the Barberton farm in June. He was a rugby player.

Mr Stoltz (18) had passed Standard 8 and was also single. He joined the Prisons Department in Rustenberg in February last year and moved to Barberton in November. He also played rugby.

Mr van Dyk (20), a single man with a matric, joined the department in June 1981. He was transferred to Barberton 10 months ago. He was also a rugby enthusiast.

At 47, Mr Koboyane was married with three children. He had a Standard 6 education and started with the department in 1955. He moved to Barberton in 1960. He was not interested in sport.

Mr Madonsela (32), a soccer referee and keen athlete, was married with three daughters. He had passed Standard 6 and joined the Barberton prison in 1974.

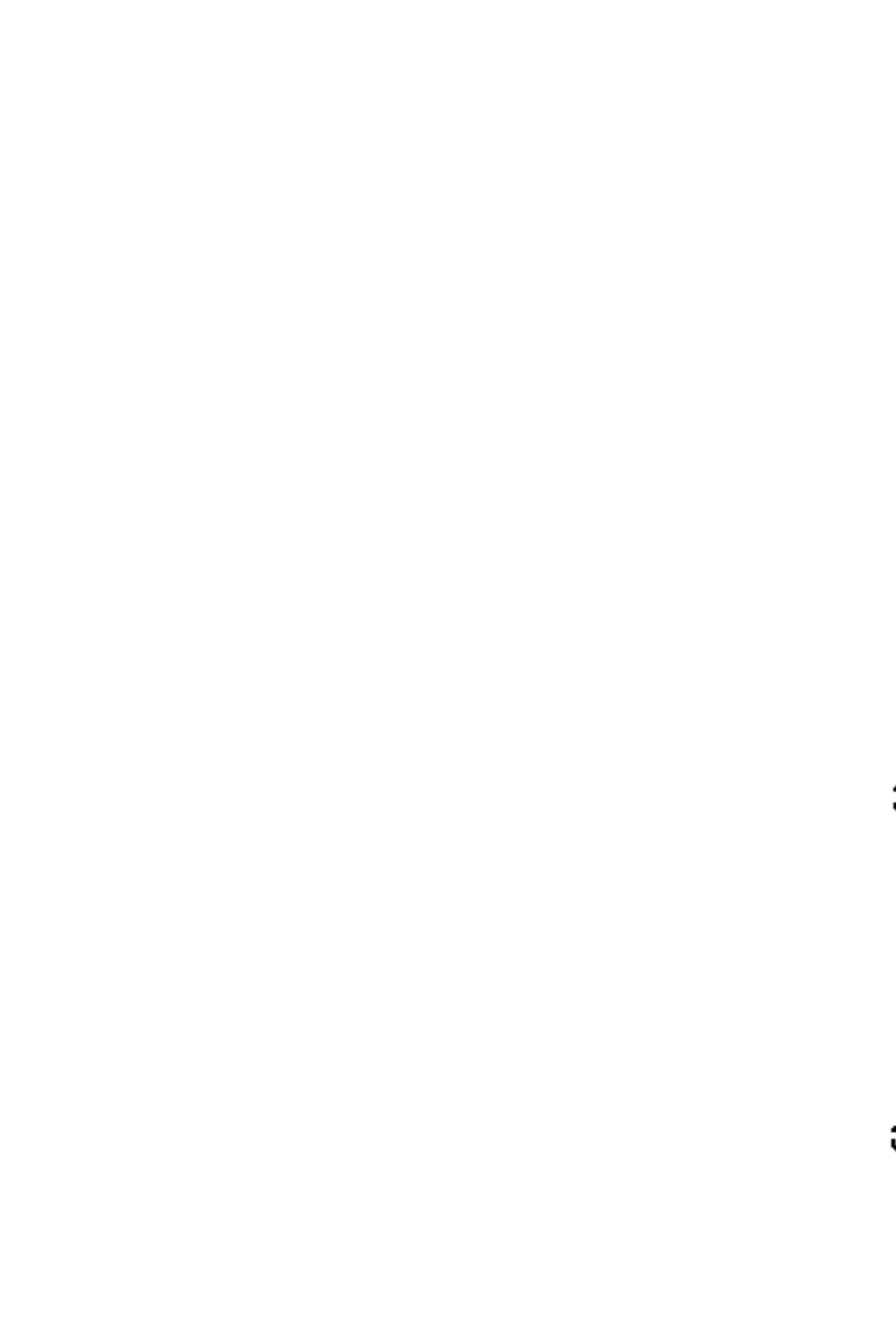
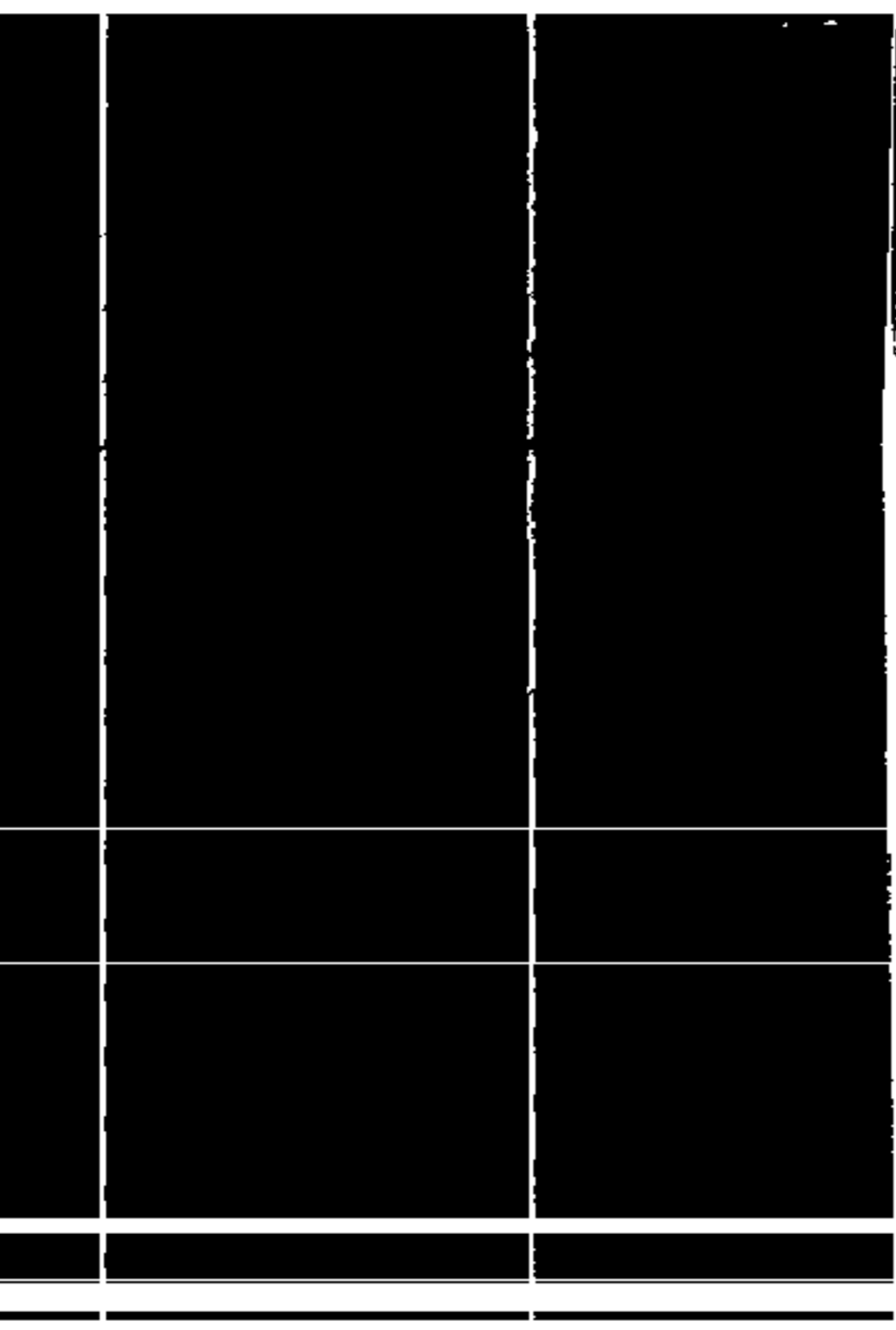
Some of the convicts threaded their belts through the ears of their mugs and swung them

apart, to stop us from hurting each other", he said. "The warders were just trying to keep us apart, to stop us from hurting each other", he said. "Mr Justice D O Ver-

a "general brawl" which had broken out.

Mr Justice D O Ver-

Department had circulated instructions that convicts should be acclimatised before working in extreme climates, and that exhausting physical work should be avoided when the humidity and temperature were high. The defence closed its case.



Warders kill inmates in new clash

Four more Barberton convicts die

(253) ROM 21/9/83

By WIM VANVOLSEM

ANOTHER four Barberton convicts died in fresh violence which broke out at the detention complex yesterday.

They were killed by warders at the maximum security section in the town and three other prisoners and two warders are being treated for injuries as a result of the renewed unrest.

A statement said order had been restored and the situation was under control.

The Minister of Justice, Mr Kobie Coetsee, and the Acting Commissioner of Prisons, Lieutenant-General W H Willemse, will visit the Barberton maximum security prison today to personally investigate the latest incidents at the jail.

The deaths were confirmed by the Department of Prisons last night and the Rand Daily Mail was referred to a statement by the Minister of Justice.

Later yesterday the Minister issued a statement saying that "four prisoners were fatally wounded at approximately 11 45am by members of the SA Prison Service when violence broke out which was applied by prisoners on members of the service"

The statement added, "Three further prisoners and two staff members are being treated in hospital for injuries sustained. Order has been restored and the situation is under control."

The latest casualties have brought the number of inmates who have died at Barberton since December last year to 11.

It is the third fatal incident following violence at the Barberton Prison since the start of the prison farm heat exhaustion trial, currently being held at Witbank.

Eight warders stand accused of having beaten three convicts to death and having assaulted 34 others with their rubber batons on December 29 last year.

In August another three inmates died at Barberton as a result of what has officially been called "a brawl".

Two weeks ago convict Jackson Khumalo died after being beaten with a stick by a warder during an attempted escape.

Top level investigations have been launched into these incidents.

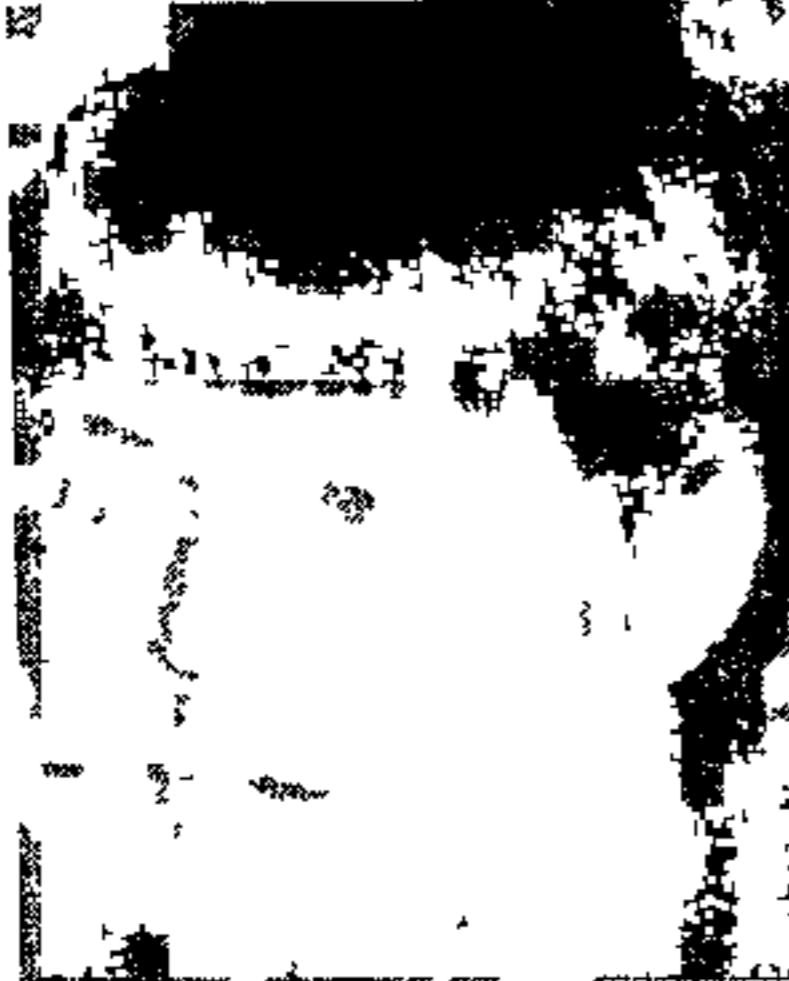
The prison has a history of violence which was confirmed by Mr Coetsee in Parliament earlier this month.

(253) 2011 21/9/83

No warders' evidence in 'heat' trial



JONAS MADONSELA, 32



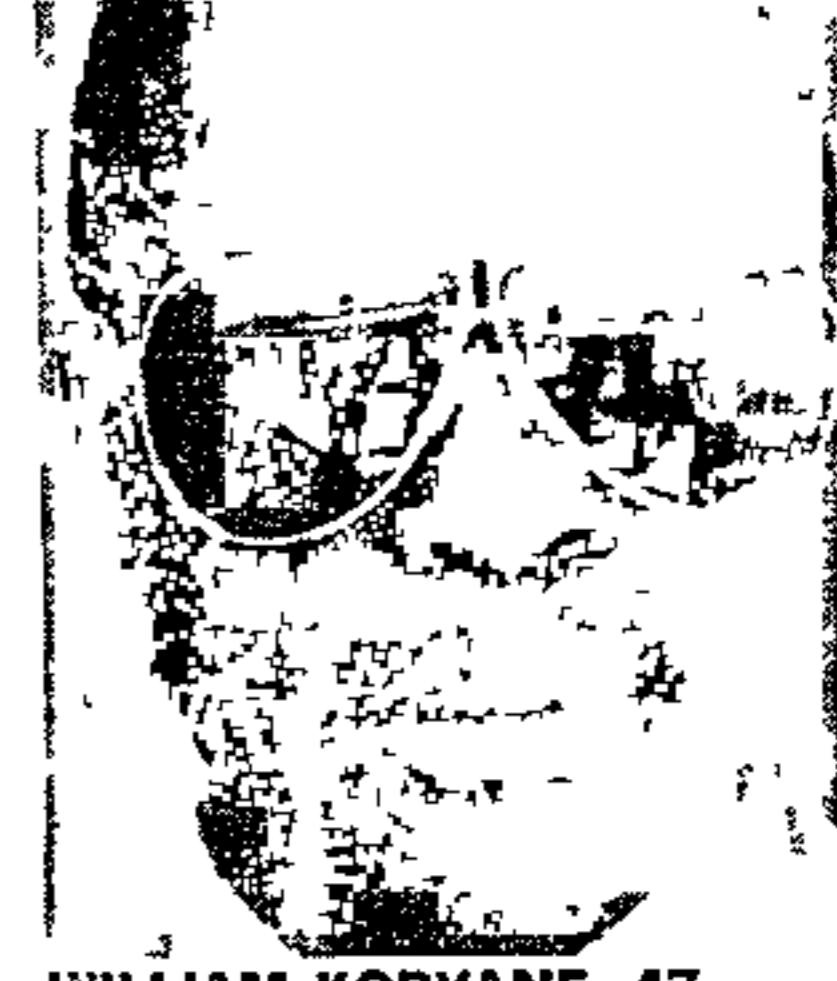
BURGER VAN DYK, 20.



FANYANA MAHUMANE, 32.



JACQUES STOLTZ, 18.



WILLIAM KOPYANE, 47.

By WIM VANVOLSEM

WITBANK — The Barberton prison murder trial took an unexpected turn yesterday when the defence closed their case after less than an hour in a drama-packed morning, during which

- The eight accused warders would not give evidence.
- A request for discharge of two of the accused was turned down by the judge.
- Evidence was given that notorious nationwide prison gangs had been active in the case with their own "judges"
- A mass prisoners' hunger strike was described, and
- Top prisons officers admitted shortcomings in warders' training programmes.

After almost five weeks of evidence by the prosecution about alleged vicious beatings and assaults by warders on convicts, and after a weekend of consultations between the defence advocates and the accused, Mr Justice D O Vermooten was told that the defence preferred not to call the eight warders to the witness box.

The eight, Warrant Officer Gert Smit and Warders Christiaan Horn, Jacques Stoltz, Burger van Dyk, William Kobyané, Jonas Madonsela, Lefasa Makhola and Fanyana Mahumane, are charged with three counts of murder and 34 of assault



W/O GERT SMIT, 38.



LEFASA MAKHOLA, 40'



CHRISTIAAN HORN, 19.

after allegedly beating convicts with rubber batons while they were pushing fully laden wheelbarrows at the Barberton Prison Farm Dam on December 29 last year in 35°C heat

The defence called high ranking prison officers, some from the department's Pretoria headquarters, as well as a complainant who had not been called by the State

This convict, Obed Masango, told the court that the famous "Gang 26" had instructed prisoners to testify against the accused

He said another gang, "Gang 27" was also involved, but he denied that the also notorious national prison gang known as "Airforce" played a role

Masango claimed that the complainants Andries Mthembu, Barry Bloem and Joseph Africa were members of "Gang 26" Africa was the gang's "judge", or local leader, in Barberton Prison

Another complainant, Patrick Schieman, was the "judge" of "Gang 27", he claimed, adding that he had been threatened with death if he did not give evidence against the accused in court

Masango gave his version of what happened on December 29, claiming that warders had only tried to "break up a brawl" He said convicts had attacked each other with mugs tied to their belts which they swung above their heads Others had hit back with their spades, "which

caused all the injuries"

Col F G S Smook, head of the warden training section of the Prisons Department, told the court that until March this year there had been no training in heat illnesses at the department He could not explain why not.

He also testified that according to the Consolidated Prison Regulations (98/3 and 71/1hh) it was an offence to assault convicts, except in an emergency situation It was also not regular for batons to be worn when accompanying work gangs

Warrant Officer S Swane-poel, head of the prisoners' labour training section of the department, said a circular

had been sent out some months after the events about work in extreme weather conditions

Lieutenant Colonel Theunis Botha, head of the Prisons Health Services said it had been a standing practice not to expect prisoners to do hard work on a very hot day He added however that if the head of a prison sent a warrant officer and young warders out with instructions to the contrary, they would have to execute those orders

A Barberton prison sergeant then described how the complainants had all gone on a hunger strike after the alleged assaults because they were not kept together in one cell, but had been split up in groups of three

The Barberton Prison Farm personnel officer, Lieutenant F M du Toit, told the court that according to records, several of the accused had only recently come from training college One had been on the job for a year, another for a month

The case was then adjourned "with great reluctance" by Mr Justice Vermooten to allow the defence to prepare their arguments which they will present after the State Prosecutor, Mr S A Engelbrecht's address to the court

Judgment is expected on Monday

Prison death facts will be published — Minister

253
JWS
2/9/83

By Sheryl Raine, Pretoria Bureau

The public will not be kept in the dark about any relevant facts to emerge from the high-level investigation into conditions at the Barberton Maximum Security Prison, the Minister of Justice, Mr Kobie Coetsee, said today.

Mr Coetsee carried out a six-hour inspection of the prison yesterday and afterwards announced that an investigation into conditions and the cause of violent incidents would be led by the Regional Court president, Mr J A van Dam of Johannesburg

It would be up to Mr van Dam to decide whether to hold his investigation in public

Also on the inspection tour were the Director-General of Justice, Mr J P Coetzer, the Acting Commissioner of Prisons, Lieutenant-General W H Willemsse, the Regional Commander of Prisons, Brigadier P S Velthuysen, the commanding officer Barberton Prison Command, Brigadier E J Victor, and the acting head of Barberton Maximum Security Prison, Major J C Hall

Mr van Dam said today he needed time to study the terms of reference of the investigation. He would wait until the two other members of his board of inquiry had been appointed before making a decision

Tuesday's clash described

"I don't intend keeping anything from the public, said Mr Coetsee "I shall make public such information that I may deem necessary."

Four prisoners were shot dead and three prisoners and two warders injured at the prison on Tuesday in a clash between convicts and warders

This brought to 11 the number of convicts to die violently in prisons in the Barberton area during the last 10 months.

Informed sources in Barberton today described Tuesday's clash

At about 11.45 am, they say, violence erupted when a convict threw a plate of food in the face of a warder. The tin plate badly injured the warder's nose.

About 28 other convicts sprang forward with spoons which they had sharpened into rough knives. A general scuffle between prisoners and warders followed

At one point five convicts grabbed a white warder and pinned him into a corner. They stabbed him repeatedly in the chest and body.

Warning shots were fired in the air, but the prisoners refused to disperse. Four prisoners were then shot and fatally wounded

The warder was admitted to hospital

In another incident a prisoner had his arm blasted with a shot gun. The circumstances surrounding his injury were not known. The prisoner was admitted to hospital and later had his arm amputated

Two other prisoners sustained bullet wounds in the clash

One was wounded in the right shoulder and the other in the right hip

Both are in hospital

A third warder received what were described as "scrape wounds" on his back

All of those injured in the clash are reported to be in a satisfactory condition in hospital.

Prison inquiry to focus on gangs

Top-level probe for Barberton

253
RDM
22/9/83

By WIM VANVOLSEM

A HIGH-LEVEL investigation into conditions at the Barberton Prison was ordered by the Minister of Justice, Mr Kobie Coetsee, after he visited the complex yesterday.

The Minister was accompanied by the Acting Commissioner of Prisons, Lieutenant-General W H. Willemse, and the Director-General of Justice, Mr J. P. J. Coetzer.

The investigation will be led by the Regional Court President, Mr J. A. van Dam, of Johannesburg.

In a statement issued after his three-hour visit to the jail, the Minister said he had considered it necessary to go there in view of problems experienced in recent times at the prison.

Four convicts were shot dead by warders on Tuesday, bringing the number of violent deaths at the complex to 11 within less than a year.

Eight warders from the Barberton Prison Farm are at present being tried on three charges of murder and 34 of assault in connection with one of the incidents.

Mr Coetsee arrived at the administration block of the prison at 9.30am after having flown from Pretoria.

The stern-faced Minister immediately settled into discussions with the Regional Commissioner of Prisons, Brigadier S. J. Veltuisen, the Commanding Officer, Barberton Prison Command, Brigadier E. J. Victor, and the acting head of the Barberton Maximum Security Prison (Town), Major J. C. Hall.

Later in the morning the Minister and Gen Willemse inspected the prison facilities. Mr Coetsee, who was accompanied by three plainclothes bodyguards, clutched a notebook in his hands during the tour.

The Minister preferred not to be interviewed at the prison but issued a statement later yesterday announcing the investigation which would focus on prison gangs, threats, and intimidation and overcrowding among other matters.

Mr Coetsee also said that in the interim supplementary measures had already been introduced to insure the safety of personnel as well as prisoners.

He did not give details.

The Minister first referred to the 'bloody incidents' of Tuesday, saying "I wish to express my condolences to the relatives of those who have lost their lives on September 20 and trust that the members of the prison service as well as the prisoners who were injured will experience a speedy and full recovery."

"Certain incidents in which the loss of life was involved have already resulted in other court cases or inquests."

"These judicial proceedings have not yet been finalised and I am, therefore, prevented from going into or to comment on any fact or allegations."

"I have decided to order a high-level investigation under the chairmanship of Regional Court President Mr J. A. van Dam of Johannesburg."

The names of those who would assist Mr Van Dam would be announced later.

The terms of reference of the investigation are, as follows:

If any factors are present which have a detrimental effect on the efficiency of custodial services at the prison with particular reference to the following questions:

- Whether gang activities among prisoners play any role in this regard;
- Whether the prisoners threaten or endanger each other's lives or did so or otherwise intimidate or intimidated each other;
- Whether overcrowding at the time of the events played any role;
- Whether the lives and safety of members of the prison service were and are adequately protected during the performance of their duties;
- What steps would be taken to prevent a recurrence of such events.

The investigation would also consider whether any such factors were present also at any of the five other prisons forming part of the prison complex and if so what steps should be taken.

'Heat' trial now borderline — State

By Fiona Macleod

WITBANK — The Barberton "heat exhaustion" trial had become a borderline case between murder and culpable homicide, the State Prosecutor said in argument today

The intention of four white Barberton Prison Farm warders to kill three maximum security convicts had not been proved, but any reasonable person would have foreseen that they could die, said the prosecutor, Deputy Attorney General Mr S A Engelbrecht

He told Mr Justice D O Vermooten that the three convicts — Mhlakaza Xaba, Ernest Makhathim and Mayo Khumalo — died of heat stroke when they were taken out to work at a prison dam site on December 29 last year

23/9/83
Jms
Medical evidence was that the heat stroke was caused by the 35 deg C heat, arduous work and continuous beating by warders with rubber truncheons

The four white warders — Mr Gert Luis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18) and Mr Burger van Dyk (20) — have pleaded not guilty with four black Barberton warders — Mr William Kobyane (47), Mr Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32) — to 34 counts of assault with intent to do bodily harm and three counts of murder

When he opened his argument, Mr Engelbrecht said he would not ask for a conviction of murder, but later said he hesitantly argued for culpable homicide

Culpable homicide seemed unlikely, especially in the case of Mr van Dyk who arrived late at the site

Evidence was that Mr van Dyk chased after convict Xaba, hit him on the back of his neck and then beat him after he fell

Mr Engelbrecht said it was obvious that the eight warders had acted as a punishment squad because the prisoners had caused problems in the Durban Point Jail and swore at a warder

He asked that the four white warders be convicted on 32 counts of assault with intent to do bodily harm

Mr Engelbrecht said for some reason the 32 convict witnesses had protected the black warders and there was little evidence to implicate them.

The case continues

Ex-Island attorney for Transkei

23/9/83

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UMTATA — A former Robben Island prisoner and Johannesburg attorney, Mr Joseph Bransby Vusani, whose name was struck off the roll of attorneys in 1971, has been re-admitted as an attorney in the Transkei Supreme Court.

Mr Vusani was convicted on three counts under the Terrorism Act and was sentenced to a total of 21 years' imprisonment, of which five years were suspended.

He was convicted and sentenced by the Natal provincial division of the Supreme Court of South Africa in Maritzburg for participating in terrorist activities.

Mr Vusani said that as a result of the conviction, failure to pay the annual subscription to the Transvaal Law Society, failure to notify the Law Society of his discontinued practice, and failure to report his conviction and sentence, he was struck off the roll of attorneys in 1973.

In his application, Mr Vusani disputed that his conviction in South Africa denied him the right to practise in the courts of the Transkei.

His conviction had suggested no failure on his part to pay allegiance to the Transkei.

Mr Vusani, who was already serving on Robben Island when his name was removed from the roll of attorneys, said, "I solemnly repeat that I have, in fact, not been guilty of an offence under the Terrorism Act."

He said he was jailed because he opposed the discriminatory policies of South Africa.

However, he said, he did not believe it was desirable or possible to alter these policies through violence.

"There is no ground why I should not attain the formal status of a practising attorney in Transkei," he said, adding that he wanted to make a constructive and meaningful contribution to the practice of law in Transkei.

Mr Vusani said that while serving on Robben Island, he enrolled with the University of South Africa for a degree in accounting sciences and obtained credits in 12 out of 16 courses — Sapa

Barberton Prison riot casualties are still in hospital

23/9/83 Pretoria Bureau (253)

Two warders and a prisoner who were seriously injured in this week's Barberton Prison riot are still in hospital.

A South African Prisons Service spokesman said in Pretoria today that two of the prisoners who were wounded, one in the hip and the other in the shoulder, were discharged from the provincial hospital and were being treated by prison hospital staff.

The names of the four men killed in the disturbances have not yet been released. The next of kin of some of the men have still to be located and notified, said the spokesman.

The names of the people assisting the president of the board of inquiry Mr J.A. van Dam, the chief regional magistrate of Johannesburg, have not yet been released.

The riot broke out in a dining hall at the prison, situated within the town boundaries, on Tuesday.

A warder was allegedly stabbed several times with sharpened spoons, another was hit in the face with a plate of food, smashing his nose, while three prisoners were wounded — including one whose arm had to be amputated after he was blasted with a shotgun.

In the past 10 months 11 prisoners have died violently in incidents in prisons in the Barberton area.

Tuesday judgment in Barberton prison 'heat trial'

By Fiona Macleod

As the "heat exhaustion" trial draws to a close, four white Barberton Prison farm warders face the possibility of a verdict of murdering three maximum security convicts on December 29 last year.

The judgment, which will be delivered by Mr Justice D O'Vermooten on Tuesday, will decide what has been termed "a borderline case between murder and culpable homicide" by the State Prosecutor, Mr S A Engelbrecht.

The four warders — Mr Gert Louis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18) and Mr Burger van Dyk (20) — have pleaded not guilty with four black warders to murdering the three convicts at a prison dam site and assaulting 32 others with intent to do bodily harm.

It is alleged that they beat the prisoners with rubber truncheons as they pushed heavily laden wheelbarrows in 35 deg C heat.

During argument yesterday, Mr Engelbrecht said it was difficult to determine whether the white warders had committed murder or culpable homicide as the convicts had died from heat stroke, which was caused by a combination of the heat, the ar-

duous work and the beatings. He said intention to kill had not been proved, but he asked for a conviction of culpable homicide hesitantly because any reasonable man would have foreseen that the prisoners could die.

Mr Engelbrecht said for some reason the 32 convict witnesses had protected the black warders — Mr William Kobiyane (47), Mr

Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32) — who did not seem keen to take part in the "punishment squad".

The whites were enthusiastic about the beatings, but Mr Kobiyane and Mr Madonsela had not been involved in many of these assaults. There was no evidence that Mr Makhola and

Mr Mahumane had assaulted any of the convicts.

The warders' refusal to defend themselves in the witness box had strengthened the State's case, he said.

Mr Engelbrecht asked that the four white warders be convicted of at least culpable homicide and 32 counts of assault with intent to do bodily harm. Mr Kobiyane and Mr Madonsela

to testify before the defence closed its case on Tuesday and argument centred on contradictions in the evidence of the 32 convict witnesses called by the State.

were guilty on five counts of assault, he said.

Defence counsel for the warders argued against murder and culpable homicide. They admitted four counts of assault with intent to do bodily harm, 11 counts of common assault and asked for an acquittal on the remaining counts.

The warders were not called

The convicts had conspired to incriminate the white warders and protect the blacks, said Mr Johan Els, appearing for six of the warders.

The eight accused are Mr Gert Louis Smit (38), Mr Christiaan Johannes Wynand Horn (19), Mr Jacques Coenraad Stoltz (18), Mr Burger van Dyk (20), Mr William Kobiyane (47), Mr Jonas Zephania Madonsela (32), Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32).

Proceeding

Father of Barberton murder trial warder says his son needs him

253 S. Tribune 25/9/53

Tribune Reporter

"MY SON needs me at his side now," says the father of an 18-year-old prison warder who will hear next week whether he is guilty of murdering three maximum security convicts at the Barberton Prison farm on December 29

Mr Willem Stoltz, who has travelled from Rustenberg numerous times to be with his son, Jacques Coenraad, is one of many relatives giving support to eight warders facing three charges of murder and 32 charges of assault

"This case has caused much pain and suffering to Jacques' family. His grandmother has almost totally collapsed, he is her first grandchild. But he knows we stand be-

hind him," he said

Relatives and friends of the 32 convicts who have testified that they were brutally beaten by the warders, have also travelled from far afield to catch brief glimpses of the men whom they have not seen for many months

Two large families which drove from Durban said they had not been informed when the prisoners were transferred from the Durban Point jail to Barberton on December 28

The judge, Mr Justice D O Vermooten, moved the court to Witbank after the convicts refused to testify because they were "in fear of life and limb" as warders threatened to kill them

The convicts have de-

scribed assaults by warders, who allegedly beat them with rubber truncheons as they pushed heavily-laden wheelbarrows up and down an embankment

They said the warders were instructed by the acting head of the prison, Lieutenant J H Niemand, to "make them warm" because they had caused problems in the Durban jail

It was also alleged that a punishment squad consisted of men who were recruited to "swing their batons" under the command of an administrative employee, Mr Gert Louis Smit (38)

One witness alleged "One of the deceased, Mhlakazi Xaba, collapsed and was dragged off to a sort of field hospital

where a number of semi-conscious and unconscious convicts were lying in the sun

"He was moaning and then stood up and staggered off like a drunkard. One of the warders, Mr Burger van Dyk (20), who had arrived late with cooldrinks for the whites, grabbed a baton

"He chased after Xaba and struck him on the back of the neck. Xaba fell. Mr van Dyk put his foot on him, lifted his arm and beat him repeatedly. Xaba was eventually dragged unconscious to the field hospital and he died before reaching the prison"

The Deputy Attorney-General of the Transvaal, Mr S A Engelbrecht, said he had not been able to prove direct intent to

murder on the part of the warders and asked that Warrant Officer Smit and warders Christiaan Horn and Jacques Stoltz be found guilty of culpable homicide

In the case of Warder van Dyk, he should be found guilty of "at least culpable homicide" and said the warder's actions could be called a "border case of murder"

Mr Justice Vermooten said Warder van Dyk's case was close to murder, "if it is not murder"

During argument on Friday, the State said the white warders should be convicted of culpable homicide and of 32 counts of assault with intent to do bodily harm

Mr Justice Vermooten will give judgment on Tuesday

LESLIE SKWEYIYA DIED A ZOMBIE

253
By SPHO JACOBS
city press

ONE of the few people to survive Death Row is a living zombie who has been unable to forget his 10 months of hell waiting for his date with the hangman.

Leslie Skweyiya, 24, of Batho-Location in Bloemfontein, was sentenced to death in 1979 for a murder he did not commit.

He was saved from the gallows by the unrelenting efforts of his father and church leader Bishop Desmond Tutu

Today, three years after his release, Leslie is a mental wreck who spends his days gazing into the sky and his nights in screaming terror as the memories of Death Row haunt his battered mind.

His Father Mangaliso told me when I visited the Skweyiya home this week: "Sometimes I look at my son and wonder if it was worth all the effort."

'CISKEIAN' LET OFF ON TREASON CHARGE

A CISKEIAN citizen, convicted in Pietermaritzburg of being a member of the African National Congress and taking part in "terrorist activities" against South Africa, was yesterday found not guilty of high treason.

Mr Justice N S Page said the man was a citizen of Ciskei at the time of his arrest and did not owe allegiance to South Africa. Mr Mzwakhe Hespro Cikozi, 31 of Zwelitsha, and his co-accused, Mr Lunghle Wiseman Magxwalisa, 23, and Mr Siphwe Wellington Dince, 23, both of Port

Elizabeth, were also found not guilty of being in possession of explosives.

Mr Magxwalisa was acquitted in respect of caches of explosives found at the Uppington and White Umfolozi railway bridges, while Mr Dince and Mr Cikozi were charged only with being in possession of the caches found at White Umfolozi.

Mr Magxwalisa still faces two charges of high treason and Mr Dince one of high treason. Mr Magxwalisa also faces a charge of car theft and attempted murder.

LESLIE SKWEYIYA
10 months of hell.

Skweyia said he had spent almost R3 000 seeking treatment for his son, but nothing had helped.

"He just eats and sleeps and does nothing else. He's even too scared to leave the house."

Speaking to me as though in a trance, Leslie said that when he was released he wanted to become a preacher because he believed God had saved his life.

But the nightmares had turned him into an emotional wreck.

"I wake up and the prison cell light-bulbs are talking to me, the cell walls are laughing at me, the chair and the wash-basin walk," he said, his face ghost-like.

Leslie also said he was being haunted by the ghost of Joseph Mahlangu, the Lover's Lane killer with whom he shared a Death Row cell at Pretoria Central Prison.

He also cannot forget ANC insurgent James Mange, who was sent to the gallows while Leslie waited his turn.

His spine-chilling experience began in 1979 when a man was killed outside the Red Rooster nightclub.

A few months later, Leslie, then 21, listened in stunned silence as Mr Justice F.C. Smuts sentenced him to death in the Bloemfontein Supreme Court.

His father then began a relentless struggle to free his son, making frequent trips from Bloemfontein to Pretoria to squeeze the truth out of his son, and spending many sleepless nights studying the trial record.

With the help of Bishop Tutu, he lodged an appeal which was upheld in June, 1980, when it was found that the trial judge had erred.

Leslie was set free, but from one jail he stepped into another — a spiritual one.

053

City Press

25/9/83

Sunday EXPRESS

The shadow of the Prisons Act

ONLY the wisest people learn from others' experience and the Nationalists are not distinguished by wisdom. Every foolish mistake committed by mankind, it sometimes seems, must be repeated here before we learn from our own mistakes.

So it has been with the Prisons Act which, among other things, screens the prisons from public scrutiny. Every now and again the system coughs up a corpse, and we catch a glimpse in the court proceedings that follow of the nightmare that reigns behind those high walls. Nearly 10 years ago Mr Justice Hiemstra, horrified by the brutalities revealed in the Leeukop case, condemned the prisons administration, 10 years earlier Mr Justice Smit, in the Bultfontein case, did the same.

Nothing changes. Since then we have had blood-chilling glimpses of the gang rule and executions behind bars, the Hoexter commission of inquiry was told of the most awful crowding, and every now and again a suicide or the death of a prisoner or a riot takes on the dimensions of an international scandal.

Even if the appearance of a corpse is not sinister, how are we to know?

The prisons officials have been incomprehensibly reassuring. Shortly before the Hoexter commission was told of shocking prison conditions, the commissioner reported to Parliament "Generally speaking, the department experienced no serious problems during the past year."

After the conviction of warders for brutality at Leeukop, Beeld, the Nationalist daily, remarked "If one of the prisoners had not died nothing would have been heard of the matter beyond the prison walls." The attitude of a senior official was the opposite "I forbid anything I say to be published in the Press."

Many experts agree with Beeld the only remedy is an open system which will enable the society at large to monitor the prisons. The Prisons Act forbids this. As interpreted by the courts, it is so ferocious a law that newspapers will not, in general, publish news about prisons unless it emerges in the courts or comes from — or is approved by — officials.

The result is periodic scandal when the corpses turn up.

Nor will it end soon. The fallacy has taken hold that freedom of the Press is a privilege given to newspapers, rather than a duty imposed upon them. In fact, the newspapers can and do survive very well without the right to expose conditions in the prisons.

Whether South Africa survives so well is another matter. Every fresh scandal drives home the old, old lesson: evil thrives in the dark. But we do not learn.

SECTION B

PART 1

EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

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Books, notes, pieces of paper or other material may be brought into the examination room. Candidates are so instructed. Candidates are not to communicate with other candidates or with any person except the invigilator. The cover of an answer book is to be torn out. Answer books must be handed to the invigilator or to an invigilator before leaving the examination room.

Any dist

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Homicide judgment asked for

Heat trial judge delivers verdict today

253
RSM
27/9/83

By WIM VANVOLSEM

WITBANK — The trial of eight Barberton Prison Farm warders charged with murder and assault will reach its final stage today when Mr Justice Dirk Octavius Vermooten delivers his judgment after six weeks of trial.

Warrant-Officer Gert Smit, 38, and warders Christiaan Horn, 19, Jacques Stoltz, 18, Burger van Dyk, 20, William Kobyan, 47, Jonas Madonsela, 32, Lefasa Makhola, 40, and Fanyana Mahumane, 32, are charged with having assaulted 34 convicts and beaten three other prisoners to death.

The State alleges they beat inmates repeatedly with rubber batons while they were pushing wheelbarrows laden with gravel at the Barberton Prison Farm's Pretorius Dam on December 29 last year in heat of 35°C.

The three who died were Ernest Makhatim, Mayo Khumalo and Mahlakaza Xaba.

However, the prosecution argued only for "at least" culpable homicide for Smit, Horn and Stoltz, with Van Dyk's actions being described as "very close to murder".

The four white warders, it is also argued, should be found guilty of assault with intent to do grievous bodily harm, as "they beat convicts enthusiastically".

Kobyan and Madonsela ought to be found

guilty on common assault, the State asked the Court, while Makhola and Mahumane were not mentioned.

A previous request by the defence to have Makhola and Mahumane acquitted was turned down by the judge.

Not one of the accused gave evidence during five weeks of testimony against them.

Their defence argued that W/O Smit, and warders Horn, Stoltz and Van Dyk should only be found guilty of assault with intent to do grievous bodily harm, and Kobyan and Madonsela with them on 12 charges of common assault.

The acting head of the Prison Farm at the time of the incidents, Lieutenant J H Niemand, has been named during the trial as a possible plotter of the assaults. There was evidence he had been looking that morning for "men who could swing batons" and that he had told W/O Smit at the dam site convicts "should be beaten to death".

The State is represented by Mr S A Engelbrecht SC, Deputy Attorney-General of the Transvaal, assisted by Mr J Jonker.

Mr H de Vos, instructed by Mr S Hefferman of Hefferman and Du Toit from Nelspruit, is appearing for Horn and Van Dyk, while Mr Johan Els SC, assisted by Mr S W Burger, instructed by the State Attorney, appear for the other six accused.

Eight warders cleared on murder counts

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Final 27/9/83

By Fiona Macleod, Joe Openshaw and Zenaide Vendeiro



Mr Lefasa Charles Makhola . . . Not guilty.



Mr Fanyana Elmon Mahumane . . . Not guilty.

WITBANK — All eight warders in the "heat exhaustion trial" were today acquitted on murder charges, but six were convicted on various charges of assault with intent to cause grievous bodily harm and common assault.

Three warders were found guilty on 17 counts of assault with intent to commit grievous bodily harm and nine counts of common assault. They are Gert Louis Smit (38), Christiaan Johannes Wynand Horn (19) and Jacques Coenraad Stoltz (18).

Another warder, Burger van Dyk (20), was found guilty on four counts of assault with intent and three counts of common assault.

William Kobyane (47) was found guilty of five counts of assault with intent and Jonas Zephania Madosela (32) was found guilty on one count of assault with intent.

The judge adjourned for lunch shortly after starting his summing up of the evidence concerning three counts of murder after convicts Mhlakaza Xaba, Ernest Makhathuna and Mayo Khumalo died of injuries before reaching the prison hospital.

The eight warders pleaded not guilty to 34 counts of assault with intent and three counts of murder.

Two of the warders, Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32), were found not guilty by Mr Justice D O Vermooten earlier today and discharged.

"December 29 was an evil day at the Barberton Prison Farm. For two hours the work site at the prison dam became a battlefield, leaving three corpses and a large number of injured convicts," Mr Justice Vermooten said in the packed Witbank Circuit Court as he began judgment in the trial.

At an early stage in his judgment, which is still continuing, Mr Justice Vermooten found Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32) not guilty and discharged them.

He said there had been no evidence of the accused men assaulting any of the convicts.

The judge said that Gert Louis Smit, Christiaan Johannes Wynand Horn and Burger van Dyk had a common purpose in assaulting the convicts.

Jacques Coenraad Stoltz, William Kobyane and Jonas Zephania Madonsela had been less enthusiastic about the assaults and could only have been held responsible for their own misdeeds.

Mr Justice Vermooten summed up the evidence of the State witnesses and convicted the warders as he dealt with the evidence relating to each separate count.

He said he did not have the slightest doubt that they foresaw serious injury to the convicts. In some cases it was a wonder the convicts did not die.

Only where no marks were found on their bodies when they were examined by the district surgeon six days later would he

Warders

From Page 1

head of the Barberton Prison, in the events of that day.

The judge said Lieutenant Niemand had known the prisoners were going to do extremely hard physical work in the scorching sun and they had not been medically examined.

The prisoners had come from Durban the day before and had been without food and sleep for some time. Among them were unfit, sick and crippled men.

(Proceeding)

2 Barberton warders relieved by acquittal

WITBANK — The only two smiling faces at the Barberton "heat exhaustion" trial belonged to the two warders who were acquitted and discharged early in the judgment — Mr Lefasa Makhola (40) and Mr Fanyana Mahumane (32).

"We are happy," they said during the morning tea break after their acquittal on charges of murder and assault. They

were congratulated by other prison warders attending the trial

It is nine months since 37 prisoners at the Barberton Farm Prison were taken on what the judge called "a punishment expedition"

Today, the remaining six warders looked tired and red-eyed and were allowed to sit during the lengthy summing-up.

The accused who seemed most affected was the young red-headed warder, Mr Jacques Stoltz.

A rugby enthusiast, he attended judgment in a Rustenburg rugby jacket and tie.

He bit his nails often and seemed on the point of tears.

The regional court here, where the trial is being held, has its own form of apartheid. A panel in the public gallery separated the families of the white accused from the few black spectators.

The division of black and white was also evident among the accused. The four white warders sat on the right and the black warders in the non-white section.

...accused the benefit of the doubt. Where one or more marks were found, assault with intent to do bodily harm had been committed.

The district surgeon's report that three men on whose bodies more than 30 marks were found were "very seriously assaulted" did not go far enough to describe the horrific welts covering their bodies, the judge said.

Referring to evidence by a black guard at the site that he had been instructed to take his dog into the shade of distant trees before it burnt to death, the judge said: "I repeat my question as to why those officials in charge, who were responsible people, were so concerned about a dog when they did not care about the collapsed prisoners who were left lying in the blazing sun."

The work party of 44 convicts which went to work at the dam that day in searing heat without being medically examined was "nothing more than a punishment expedition".

Mr Justice Vermooten also instructed the Attorney-General to investigate the part played by Lieutenant J H Niemand, acting

● To Page 2

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Star
27/9/83

Task of finding a replace-
Now Tyrrell faces the
the Belgium Grand Prix
killed during practice for
replace Gilles Villeneuve,
by Ferrari last season to
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for a decade

Helen "Everyone just stares at
and called in the family doctor
medication Helen was still hic-
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ing a combination of drugs which

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Barberton warders 'not ag

Psychologist tells 'heat trial' court of his tests

By Joe Openshaw and Fiona Macleod

The officer in charge of the work party at the Barberton Prison farm, Warrant Officer Gert Louis Smit, tried to prove his manhood by creating a "he man" image and by living up to the dictum "cowboys don't cry"

This was a submission today by a Pretoria clinical psychologist in the "heat exhaustion" trial when giving evidence in mitigation of sentence on behalf of four warders convicted of assault with intent to commit bodily harm.

The psychologist, Dr Ben Barnard, said Smit's mother had prepared him for the role of a daughter rather than a son and this made him always want to prove his manhood

Dr Barnard said his tests had shown none of the four white warders was aggressive

"Smit was a man of peace and the others told me they had never lost their tempers or been angry in their lives," he said

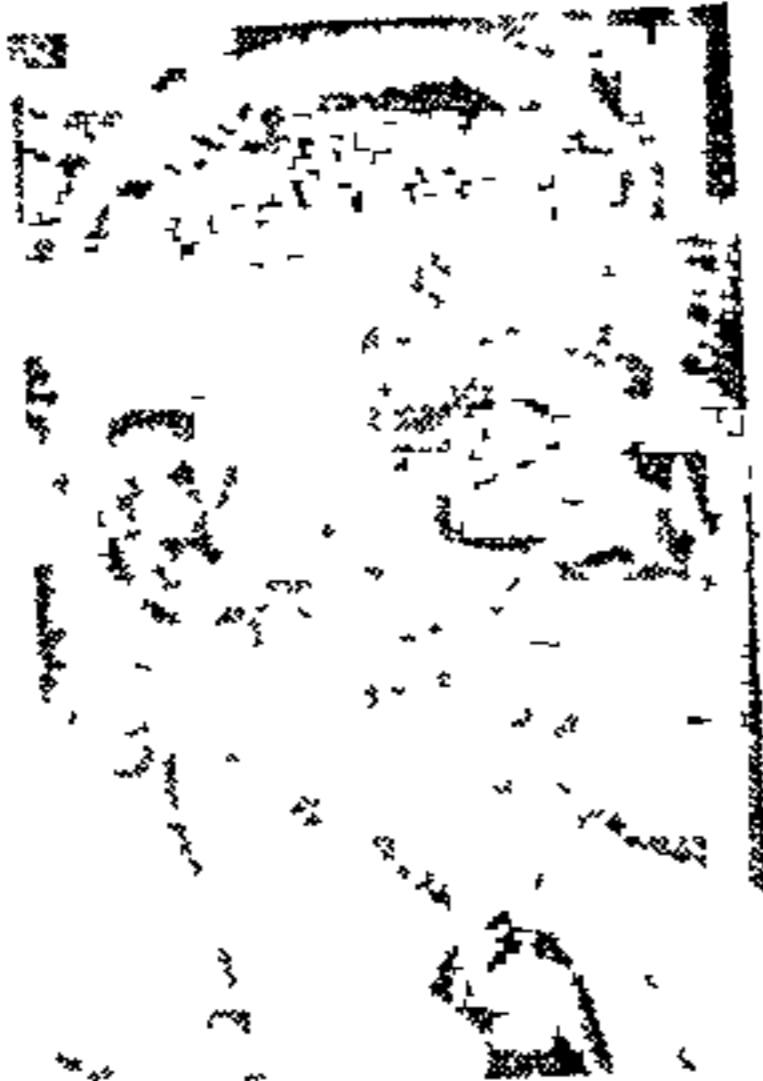
The four Barberton Police farm warders, who will be sentenced today with two black warders, are Smit (38), Christiaan Johannes Wynand Horn (19), Jacques Coenraad Stoltz (18) and Burger van Dyk (20)

The two black warders are William Kobyan (47) and Jonas Zephania Madonsela (32).

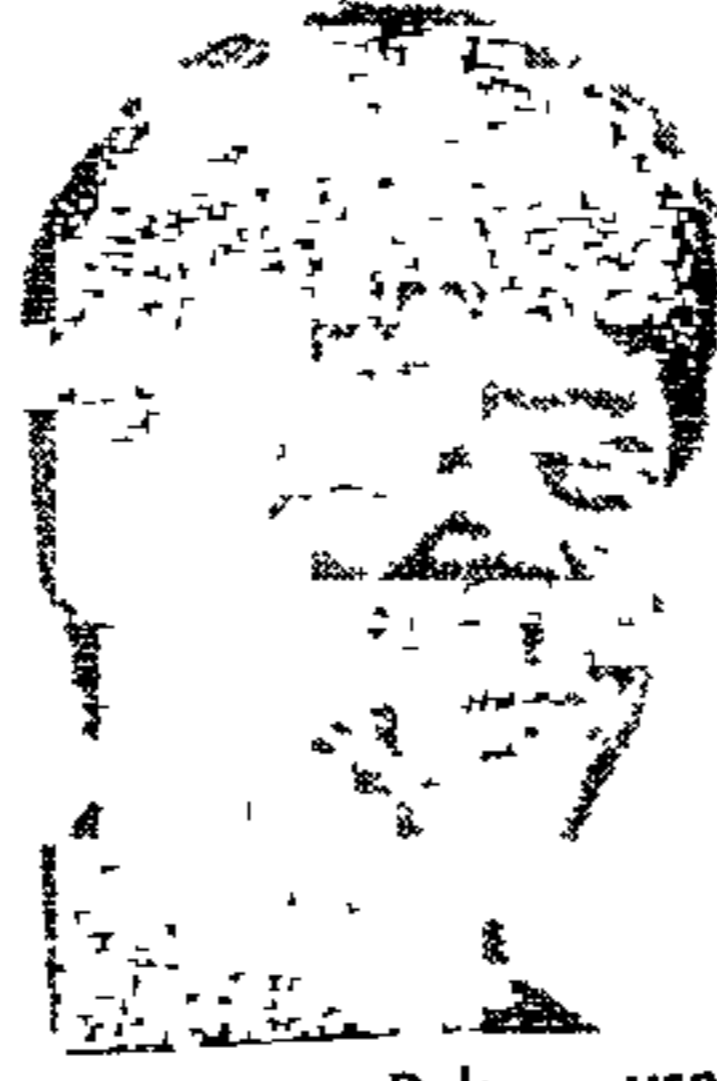
Dr Barnard said Smit had told him the prisoners were problematic and cheeky and were a threat to the community.

Smit had obeyed orders from his superiors on December 29 to "take them out and make them warm"

Smit told him he became ice-cold and limp when he heard about the deaths of three of the prisoners and took it more



Gert Smit - guilty on 18 counts of assault.



Burger van Dyk - used a truncheon



Jonas Zephania Madonsela.



Christiaan Johannes Wynand Horn

Convicts 'difficult'

While Brigadier E J Victor, commanding officer of the Barberton Prison Complex, was giving evidence in mitigation he was asked by Mr Johan Els SC, for the defence, what type of convict was kept at Barberton

"Difficult prisoners who often were involved in confrontation with the warders," he explained

Mr Els "Does the life the warders lead cause them frustration?" - Yes.

Mr Justice Vermooten "But if a warder does not like this sort of work he is free to resign?" - Yes

Mr Justice Vermooten "Warders choose to do this job and are trained to work with prisoners?" - Yes

seriously than if he had heard of the deaths of his own parents

The psychologists said Horn had never lost his temper in his life and accepted authority without question.

Horn sublimated his aggression and for this had paid a high price.

Stoltz, who had only been one month out of training college, was not aggressive.

He was dependent upon authority and obeyed and trusted his superiors on December 29

"He told me he didn't know it could happen. He wasn't worried when some of the prisoners



After judgment was passed in the Barberton prison trial, Pressmen were permitted to photograph exhibits before the Witbank Circuit Court.

fainted because the medical officer was there," the psychologist said

Van Dyk told Dr Barnard he had seen convicts more seriously assaulted during his two years in the Prison Services but the victims had not collapsed

It was normal procedure to hit convicts with rubber batons, he said

Van Dyk, who had been vice-headboy at his school and played rugby for Southern Free State, needed to win respect through achievement and prestige

"When he was given an order

by Smit to stop convict Mhlakaza Xaba from escaping, he carried it out with zeal to impress the others," Dr Barnard said

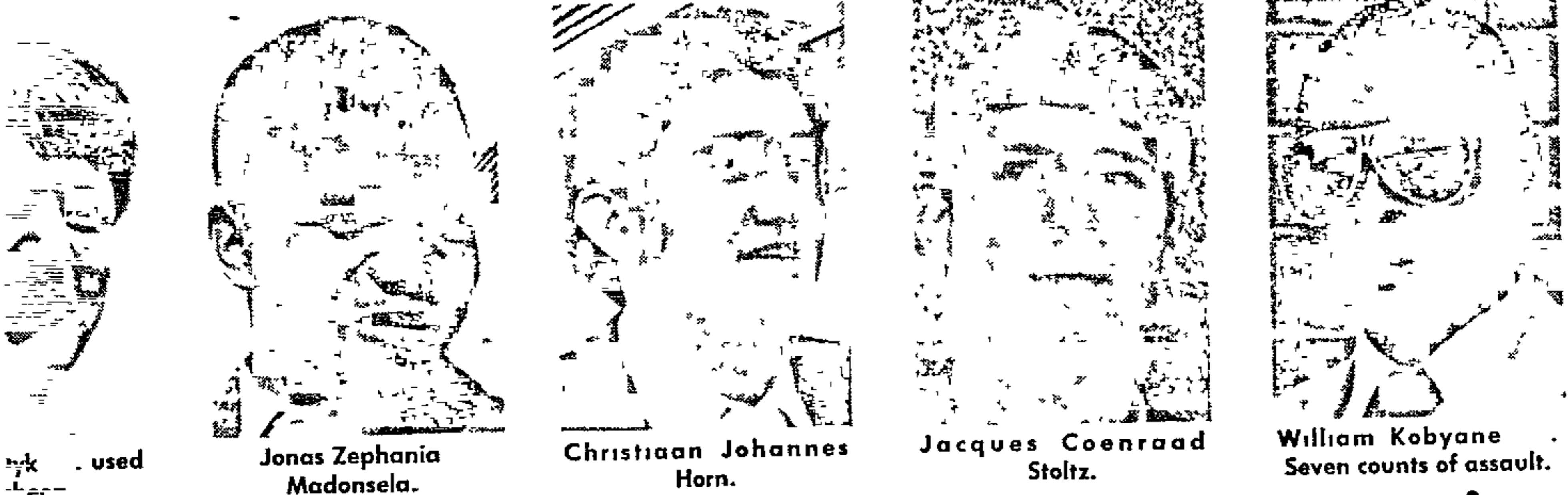
Van Dyk had also told Dr Barnard that he had never lost his temper in his life

Van Dyk dropped Xaba with a blow on the back of his neck and beat him repeatedly as he lay on the ground.

Mr SA Engelbrecht SC, appearing for the State, pointed out contradictions in Dr Barnard's testimony and said the psychologist had "leaned backwards" to deny the warders' aggression.

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Warders 'not aggressive'



Used
 Jonas Zephania Madonsela
 Christiaan Johannes Horn
 Jacques Coenraad Stoltz
 William Kobyane
 Seven counts of assault.



Judgment was passed in the Barberton prison trial, Pressmen permitted to photograph exhibits before the Witbank Circuit Court.

Heat 'the main cause of death'

Staff Reporters

WITBANK — Heatstroke was the major contributing factor to the deaths of three convicts at the Barberton prison farm last December 29, Mr Justice D O Vermooten said here yesterday when he found six warders not guilty of murder.

The judge also acquitted the six men of culpable homicide but found them guilty of assault with intent to commit grievous bodily harm and common assault.

Heatstroke caused by the 35 deg C temperature and hard work could have been sufficient to cause the death of the three convicts, Mhlakaza Xaba, Ernest Makhathini and Mayo Khumalo, he said.

Two of the warders, Mr Lefasa Charles Makhola (40) and Mr Fanyana Elmon Mahumane (32), were found not guilty on all the charges of murder and assault and were discharged.

The eight warders had pleaded not guilty to 34 charges of assault with intent and three of murder.

The judge said that the work party of 47 convicts at the prison dam on December 29 was a "punitive expedition" because they had sworn at a warder be-

fore being transferred from Durban Point jail to Barberton the previous day.

The prisoners were taken out to work in searing heat without being examined by a district surgeon to see if they were fit.

Gert Louis Smit (38), Christiaan Johannes Wynand Horn (19) and Jacques Coenraad Stoltz (18) were each convicted on 18 counts of assault to commit grievous bodily harm and nine counts of common assault.

They were found not guilty and discharged on nine counts of assault with intent.

Burger van Dyk (20) was convicted on six counts of assault with intent and three counts of common assault.

William Kobyane (47) was found guilty on seven counts of assault with intent and Jonas Zephania Madonsela (32) was convicted on two counts of assault with intent.

Mr Justice Vermooten rejected argument by defence counsel that there had been a conspiracy against the white warders among the 32 convicts who gave evidence for the State.

A clinical psychologist will be called today to give evidence in mitigation for Horn, Stoltz and Van Dyk after which sentences will be passed.

... because the medical of- was there," the psycholo- said an Dyk told Dr Barnard he seen convicts more serious- assaulted during his two s in the Prison Services but victims had not collapsed. was normal procedure to convicts with rubber batons, an Dyk, who had been vice- dboy at his school and ed rugby for Southern Free e, needed to win respect gh achievement and pres- when he was given an order

by Smit to stop convict Mhlakaza Xaba from escaping, he carried it out with zeal to impress the others," Dr Barnard said. Van Dyk had also told Dr Barnard that he had never lost his temper in his life. Van Dyk dropped Xaba with a blow on the back of his neck and beat him repeatedly as he lay on the ground. Mr SA Engelbrecht SC, appearing for the State, pointed out contradictions in Dr Barnard's testimony and said the psychologist had "leaned over backwards" to deny the warders' aggression.



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... for a decade Tamay was recruited by Ferrari last season to replace Gilles Villeneuve, killed during practice for the Belgium Grand Prix. Now Tyrrell faces the task of finding a replacement for Alberto while

... the movies, says Helen "Everyone just stares at you" Helen's family became concerned after a few days of hiccuping and called in the family doctor. After X-rays and medication Helen was still hiccuping so a specialist was called. Now she is taking a combination of drugs which have had some effect. I'm not hiccuping so much now. At first it was

... hiccup = ... for 100 days today Hiccups are known to be pretty persistent but Helen's arrived unannounced in class at Clarendon Girls' High School on June 22 and have been her constant companion ever since. "Oh, I'm (hic) used to them now," she said yesterday. At first her classmates and family thought she was pretending but now they've become used

... off the ... lifted ... out all ... ecked ... with ... day ... in the ... only

Acquitted of murder but convicted of assault

JAILERS GUILTY

Sowetan 28/9/83

(253)

SIX of the eight warders in the Barberton "heat exhaustion" trial were yesterday found guilty of assault with intent to commit grievous bodily harm and common assault.

The six were found not guilty of murder and culpable homicide in their trial at the Witbank Circuit Court.

Two of the warders, Mr Lefasa Charles Makhola (40), and Mr Fanyana Elmon Mahumane (32), were found not guilty on all counts and discharged.

Finding the six warders not guilty of murder and culpable homicide Mr Justice J D Vermooten said the three convicts who died, Mr Mahlakaza Xaba, Mr Ernest Makhathini, and Mr Mayo Khumalo, had suffered from heat stroke brought on by heat and arduous work, and this had been sufficient to cause their deaths.

The six warders who were found guilty on

By SOWETAN REPORTERS

counts of assault with intent to commit grievous bodily harm and common assault were Gert Louis Smit (38), Christiaan Johannes Wynaand Horn (19), Jacques Coenraad Stoltz (18), Burger van Dyk (20), William Kobyan (47), and Jonas Zephania Madonsela (32).

Three of the warders, Smit, Horn and Stoltz, were each found guilty of at least 17 counts of assault with intent to commit grievous bodily harm and nine counts of common assault. Sentence is this morning

Meanwhile Sapa reports that earlier the judge had said December 29 was an evil day at the Barberton Prison Farm.

For two hours the work site at the prison dam became a battlefield leaving three corpses and a large number of injured convicts.

Instructed

He also instructed the Attorney-General to investigate the part played by Lieutenant J H Niemand, acting-head of the Barberton Prison, in

the events of that day.

None of the warders were called to testify and defence counsel based its case on cross-examination of the State witnesses.

"Given the accused's failure to testify, it is obvious from the evidence before me that the prisoners were assaulted on a great scale by the warders," said the judge.

Referring to Lieut Niemand, he said he knew that prisoners were going to do extremely hard physical work in the scorching sun and had not been medically examined.

The judge said that three of the warders, Smit, Horn and Van Dyk had common purpose in assaulting the convicts.

Assault verdict for 'heat trial' warders

By WIM VANVOLSEM

WITBANK. — The eight Barberton Prison Farm warders were found not guilty of murder nor of culpable homicide in the sensational prison "heat" trial yesterday

There were sighs of relief from the dock when the courtroom heard Mr Justice DO Vermooten deliver a verdict of assault with the intent to do grievous bodily harm, against six of the warders. He acquitted two others.

Today a clinical psychiatrist will testify in mitigation for the warders — one of whom, say the defence, has a "very low IQ".

The eight accused had been charged with beating three convicts to death and assaulting 34 others by beating them with rubber batons while they were pushing wheelbarrows loaded with gravel at the Barberton Prison Farm dam on December 29 last year when the temperature was 35°C in the shade.

They are Warrant Officer Gert Smit and warders Christiaan Horn, Jacques Stoltz, Burger van Dyk, William Kobyan, Jonas Madonsela, Lefasa Makhola and Fanyana Mahumane.

In finding the accused not guilty of culpable homicide,

the judge said that the fact that the "reasonable possibility" that heat and excessive work contributed to the deaths, could not be excluded.

He could not find them guilty of murder, he said, because if the accused had really wanted to kill the convicts, they would probably have aimed blows at the heads of the prisoners.

But Mr Justice Vermooten also said that the blame for what he referred to as "a mass assault" and a "wholesale attack" lay squarely on the shoulders of Lieutenant J H Niemand, acting head of the prison farm at the time.

The judge ordered a copy of the records of his judgment should be made available to the Attorney-General to decide on a possible prosecution of Lt Niemand.

Mr Justice Vermooten quoted evidence that the lieutenant had been hand-picking warders "who could swing batons" on December 29 and that he had given instructions "to beat the convicts".

He said it appeared it "please" Lt Niemand to send prisoners out to work in the middle of a blazing summer when traditionally no work parties were assembled.

"This work then changed into some kind of battlefield

and when it was all over there were three dead and a great number of injured."

The judge said that the convicts had to push wheelbarrows in a circle of about 160m, up a steep incline and over uneven ground.

Overwhelming evidence had been given of "enthusiastic" assaults by the warders, evidence which "cried out for an answer by the accused — if there was an answer".

"However, they preferred to remain silent in court."

Accused Makhola and Mahumane were found not guilty on any of the charges and acquitted as none of the complainants had given evidence against them, "on the contrary, some specifically said they had not taken part in the assaults".

The judge said it was a miracle some of the complainants had not also died.

The marks found — as many as 30 on some — were "horrifying proof" of the kind of assaults against them.

● The liaison officer of the South African Prison Service announced last night that the Minister of Justice, Mr Kobie Coetsee, has indicated he will issue a statement on the Barberton prison trial "after finalisation of the proceedings and if sentence should be passed, should staff members be found guilty."

Probe ordered into running of SA prisons

The Minister of Justice, Mr Kobie Coetsee, last night promised a thorough probe into conditions at the Barberton Prison complex and at the same time announced an in-depth investigation to avoid at any prison a repetition of the "Heat exhaustion" events at the Barberton Prison farm.

Six warders were sentenced at Witbank yesterday to prison terms of up to eight years for assault and other crimes after three convicts had died and others were severely assaulted there in December last year.

In a statement shortly after the sentences were passed, the Minister said the "unfortunate incident" at Barberton could not be condoned in any way.

"It is Government policy that civilised values and standards are main-

tained at all times regarding the treatment of prisoners. High demands are made on warders to keep in custody some of the most hardened and dangerous criminals in the interest of the public.

"The Prisons Service, nevertheless, requires its members to apply civilised standards in their contact with all prisoners at all times. Any action in conflict with this policy is strongly rejected. In our country justice takes its course when malpractices of this nature occur," he said.

The Minister said that, against this background and in view of the malpractices which were revealed in the judgment of Mr Justice D O Vermooten, he decided to extend the investigation concerning the events at Barberton which he had ordered

under the chairmanship of Mr van Dam. These extensions included

"A thorough investigation into all the unsatisfactory aspects referred to in the judgment and which are contrary to Government and Prisons Service policy.

"How to avoid a repetition at Barberton as well as at similar prison centres."

He had appointed Dr Herman Venter, a leading criminologist and former Mayor of Pretoria, and Brigadier E A Venter of the SA Prisons Service to assist Mr van Dam in his investigation.

The Minister went on "Immediately after the unfortunate events on December 29 1982, the Commissioner of Prisons withdrew the personnel concerned from certain duties. Other personnel changes have also been made since.

"I have, however, requested the Commissioner of Prisons to review, as a top priority, the managerial situation at the Barberton complex according to the needs revealed in the judgment."

He added "It is important to note that I have taken steps over the past year to ensure that judges and magistrates visit prison institutions more often and report to me" — Sapa

'Baton heroes' weep as they're jailed

Own Correspondent

WITBANK — Barberton Prison Farm warders broke down and cried yesterday as they were led down to the cells below the Witbank Circuit court after being sentenced to prison terms which ranged between one and eight years by Mr Justice D Oermooten for their part in "an orgy of assaults" on prisoners in December last year.

Warrant Officer Gert Smit, who was described as a "cowboys-never-cry type", had tears rolling down his face as he left the dock to face eight years behind bars.

Smit, 39, was sentenced to eight years, Christian Horn, 19, to five years, Jacques Stoltz, 18, to three years, and Burger van Dyk, 20, to two years.

William Kobyanne, 47, and Jonas Madonsela, 32, were sentenced to 3 1/2 years and one year respectively.

Two other warders, Le-fasa Makhola and Fanyana Mahumane, were found not guilty and were discharged on Tuesday.

All eight were originally charged with three counts of murder when three convicts died after being battered with rubber batons while working at the Barberton Prison Farm dam on December 29 last year when the temperature was 35 deg C in the shade.

They were also charged with beating other prisoners in the same working party with the batons.

Sentencing the warders, Mr Justice Vermooten said Smit, Horn, Stoltz and Van Dyk had beaten innocent prisoners without any reason. "Their only sin was that they had sworn at an officer in Durban."

"This had nothing to do with you nor with Lieutenant J H Niemand who sent you out on this punitive expedition."

"I can't stress enough that Lieutenant Niemand and you took the law into your own hands," Mr Justice Vermooten said, likening the assaults to old-style American lynchings. He said that what was worse, was that the warders had abused their positions of authority and had dragged the name of the Prisons' Department through the mud.

"The newspapers have been full for weeks about the scandal you caused."

"You acted like wild animals," the judge said.

Mr Justice Vermooten said complainants Barry Bloem, Cecil Moreland and Gen Griffin escaped death "only by virtue of Providence."

"If a charge of attempted murder had been entered for the assaults against them, I could have accepted such a charge."

"You six were like heroes of the baton who sprang upon prisoners while protected by dogs and armed guards."

Mr Justice Vermooten said he was shocked to hear that Smit had told a psychiatrist, Dr Ben Bar-nard, that similar "punishment squads" were a regular thing and that he had taken part in some of them in past.

"It is shocking to know that what happened at Barberton on December 29 seems to be nothing new," he said.

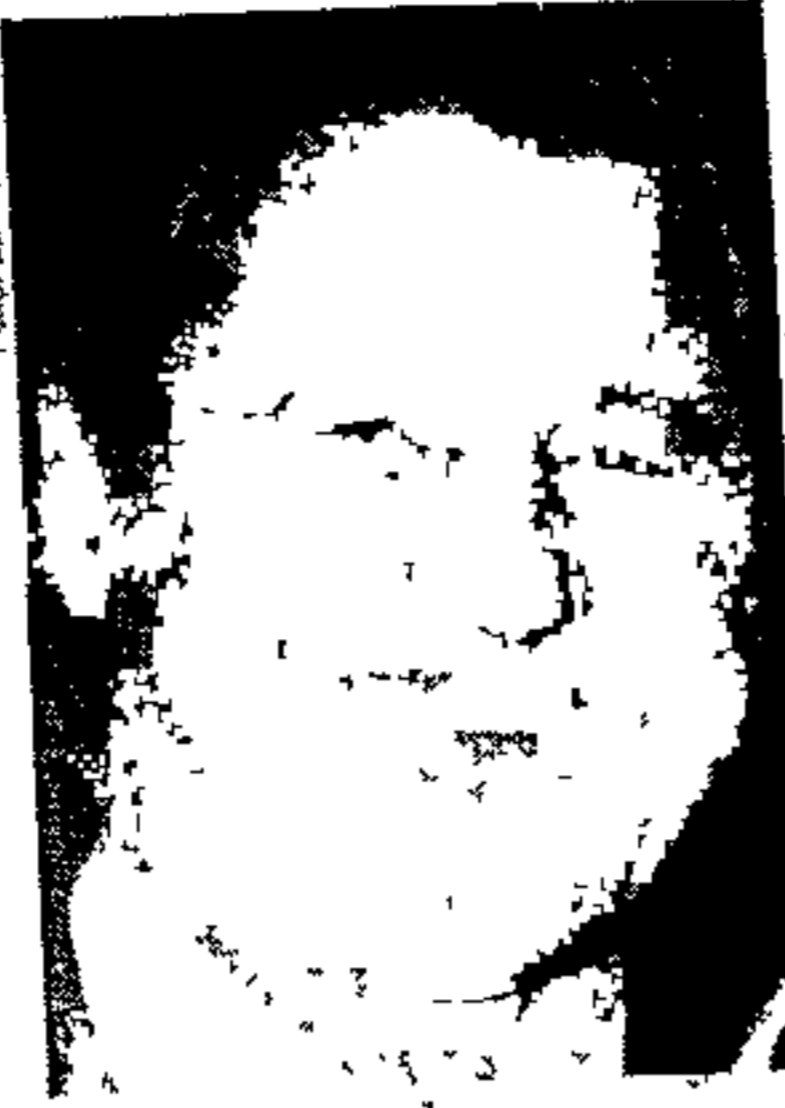
● Probe into conditions in prison, page 2

CAPE TIMES 29/9/83 (253)

bombshell



MR J F OBERHOLZER
strong misgivings



MR JANNIE LE ROUX
president of the TRFU



MR SAM MOSS
TRFU restructure possible

Minister calls for probe into Barberton abuses

By WIM VANVOLSEM

WITBANK — A thorough investigation into the malpractices revealed in the Barberton Prison Farm "heat" trial and all unsatisfactory aspects referred to in the judgment, was announced by the Minister of Justice, Mr Kobie Coetsee, last night.

The Minister has also requested the Commissioner of Prisons — as a top priority — to review the management at the Barberton complex.

Barberton Prison Farm warders broke down and cried uncontrollably yesterday as they were led down to the cells below the Witbank Circuit Court after being sentenced to prison terms, ranging between one and eight years, by Mr Justice D O Vermooten for their part in "an orgy of assaults" on prisoners in December last year.

Even the warders' leader, Warrant Officer Gert Smit, said in mitigation to like a "he-man image" and who was described as a "cowboys-

never-cry type" had tears rolling down his face as he left the dock facing the next eight years on the other side of the bars.

The heavy sentences expected after the judge had found the accused guilty only on assault charges and not on murder or culpable homicide the day before, were the climax of the trial which started seven weeks ago in Nelspruit.

Smit, 39, was sentenced to eight years, Christiaan Horn, 19, to five years, Jacques Stoltz, 18, to three years, Burger van Dyk, 20, got two years and William Kobyan, 47, and Jonas Madonsela, 32, received three-and-a-half years and one year respectively.

Two other black accused, Lefasa Makhola and Fan-yana Mahumane, had already been found not guilty and discharged on Tuesday.

An application for leave to appeal against the sentences

judge.

All eight accused were originally charged with three counts of murder and 34 of assault for beating three convicts to death and attacking 34 others with their rubber batons while the prisoners were pushing wheelbarrows loaded with gravel at the Barberton Prison Farm dam on December 29 last year — when the temperature read 35°C degrees in the shade.

In sentencing the accused, Mr Justice Vermooten said that Smit, Horn, Stoltz and Van Dyk had beaten innocent prisoners without any reason. "Their only sin was that they had sworn at an officer in Durban. This had nothing to do with you nor with Lieutenant J H Niemand who sent you out on this punitive expedition," the judge said.

He said the warders had abused their position of authority and had dragged the name of the Prisons Department through the mud.

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Probe into conditions in prison

Survivor tells of

PRETORIA — The Minister of Justice, Mr Kobie Coetsee, last night promised a thorough probe into conditions at the Barberton Prison complex, and at the same time announced an in-depth investigation into how a repeat of the events at Barberton Prison farm could be avoided at any prison.

A statement was issued by the minister soon after six warders had been sentenced at Witbank to prison terms ranging up to eight years for assault and other charges after three convicts had died and others were severely assaulted at the Barberton Prison farm in December last year.

The minister said the "unfortunate incident" at Barberton could not be condoned in any way.

"It is government policy that civilized values and standards are maintained at all times regarding the treatment of prisoners. High demands are made on warders to keep in custody some of the most hardened and dangerous criminals.

Rejected

"The Prisons Service, nevertheless, requires from its members to apply civilized standards in their contact with all prisoners at all times. Any action in conflict with this policy is strongly rejected. In our country justice takes its course when malpractices of this nature occur," he said.

The minister said that, against this background and in view of the malpractices disclosed in the judgment of Mr Justice D O Vermooten, he had decided "To extend the investigation which I have ordered under the chairmanship of Mr Van Dam concerning the recent Barberton events, to include

● "A thorough investigation into all the unsatisfactory aspects referred to in the judgment and which are contrary to government and Prisons Service policy.

Repetition

● "And to advise me how to avoid a repetition at Barberton as well as at similar prison centres."

He had appointed Dr Herman Venter, a leading criminologist and former mayor of Pretoria, and Brigadier E A Venter of the SA Prisons Service, to assist Mr Van Dam in his investigation.

The minister went on "Immediately after the unfortunate events on 29 December 1982, the Commissioner of Prisons withdrew the personnel concerned from certain duties.

"I have, however, requested the Commissioner of Prisons to review, as a top priority, the managerial situation at the Barberton complex according to the needs revealed in the judgment" — Sapa

By JOHN VAN DER LINDEN

MOMENTS before their car plunged down the mountain and into the sea near the Steenbras River mouth on Monday afternoon, the car had rounded a corner and one of the passengers watched in horror as the "mountainside approached".

Yesterday Miss Marianne Dreyer, 19, described the accident in which student Mr Ockert Fourie, 22, died and her sister Estelle, 17, and Mr

Fourie's sister Annemarie, 23, were injured.

Speaking from her Tygerberg Hospital bed she said she was sitting on the back seat behind her sister when the accident happened.

"I saw the mountainside loom up and then we hit the gravel and we were rolling," she said.

As the car plunged downwards, she saw "sand and legs and suddenly there was water".



Two survivors of Monday's car tragedy near Steenbras River mouth, Miss Annemarie Fourie, left, and Miss Marianne Dreyer, right, are recuperating in Tygerberg Hospital.

Public 'conned' by economists

Labour Reporter

PORT ELIZABETH — Economists were conned the public by claiming that their interests lay in the "unfettered play of the so-called free market", Mr S Shlagman, executive director of the Textile Federation, said here yesterday.

Speaking at the annual conference of the Trade Union Council of South Africa (Tucsa), Mr Shlagman said the free market was an idealized situation which did not exist in the real world outside textbooks.

Calling for protection of South African products, he said "excessive and needless" imports could lead to the progressive decline of industry and jobs.

"One must be careful not to be seduced by economic theorizing

Any aspects of the free-market system are totally irrelevant in the international trade sphere which is not governed by free-enterprise economies, policies, practices or results.

"We do not live in a perfect world and in the local scene it would be naive to pretend we have the power or influence to be world leaders in creating this economic Utopia."

Mr Shlagman said job creation was the priority and economic theories would not "create one crust of bread or one hour of work for a school leaver in Soweto or fill the distended bellies in Ciskei."

South Africa's consumption levels were "pretty dismal" by developed world standards, he said.

NUM over sacki

Own Co. JOHANNESBURG — The National Mineworkers' Union (NUM) is protesting against the sacki (sacking) of a worker on whether they are safe.

The paper claims about this which 17 NUM at the r... for refusing an area believed it.

The min area was alleged a... area in qu days after were fired to work in.

It alleges who refused were subjected to abuse by...

WE BUY!

WHAT DO WE BUY!

ANTIQUES: Furniture, silver, copper, porcelain and jewellery

FURNITURE: Good quality household furniture
Eg. Ball and claw, stinkwood and umbuia, diningroom and bedroom suites etc.

PAINTINGS & ART: Continental, English and South African

LIONEL FINN
(EX COVENTRY MARKET ANTIQUES CHURCH STREET CT.)
WELL-KNOWN DEALER FOR THE LAST 20 YEARS IS NOW BUYING HE IS ALSO VALUING AND APPRAISING



ARE YOU UNSURE OF WHAT YOU OWN? WOULD YOU LIKE AN UNBIASED AND HONEST APPRAISAL?

Memorial meetings banned

WARDERS GO TO PRISONS TRAIL

Section 29/9/83
253

THE SIX warders in the "heat exhaustion" trial described as "heroes of the truncheon" were yesterday sentenced to a total of 22 years and six months imprisonment.

The warder in charge, Gert Louis Smit, was jailed for an effective eight years on 18 counts of assault with intent to do grievous harm and nine charges of common assault.

Warders Christiaan Johannes Wynand Horn (19) and Jacques Coenraad Stoltz (18) were sentenced to five years and three years respectively on 18 charges of assault with intent and nine counts of common assault.

Burger van Dyk was jailed for an effective two years on six charges of assault with intent and three charges of common assault.

Black warders William Kabwane (47) and Jonas Zephania Madonsela (32) were jailed for three-and-a-half years and one year respectively.

"You are the

garding the treatment of prisoners. High demands are made on warders to keep in custody some of the most hardened and dangerous criminals in the interest of the public.

"The Prisons Service, nevertheless, requires from its members to apply civilised standards in their contact with all prisoners at all times. Any action in conflict with this policy is strongly rejected. In our country justice takes its course when malpractices of this nature occur," he said.

The Minister said that, against this background and in view of the malpractices which were revealed in the judgment of Mr Justice D O Vermooten, he had decided "To extend the

Minister to order probe into prisons

themselves," said Mr Justice Vermooten.

He said he was shocked to learn from the evidence in mitigation that the incident at the prison farm was not isolated and that Gert Louis Smit, the warrant officer in charge had taken part in other experiments.

because they were

PROBE: Coetzee

the trunk, who assaulted unarmed and defenceless prisoners on a large scale while protected by two police dogs and two armed guards."

This is how Mr Justice Vermooten described the warders after he found them guilty of assaulting prisoners at the Barberton Prison Farm on December 29 last year.

Passing sentence, he said three convicts had died and a large number had been injured but the warders had had no casualties.

"Most of the prisoners were pushing loaded wheelbarrows up an incline when assaulted and did not even have their hands free to defend

The three young warders, Christiaan Horn (19), Jacques Stoltz (18) and Burger van Dyk (20), had said they had all been acting under orders on that day.

"I can't accept this at all. They were all acting on their own behalf."

"If Smit had said you must jump into the fire, you would not have done so."

"But when it comes to hurting other people, you were absolutely willing to do so," said the judge.

"The great hero, Van Dyk, struck one of the men who died, Mhlakaza Xaba, down while he was staggering around and confused."

"That blow was prob-

grossly exaggerated."

Meanwhile Sapa reports that the Minister of Justice, Mr Kobie Coetsee, last night promised a thorough probe into conditions at the Barberton Prison complex, and at the same time announced an in-depth investigation into how a repeat of the "heat exhaustion" events at the Barberton Prison Farm could be avoided at any prison.

In a statement issued shortly after the warders had been sentenced, the Minister said the "unfortunate incident" at Barberton could not be condoned in any way.

"It is government policy that civilised values and standards are maintained at all times re-

have ordered under the chairmanship of Mr van Dam concerning the recent Barberton events, to include

"A thorough investigation into all the unsatisfactory aspects referred to in the judgment and which are contrary to government and Prisons Service policy."

"And to advise me how to avoid a repetition at Barberton as well as at similar prison centres."

He had appointed Dr Herman Venter, a leading criminologist and former mayor of Pretoria, and Brigadier E A Venter of the SA Prisons Service, to assist Mr van Dam in his investigation.

Sowetan

29/9/83

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Barberton jail violence flares: Lieutenant-colonel and warden stabbed in mess

Prisoner shot dead

Argus 30/9/83

253

Argus Correspondent

PRETORIA. — A convict was shot dead and a lieutenant-colonel and a warden were seriously stabbed in renewed violence at the Barberton maximum security prison today.

A spokesman for the Prisons Service said two prisoners jumped up and attacked Lieutenant-Colonel J Grundlingh as he walked through a mess hall.

One stabbed him in the back and stomach with a sharpened copper pipe, apparently taken from a cell toilet. Another prisoner, Warden N. Gukaya went to the aid of Colonel Grundlingh, and the second prisoner stabbed him in the head.

Both officials are in an unsatisfactory condition.

A warden patrolling on a catwalk above the hall shot one of the two prisoners, killing him, the spokesman said.

He said 52 prisoners were eating breakfast, and 42 wardens, three with dogs, were patrolling the area.

Sentences

The dead man was serving 14½ years for attempted murder, housebreaking and escaping from custody. The other man was serving 16½ years for murder, sodomy and assault.

"The action of the warden on the catwalk probably saved the lives of the colonel and the warden and prevented any further loss of life," the spokesman added.

● The Minister of Justice, Mr. Kobie Coetsee, spent six hours at Barberton prison on Wednesday last week after a riot the previous day in which four prisoners were shot dead.

Afterwards he ordered a high-level investigation into conditions at the prison and the cause of the violence.

He said the inquiry would be led by the Johannesburg Regional Court President, Mr. J. A. van Dam, and gave an assurance that the public would be told of "all the relevant facts" emerging from it.

'Catwalk' warder shoots to save life of colonel

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Star 30/9/83

Another Barberton prisoner shot dead

Pretoria Correspondent

Another prisoner was shot dead and two warders seriously injured in renewed violence at the Barberton Maximum Security Prison today.

This brings the number of prisoners who have died in the Barberton prison complex during the last 10 months to 12

In today's incident two prisoners jumped up and attacked Lieutenant-Colonel J Grundelgh as he walked through a mess hall

One of the men allegedly stabbed him in the back and stomach with a sharpened copper pipe which was apparently taken from toilets in the cells

Warder N Gukaya went to the aid of Colonel Grundelgh and the second prisoner allegedly attacked him and stabbed him in the head.

Both men are in a satisfactory condition

A warder patrolling on a catwalk above the prisoners shot and killed one of the two prisoners, said a spokesman for the South African Prisons Services in Pretoria.

There were 52 prisoners eating breakfast and 42 warders — three of whom had dogs — patrolling the area at the time, said the spokesman.

The dead man was serving 14 years for attempted murder, housebreaking and escaping from custody, while the other man was serving 16 years for murder, sodomy and assault

"The action of the warder on the catwalk probably saved the lives of Colonel Grundelgh and the warder and prevented any further loss of life," said the spokesman

The event was the latest in a series of violent incidents at the prison in the last 10 months

This week six prison warders were given prison sentences ranging from one to eight years following the death of three prisoners who were beaten with rubber truncheons while doing forced labour.

These assaults took place last December at the Barberton prison farm.

Three prisoners were killed in August and three weeks ago a prisoner was killed while attempting to escape.

On September 20 four other convicts were shot dead and two warders injured when prisoners allegedly attacked a warder during a meal.

Informed sources at Barberton said the prisoners used sharpened cutlery as weapons.

Three weeks ago a prisoner died after being recaptured during an attempted escape.

Dimbaza jailbreak

253
~~103~~
Dangerous

DD. 30/9/83

prisoners

on the run

ZWELITSHA — Six dangerous men were still at large last night after nine awaiting-trial prisoners escaped from the Dimbaza police cells.

The Ciskei police public relations officer, Major G A Ngaki, said the prisoners broke through the bars of their cell

One of the fugitives, a juvenile, was re-arrested in King William's Town yesterday.

Five of the men still on the run had been charged with taking part in the Keiskammahoek armed bank robbery earlier this year

They are Mr Mxolisi George, 55, Mr Phumzile Mcapukisi, 26, Mr Mthuthuzeli Moyi, Mr Mxolisi Blaai, 21, all of Port Elizabeth, and Mr Thula Mesatywa, 27, of Zwelitsha

Major Ngaki said they should be regarded as very dangerous

He said police were hot on the heels of the men and added that some of them were believed to be heading for Port Elizabeth in a stolen car

The sixth dangerous

escapee, he said, was a 15-year-old boy who had been arrested in connection with the death of a member of the Ciskei dagga squad, Warrant Officer Ndayi, who was shot dead near Middledrift, in June

The two remaining fugitives were Mr Thomas Kazi, 21, from Zwelitsha, who was arrested in connection with an alleged burglary, and a 16-year-old youth who had been arrested for an alleged rape — DDR

An evil day at the Barberton prison

December 29 last year was an "evil day at the Barberton Prison farm". Three convicts lay dead and many others injured after they had been viciously beaten by the warders in charge of them.

Mr Justice D O Vermooten began his judgment with a scathing rebuke of the six "heroes of the truncheon" whom he jailed for terms ranging from one to eight years for viciously assaulting 36 maximum security convicts.

During the six-week "heat exhaustion" trial, which climaxed with the imprisonment of the warders this week, observers were provided with a glimpse behind the scenes normally protected by the Prisons Act.

Thirty-two convicts told a tale of insults, untreated illnesses, hunger, arduous work in searing heat and merciless floggings — which were not restricted to the day on which three convicts died.

That "evil day" began many hours earlier when 47 convicts in the Durban Point jail were woken up to a breakfast of cold porridge, milky tea and a slice of bread shortly after midnight on December 28.

They were shackled in pairs in the back of a truck which took them on a 14-hour journey, without food or water, to the Barberton Prison farm.

Still shackled together, they were made to jump 3 m. from

the truck and Barberton warders prodded, punched and kicked them. They were then stripped and a medical officer gave them a cursory "examination" and, after a meal which most of them refused to eat because it was full of cockroaches, they were thrown into the cells.

Early morning of December 29 eight warders were recruited to "swing their batons" at the prisoners, who were marched off to a prison dam site 1½ km away.

Three sturdy youths, two of them recently out of training college, were among the seven warders in the charge of an administrative employee, Gert Louis Smit.

They told the convicts that they were going to suffer for sweating at a fellow warder in Durban.

Lieutenant J H Niemand, acting head of the prison, sent this punishment squad out to "make the convicts warm", though he knew they had not been examined by a doctor to ascertain if they were fit to work, and that it was not prison policy to send work teams out during the festive season.

In a temperature of 35 deg C, several elderly prisoners were given spades to load gravel into wheelbarrows which were pushed up and down a steep incline by the others. Warders' batons "helped" them along if they hesitated over the rough

ground or left gaps between them.

The beatings began with a crippled convict who could not dig properly. He fell to his knees as two warders hit him on his back and arms.

Barry Bloem, nicknamed "Flowers", described how he was beaten by Smit when he told him he could not cope with the work and needed water. Smit dragged him to the muddy pool of water in the dam, pushed him into it and shouted: "There's water, now drink."

Bloem passed out twice as Smit continued to assault him. He was then carried to a "human dump", of other collapsed convicts who had been left lying in the blazing sun.

Twenty-seven convicts, none of whom even had their hands free to ward off the vicious blows, were assaulted by the six warders that day. The three dead men — Mayo Khumalo, Ernest Makhathini and Mhlakaza Xaba — were sickly, but their pleas for mercy fell on deaf ears.

During the heat of a beating by two warders, Mayo Khumalo lifted his shirt and showed his assault marks from a recent operation, but they just struck him harder on that place. They beat the men until their palms

were red and the batons fell from their hands.

Lieutenant Niemand arrived at the site during the morning with three convicts who had been kept in isolation after dagga pipes and money had been found on them. He did not stop the assaults, though a number of prisoners were lying in the "human dump".

As he left, he ordered Smit to "hit those three dead". Three warders were assigned to chase the three convicts as they ran with their barrows ahead of the others. Two of them collapsed before going much further than 15 m.

Collapsed convicts in the "human dump" were "treated" by a medical officer who poured water into their ears, slapped them and turned them to face the sun.

Mhlakaza Xaba, semi-conscious after repeated beatings, moaned "I am dying" and staggered away from the dump like a drunkard. Warden Burger van Dyk said, "Good, I like people who run away, where is the gun."

He chased after Xaba and dropped him with a blow on the back of the neck. Putting his foot on Xaba's chest and raising his arm, he beat him all over his body. Xaba was eventually

dragged back to the dump and died soon after.

Van Dyk had arrived late at the site as he was due to go on leave that day. He went off to buy cold drinks for his fellow white warders and, when he returned, was happy to help out with their work before going on holiday.

Eleven convicts who could not walk were driven back to the prison in a prison van at midday. The only treatment they received was two salt tablets and a drink of water.

The local district surgeon, who examined them six days later, found them in a state of shock. They had suffered from heatstroke — the worst form of sunstroke — aggravated by the arduous work and the beatings.

The six warders — Gert Louis Smit (38), Christiaan Johannes Wynand Horn (19), Jacques Coernraad Stoltz (18), Burger van Dyk (20), William Kobvane (47) and Jonas Zephania Madonsela (32) — were convicted on numerous charges of assault with intent to commit bodily harm.

Mr Justice Vermooten cleared them of murder and culpable homicide because the three deaths could not be directly linked to the assaults. The three could have died from heatstroke and the work, the judge found.

These "heroes of the trun-



This photograph of a prisoner's lashed back was used in the court to show the extent of the beatings

cheon", who attacked defenceless convicts for no reason, had dragged the name of the Prisons Services through the mud, he said. Smit was given an effective eight years in jail, Horn five years, Stoltz three years, Van Dyk two years, Kobvane three and a half years and Ma-

donsela one year.

An investigation into the Barberton Prison complex announced by the Minister of Justice, Mr Kobie Coetsee, after four other prisoners were killed during a brawl between warders and convicts recently, has been extended to include how to

avoid repetitions of the "unfortunate incident" at the prison farm.

Charges are being investigated against Lieutenant Niemand and also against the warders who manhandled the convicts on their arrival in Barberton on December 28.

Convict Killed as Colonel is knifed

Cape Times
1/10/03
253

Own Correspondent

JOHANNESBURG. — Lieutenant-Colonel J Grundling, transferred specially from Zonderwater Prison to take over command of Barberton Prison after four prisoners had been killed there two weeks ago, was attacked and stabbed by two convicts yesterday — one of whom was shot dead.

Colonel Grundling had been shot dead in an incident at Barberton on September 20. He was appointed acting head, replacing a Major Hall, who had been acting head until then.

The Minister of Justice, Mr Kobie Coetsee, and the acting Commissioner of Prisons, Lieutenant-General W H Willemse, had talks at the prison with Major Hall the day after the shootings.

An armed warder on patrol on a catwalk above the yard where 50 prisoners were having their meal then shot one of the two inmates dead.

Colonel Grundling and Warder Gukeya were in a satisfactory condition last night.

Death toll

The identity of the dead convict has not been released as his relatives have still to be informed.

Since the 'heat exhaustion' incident in December last year, when three convicts were beaten to death and for which six warders were sent to prison this week, the total number of inmates at the Barberton complex who have died violently there has now risen to 12.

Colonel Grundling was transferred from Zonderwater maximum security prison immediately after four convicts

described as "a brawl". This week, six warders were jailed following the death of three convicts at the Barberton prison farm section in December last year.

General Willemse announced last night that "in order to reinforce the command structure at Barberton even further", the Regional Commissioner for the Eastern Transvaal and Natal, Brigadier P S Velthuysen, had been instructed to immediately concern himself personally with "the total management and administrative situation at the prison complex".

Inquiry

After sentence in the Barberton prison farm trial had been passed, Mr Coetsee said this week that he had instructed the Transvaal Regional Court President, Mr J A van Dam, who is to head a probe of conditions at Barberton prison, to inquire into the management situation there.

Last night, General Willemse said various special measures had already been introduced, including reinforcement of the staff with selected senior staff members headed by Colonel Grundling.

Beaten

Before the death of four convicts on September 20, a prisoner died when he was beaten with a stick by a warder while trying to escape. In August, three inmates were killed in what has officially been

Sentences

The prisoner shot yesterday after lunging at Colonel Grundling was serving a sentence of 14½ years for attempted murder, housebreaking, theft and escape. The other convict involved in the attack is serving 16½ years for murder, sodomy and assault.

In his statement, General Willemse said this incident "again demonstrated to what extent prisoners such as those involved could be unscrupulous and desperate".

He said it was "almost impossible to eliminate this particular kind of incident".

"Everything possible is being done to prevent a repetition of such an incident at Barberton."

Barberton: New strict measures

W/L ARGUS 1/10/83 253

Weekend Argus Correspondent

JOHANNESBURG. — The battle to control prisoner discontent at the Barberton Maximum Security Prison took a new turn last night when Lieutenant-General W H Willemse, the Acting Commissioner of Prisons, ordered that the jail's command structure be further reinforced.

At the same time the Regional Court President of Johannesburg, Mr J A van Dam, left Johannesburg for Barberton where he will be in charge of an investigation into violence at the jail which claimed a further life yesterday. Twelve people have died violently at the jail in the last 10 months.

General Willemse said in a statement that Brigadier P S Velthuysen, the Regional Commander of the Natal and Eastern Transvaal areas, had been instructed immediately to concern himself personally with the total management and administrative situation of the prison complex, with special reference to the maximum security prison.

Stabbed

In yesterday's violence a prisoner attacked Lieutenant-Colonel J Grundling as he walked through a courtyard where 52 prisoners were having breakfast. He stabbed Colonel Grundling in the back and neck and when Warden R Gukeya went to the colonel's aid, he was stabbed in the head by another prisoner.

A warden on a catwalk overlooking the courtyard then shot the attacker dead. Colonel Grundling and Warden Gukeya are in a satisfactory condition.

Colonel Grundling was recently transferred to the prison from the Zonderwater Maximum Security Prison to take over as acting head of the prison.

The prisoner who was shot dead has not yet been identified as his family has still to be informed.

"Unscrupulous"

General Willemse said "This incident once again demonstrates to what extent prisoners can be unscrupulous and desperate."

He said it was almost impossible to eliminate this kind of incident because of the nature of Prisons Service work, which entailed continuous physical contact with prisoners, and considering the type of prisoner involved.

General Willemse said the policy of the Prisons Service was that wardens in direct contact with prisoners should not be armed.

The threat posed by prisoners to personnel, fellow prisoners, and in the case of escape, to the public, would increase drastically as a firearm could be taken from a warden and used against him, he said.

Firearms were used for outside guarding purposes and on catwalks inside prisons from where where unarmed personnel could be protected.

Inhabitants upset

● The violence at Barberton has upset the inhabitants of this picturesque town in the Eastern Transvaal.

While sympathetically, generally speaking, appears to rest with the prison officials, inhabitants are unhappy about the "bad publicity" the town is receiving as a result.

"Tourists are beginning to associate our beautiful town with ugly happenings at the jails," an elderly woman said.

Top officer is to head death prison clean-up

By Trevor Jones,
Crime Staff

The battle to control prisoner discontent at the Barberton Maximum Security Prison took a new turn last night when Lieutenant-General W H Willemse, Acting Commissioner of Prisons, ordered that the jail's command structure be further reinforced.

At the same time the Regional Court President of Johannesburg, Mr J A van Dam, left Johannesburg for Barberton where he will be in charge of an investigation into violence at the jail which claimed a further life yesterday.

The Minister of Justice, Mr Kobie Coetzee, announced that the scope of Mr van Dam's investigation had been widened to include yesterday's attack.

Mr Coetzee also instructed him to submit an interim "factual report" about all the recent incidents at the jail.

Twelve people have died violently at the jail in the last 10 months.

General Willemse said in a statement that Brigadier P S Velthuisen, Regional Commander of the Natal and Eastern Transvaal areas, had been instructed to immediately concern himself personally with the total management and administration of the prison complex, with special reference to the maximum security prison.

The Barberton complex com-

prises five prisons of which the maximum security section is one.

In yesterday's violence a prisoner attacked Lieutenant-Colonel J Grundling as he walked through a courtyard where 52 prisoners were having breakfast.

He stabbed the colonel in the back and neck and when Warden R Gukeya went to his aid he was stabbed in the head by another prisoner.

A warden on a catwalk overlooking the courtyard shot the attacker dead.

Colonel Grundling and Warden Gukeya are in a satisfactory condition.

General Willemse said there had been 41 members of the Prisons Service, including three men with dogs, in the courtyard at the time of the attack.

General Willemse said the policy of the Prisons Service was that warders in direct contact with prisoners should not be armed.

The threat posed by prisoners to personnel, fellow prisoners and — in the case of escape — to the public, would increase drastically as a firearm could be taken from a warden and used against him.

Firearms were used for outside guarding purposes and on catwalks inside prisons from where unarmed personnel could be protected.

The name of the prisoner who was shot dead has not yet been released.

Bad image upsets Barberton

Lowveld Bureau

Violence at Barberton's two jails resulting in the death of 12 convicts since last December has upset the people of this picturesque Eastern Transvaal town.

Although general sympathy seems to rest with prison officials, inhabitants are unhappy about the "bad publicity" the town has received.

Townfolk say they usually only hear about such incidents via the newspapers.

"The trouble is other people read those reports and may associate our beautiful town with ugly happenings at the jails," an elderly woman said.

A well-known Barberton couple said: "We've lived here all our lives and this is the first time so much violence has taken place in the two jails."

DURBAN — Miss Charmaine Helen Philips 20, and Mr Pieter Louis David Grundling, 36 were yesterday committed for trial in the Supreme Court at Maritzburg on four counts of murder, four of robbery, two of fraud and one of theft.

In the Durban Magistrate's Court yesterday the State alleged they

- Murdered and robbed Mr Gerald Douglas Meyer in Verulam on June 14
- Murdered and robbed Mr Vernon Alexander Swart at Melmoth between June 15 and June 25
- Murdered Mr Barend Eugene Greyvenstein at the Kinross Dam in the Transvaal on June 25 and took his UBS savings book, Helpu

Fugitive couple's trial date is fixed

- card and knife
- Stole two amounts of R400 from Mr Greyvenstein's savings account from the Vryheid and Dundee UBS branches between June 15 and June 25
- Murdered Mr Martin Mofosi near Bloemfontein and robbed him of R80 and a UBS Helpu card from which they stole R60

New shakeup as convict shot dead

253
RDM
1/10/83

By WIM VANVOLSEM
ONE of South Africa's most senior Prisons Department officials was last night ordered to take personal control of the affairs of the Barberton Prison complex, hours after another convict had been shot dead

The Acting Commissioner of Prisons, Lieutenant-General W H Willemsse announced last night that "in order to reinforce the command structure at Barberton even further", the Regional Commissioner for the Eastern Transvaal and Natal, Brigadier P S Velthuysen, had been instructed to immediately concern himself personally with "the total management and administrative situation at the prison complex"

The convict was shot by a prison guard when he attacked the newly appointed acting head of the complex, Lieutenant-Colonel J Grundling, with a sharpened piece of copper toilet pipe during breakfast in the courtyard

Col Grundling who was transferred from Zonderwater Prison to run Barberton Prison two weeks ago after four prisoners were shot dead, was stabbed in the stomach and back

Constable R Guyeka, a warder who came to his aid, was stabbed in the head. An armed warder on patrol shot one of the two prisoners dead from a catwalk above the yard

The incident took place in front of 52 prisoners eating their breakfast and 41 other

warders, three of them with dogs

Col Grundling and Warder Gukeya were in a satisfactory condition last night

The identity of the shot convict has not been released as his relatives have not yet been informed

This brings to 12 the number of prisoners at the Barberton complex who have died violently since three convicts were beaten to death last December. Six warders were this week jailed for the deaths

Col Grundling was made acting head of Barberton after four convicts were shot dead on September 20

Earlier, another prisoner died when he was beaten with a stick by a warder while trying to escape. In August three inmates were killed in what has officially been described as "a brawl"

The dead prisoner was serving 14 years and six months for attempted murder, housebreaking, theft and escaping from custody while the other prisoner is serving 16 years and six months for murder, sodomy and assault

In his statement, Gen Willemsse said the incident "again demonstrated to what extent prisoners such as those involved could be unscrupulous and desperate"

The shooting of the convict prevented further loss of life, he said

Gen Willemsse said it was "almost impossible to completely eliminate this particular kind of incident"

"Everything possible is being done to prevent a repetition of such an incident at Barberton," he said



at yesterday in front of a Ford Bantam donated by Hertz in the zany style which characterises work on the alley, Mr Noel de Villiers, managing director of Hertz, and Mr Rex Gibson, Editor of the Rand Daily Mail.

Picture JILLIAN EDELSTEIN

room tap

geyser
She said Carl celebrated his ninth birthday on September 1.

He was a Standard One pupil at the primary school, in Springs, Brakpan

His mother, Mrs Maria Kleynhans, did not want to talk about her son's death and started crying

She said they had given their photographs of her son to family members

Carl's funeral will be held in the Brakpan cemetery at 2 p.m. on Tuesday

There will be no church service

will cost
plement'

Summer '83



Suits

LYNCH FEARS FOR BARBERTON PRISON 'TRUNCHEON HEROES' CONVICTED WARDERS FACE WRATH OF FELLOW-INMATES

Tribune Reporter

S. Tribune 2/10/83

953

Prisoner dies after attack

PRETORIA: A black long-term prisoner died at the Morderee Prison on Friday night, a spokesman for the South African Prison Service said yesterday.

It was believed he was murdered by four fellow prisoners who kicked and hit him, the spokesman said.

His name was being withheld until his next-of-kin had been informed of his death.

He was serving an effective eight-years-and-11-months sentence for charges of theft, car theft and possession of dagga. He was awaiting trial for further charges of sodomy and assault with intent to do grievous, bodily harm.

The four suspects were serving sentences which ranged from five to 13 years for charges such as robbery, assault, rape and dealing and possession of dagga, according to the spokesman. — Sapa

THE six convicted "truncheon heroes" of the notorious Barberton Prison Farm will not be given "special treatment" in jail in spite of fears that they could be "lynched" by angry fellow inmates

The warders became prisoners this week after a seven-week trial in which sordid details of life-and-death in the prison were made public

According to a spokesman for the Prisons Services, the former warders — sentenced to terms ranging from one to eight years after being found guilty of assault with intent to do grievous bodily harm — "will be treated like any other prisoners".

He agreed with speculation that they could be "discriminated" against and possibly "lynched" if they were put into cells with other common criminals

According to defence counsel for four of the warders, Mr Johan Els SC, they spent the first night of their sentences in the Witbank prison and would probably go to Pretoria Central for three months

They intend petitioning the Chief Justice after Mr Justice D O Vermooten refused them leave to appeal. Two of the eight men on trial, Lafasa Makhola and Fanyana Mahumane, were acquitted

There were signs of relief in court when the six accused — Gert Smit, Christiaan Horn, Jacques Stoltz, Burger van Dyk, William Kobyanne and Jonas Mdonse-la — were found not guilty of murder or culpable homicide

The charges arose after three convicts died and another 34 were assaulted with batons while pushing wheelbarrow loads of gravel in 35 C heat in December last year

But even as weeping relatives said goodbye to the convicted warders after what had been the most detailed indictment of a South African prison since the Prisons Act threw a veil of secrecy over jails in the Sixties, the violence at Barberton prison continued

Another prisoner was shot dead on Friday after he and another inmate attacked prison officials with "sharpened copper bars made by prisoners of parts they had broken from the water closets in their cells," according to a statement from the Acting Commissioner of Prisons, Lieut-Gen W H Willemse

His death brings to 12 the number of people killed at Barberton in the past 10 months

The latest killing has prompted the Prisons Service to appoint the Regional Court President of Johannesburg, Mr J A van Dam, to lead an investigation into violence at the prison

It comes a few days after Minister of Justice Kobie Coetsee issued a statement requesting as a top priority that the management structure at Barberton be reviewed

Meanwhile, Sapa reports that the prisoners representing the "bad element" at Barberton prison were being transferred to another prison, a statement released by the liaison officer of the Prisons Service on behalf of Justice Minister Kobie Coetsee, said yesterday

Mr Coetsee said because of the continuing attacks on staff members by prisoners at the Barberton maximum security prison, the classification of the prison would be changed so that the facilities would only provide accommodation for prisoners with a better prognosis

MP urges independent inquiry into prisons

BY LIZ VAN DEN NIEUWENHOF

SOUTH Africa's prisons need a total overhaul and the only way to start is an independent judicial inquiry into conditions, says Mrs Helen Suzman, Opposition spokesman on black affairs.

Mrs Suzman's call follows the announcement this week by the Minister of Justice, Mr Kobie Coetsee, that conditions at the Barberton Prison Farm would be probed as a result of the 'heat exhaustion' trial. Six warders were jailed for assaulting prisoners while making them work on an extremely hot day. Three prisoners died.

Legal experts consulted this week said they were not aware there had ever been a commission of inquiry into prisons, although there had been departmental inquiries.

There has been a commission of inquiry into the penal system. The Viljoen commission tabled its recommendations in Parliament six years ago.

Mrs Suzman said more attention should be paid to the

MINISTER ORDERS OUT 'BAD EGGS'

THE Minister of Justice, Mr Kobie Coetsee, yesterday ordered that "bad elements" among prisoners at the Barberton maximum security prison be moved to other jails.

A spokesman for the Prison Service said in a statement Mr Coetsee had ordered that the classification of the prison be changed "so that facilities only provide accommodation for prisoners with a better prognosis".

This was decided in view of the continuing attacks on staff members by prisoners and bearing in mind the extremely hardened and dangerous criminal element at the prison.

"The transfer of the prisoners who represent the bad element had already commenced after the last visit to this institution by myself, the Director-General of Justice and the Commissioner of Prisons, and will be finalised soon," Mr Coetsee said.

recommendations of the Viljoen commission.

"But," she said, "that commission did not probe prison conditions *per se* and I think the time has now come for an independent inquiry."

Mrs Suzman was speaking

after the death of another prisoner this week, at the Barberton maximum security prison.

He was shot after the acting head of the prison, Lieutenant-Colonel J Grundlingh, was stabbed in the back and

Meanwhile, a black long-term prisoner died at the Modderbee prison near Benoni on Friday night, a prisons spokesman said yesterday.

It was believed he was murdered by four fellow prisoners who kicked and hit him, the spokesman said.

His name is being withheld until his next-of-kin have been informed.

The prisoner was serving an effective eight years and nine months sentence for charges of theft, car theft and possession of dagga. He was awaiting trial for further charges of sodomy and assault with intent to do grievous bodily harm.

The four suspects were serving sentences ranging from five to 13 years for charges such as robbery, assault, rape and dealing and possession of dagga, the spokesman said.

stomach while walking through a mess hall.

Among the major recommendations of the Viljoen commission were that influx control and curfew laws be "de-penalised" and converted into administrative or

regulatory measures, to prevent large-scale arrest, trial and conviction. Mrs Suzman said. "Overcrowding is a major problem in prisons, making it more difficult to enforce discipline."

How six warders went off the track

Staff Reporter

WHEN 47 prisoners arrived from Durban at the Barberton Prison Farm in December they were told by warders: "This is the last stop. Here the train does not turn back — it just turns over."

But 10 months later six of the warders were derailed — jailed for their part in assaults which left three inmates dead.

The seven-week 'heat exhaustion' trial ended this week with "heroes of the baton" in tears as they were led down to the cells.

During the long trial some horrific evidence has been led about the blazing hot day when warders repeatedly beat convicts while they were pushing wheelbarrows loaded with gravel.

However, it could not even begin until Mr Justice Vermooten removed it to Witbank because the 34 complainants refused to give evidence, saying they were being threatened and intimidated by warders at the Barberton and Nelspruit prisons.

Now it is doubtful that former Warrant-Officer Gert Smit and former warders Christiaan Horn, Jacques Stoltz, Burger van Dyk, William Kobyan and Jonas Madonsela, will have pleasant memories of Lieutenant J H Niemand, acting head of the prison farm at the time of the assaults, either.

Mr Justice D O Vermooten referred to Lt Niemand this week as having possibly plotted the "battlefield" scene at the prison farm dam last year.

It emerged in evidence that Lt Niemand had hand-picked strong warders "who could swing batons to make the convicts warm". He was not charged.

When giving his verdict of guilty of assault with the intent to do grievous bodily harm, the judge reserved some comments on Lt Niemand's behaviour and ordered that the trial records should be forwarded to the Attorney-General for possible action.

"But the old chestnut is the Prisons Act, which makes it difficult for the Press to report on unsatisfactory conditions in prisons. The best watchdog remains public scrutiny."

Mrs Suzman also felt it was time the Department of Prison Services laid down standards of education for prison warders.

Mrs Mana Slabbert, a criminologist at the University of Cape Town, said:

"There is no difference between a criminal attacking someone on the street and a prison warden assaulting a prisoner — it is the same violation."

"Prisoners have every right to be protected against assault and the incident at the Barberton Prison Farm highlights the necessity for an official probe into the prison's conditions."

A spokesman for the Department of Prison Services said it was standard practice for serious incidents to be investigated.

"Details of such investigations are not available and it would take a considerable length of time to provide them."

PUT THE DOGS ON THE MARCH!

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City Press
2/10/23

By DESMOND BLOW

ALOWATHERESUR

ers while protected by two warders with Alsatian dogs and four with rifles," the judge said

"You have dragged the name of the Prison Department through the mud," he said

The men who kept telling the suffering convicts that they were "meneers from Durban who couldn't stand their man" were not so brave themselves when they were marched off to prison.

The big, tough warders burst into tears in the arms of their loved ones

THIS man, Lieutenant J H Niemand, who was acting head of the Barberton Maximum Security Prison, must be charged for his part in the death of three prisoners and the brutal assault of dozens of his subordinates were jailed this week.

Lieut Niemand was responsible for the ill-treatment of the prisoners which resulted in the death of three, Mr Justice Vermooten found in the Witbank Circuit Court

It was Lieut Niemand who handed picked the men to assault the newly-arrived prisoners because they had sworn from Durban, he said

Lieut Niemand said he was looking for men who could "swing batons"

He picked Warrant Officer Gert Smit, 39, who apparently had a reputation for "toughness" and three big, rugby forwards to do the job

Yet, Lieut Niemand, was never charged

An angry father of one of the sentenced warders, Christian Johannes Horn, 19, who was jailed for five years this week, told me "My boy should never have been jailed. He was acting under instructions. They did not involve Lieut Niemand because they were ordered not to"

However, W/O Gert Smit told me before he was sentenced that he had named Lieut Niemand in his statement to the police

"Yet he was not charged," said Smit who was given eight years

A defence legal source said he had been told that Lieut Niemand had asked the warders not to involve him and they had agreed when they were assured that they would not be in serious trouble, despite the death of three prisoners and the hospitalisation of 34 others

The judge asked the prosecutor to refer the matter of Lieut Niemand to the Attorney General, but the prosecution was disappointed that the judge had not found the accused warders guilty of culpable homicide

"It makes a case against Lieut Niemand more difficult," a member of the prosecution team told me

After the case ended on Wednesday the Minister of Justice, Mr Kobie Coetsee, announced that a thorough investigation into the malpractices revealed at the trial would be undertaken

In his judgment, Mr Justice Vermooten said Lieut Niemand was the man responsible for the ill-treatment of the prisoners which ended in the death of three

He said Lieut Niemand had decided on this course of action because of reports that a Lieut Fourie at Durban Point Prison had been sworn at when the prisoners left Durban

The men were ordered to make things hot for the prisoners and warders were selected who could "swing batons"

Lieut Niemand had arrived later with three other prisoners and had seen some of the prisoners who had already collapsed lying in a "field hospital"

W/O Smit was told to brutally beat the new arrivals, and these three men were among some of the most severely assaulted, having as many as 25 baton scars six days after the assault

"You are heroes of the baton who assaulted unarmed and defenceless prison-

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**Former ANC saboteur
Curnick Ndhlovu comes
home after 20 long
years on Robben Island**



ABOVE: Curnick Ndhlovu with wife Beauty Rose. They were parted after only seven months of marriage. BELOW: Curnick with mum Amelia



**Free
again!**

By MARLAN PADAYACHEE

ONE-TIME saboteur Curnick Ndhlovu stepped out of the past after 20 years behind bars on Robben Island this week, to kiss the bride he left behind after only seven months of marriage

"I am so happy Curnick has come home at last," a delighted Beauty Rose said yesterday

"It has been 20 hard years, doing any work I could find"

Her husband's return home this week meant the end of once-a-year visits to Cape Town by train to see him

Curnick's release from a Durban prison on Tuesday was unannounced. He walked to freedom to become a face in the crowd, when he boarded a bus home to KwaMashu this week

Many of the passengers on the bus were not born when Ndhlovu was among the 18 ANC members convicted in 1963 for sabotage and sentenced to the maximum security prison off the Cape mainland for politically-inspired crimes

He was one of the saboteurs responsible for dynamiting powerline pylons in New Germany, Sarnia and Montclair in Natal during 1962

In the marathon Pietermaritzburg sabotage trial all the accused were sentenced to a total of 206 years on 28 counts of sabotage by the Judge President, Mr Justice Milne

This week there were no garlands, champagne or cheering crowds to greet the former political activist when he and an inmate, Samuel Mohlomi, who served six years and seven months of his seven year sentence for an unrelated ANC activity, sat side by side taking in the development on the old North Coast Road

The two men spoke softly to each other but Ndhlovu cannot be quoted because he is listed, a legacy from the Department of Justice which effectively cuts him off from a leadership role

But the word soon spread that Ndhlovu was home and some of the men who stood trial and had completed their shorter sentences rushed to his simple, matchbox council house in the F section of the sprawling North Durban township

Old prison stories unfolded when former Robben Islanders Natvarlal Babema, Kisten Doorsamy, Patrick Lekota and Bongani Nisele recalled their life on the island

The happy band toasted the release cheerfully with soft drinks

And their eyes were fixed on the 51-year-old man whom they regard as something of a celebrity

Curnick showed them his souvenir, a pair of prison boots

Lekota, publicity secretary of the new alliance of anti-Government bodies, the United Democratic Front, wasted no time in filling Curnick in on the latest political developments as the veteran activist sat listening and occasionally breaking into a smile

For Curnick's 71-year-old mother Mrs Amelia Ndhlovu, her fervent wish was granted

"I never thought I would see my son again. When I found out that he was coming home I cried, I expected to see a grey, bent old man. But instead my son looks fit and healthy"

"Now I want to spend more time with him and get to know him again," the old lady said yesterday

In the Fifties, when Curnick was working as a railway worker, he formed the Railway Workers' Union

Later he became general secretary of the now outlawed South African Congress of Trade Unions (Sactu) following the banning of another key figure in the movement, Billy Nair

Curnick and Nair were the only two of the 18 convicted men who admitted to being members of the Natal regional command of the ANC's military wing, Umkonto We Sizwe (Spear of the Nation), who carried out the acts of sabotage

The official release date for both men was set for February 27 next year but Ndhlovu, who was moved from Robben Island in May last year to the Leeuwkop Prison, was given a five-month remission

Probe prisons gang warfare,

A PROMINENT academic has called for an exhaustive inquiry into gangs and gang warfare in South African prisons.

The call coincides with an announcement by Mr Kobie Coetsee, Minister of Justice, that an exhaustive inquiry will be made into the management of the Barberton prison complex.

The call for an inquiry was made by Professor Charles van Onselen, director for the African Studies Institute at the University of the Witwatersrand, in his inaugural lecture in Johannesburg this week.

Nearly half the existing prison gangs were connected historically with the notorious gang of 'Ninevites', the band of robbers founded in 1890 by Jan Note, whose life story formed the theme of Prof van Onselen's lecture titled 'The Small Matter of a Horse'.

The original Ninevites, said Prof van Onselen, were a form of resistance against the process of urbanisation, which was expressed by a campaign of robbery and violence against whites whom they saw as "more powerful and privileged".

"This strand of thinking continues to be intertwined with the political consciousness of many black South Africans," he went on.

"The pass laws continue to drive thousands of Africans into a twilight existence as they desperately try to establish a toe-hold in the increasingly economically privileged areas of the country.

In a racially divided society there can be no absolute separation between the 'criminal' and the political.

Prison gangs may have the most crudely developed ideas about power relationship in the wider society, but there is no denying they do manifest some degree of

By JEAN LE MAY Political Correspondent

The pass system had been extended, providing an efficient net which ensured that most black men would have to pass through a cell.

By 1912 the Ninevites claimed 1 000 adherents, with branches as far afield as Durban and Kimberley.

In 1914, thanks to penal reform initiated by the Secretary for Justice and Director of Prisons, Jacob de Villiers Roos, a sympathetic white warden was placed in charge of Note

In the classic switch Note indicated his willingness to become a prison warden.

He worked for years as a warden and helped to blunt the Ninevite initiative.

Note died of tuberculosis at the age of 81 in 1948. He was buried in a pauper's shared grave in a Pretoria cemetery.



● Prof Charles van Onselen

Abusive service

HARARE — A white businesswoman from the village of Odzi in eastern Zimbabwe was fined Z\$500 (R1500), or six months, for abusing a black customer when he came to her hotel for a drink.

Erna Charotte Ubosted, manager of Odzi's Travelodge Motel, was found guilty in the Mutare magistrate's court of "seriously impairing the dignity of the complainant". She had threatened to shoot him.

The man, a resident in Marange communal land, had told her the country "was now Zimbabwe, not Rhodesia". — Sapa

TOUCH OF CLASS

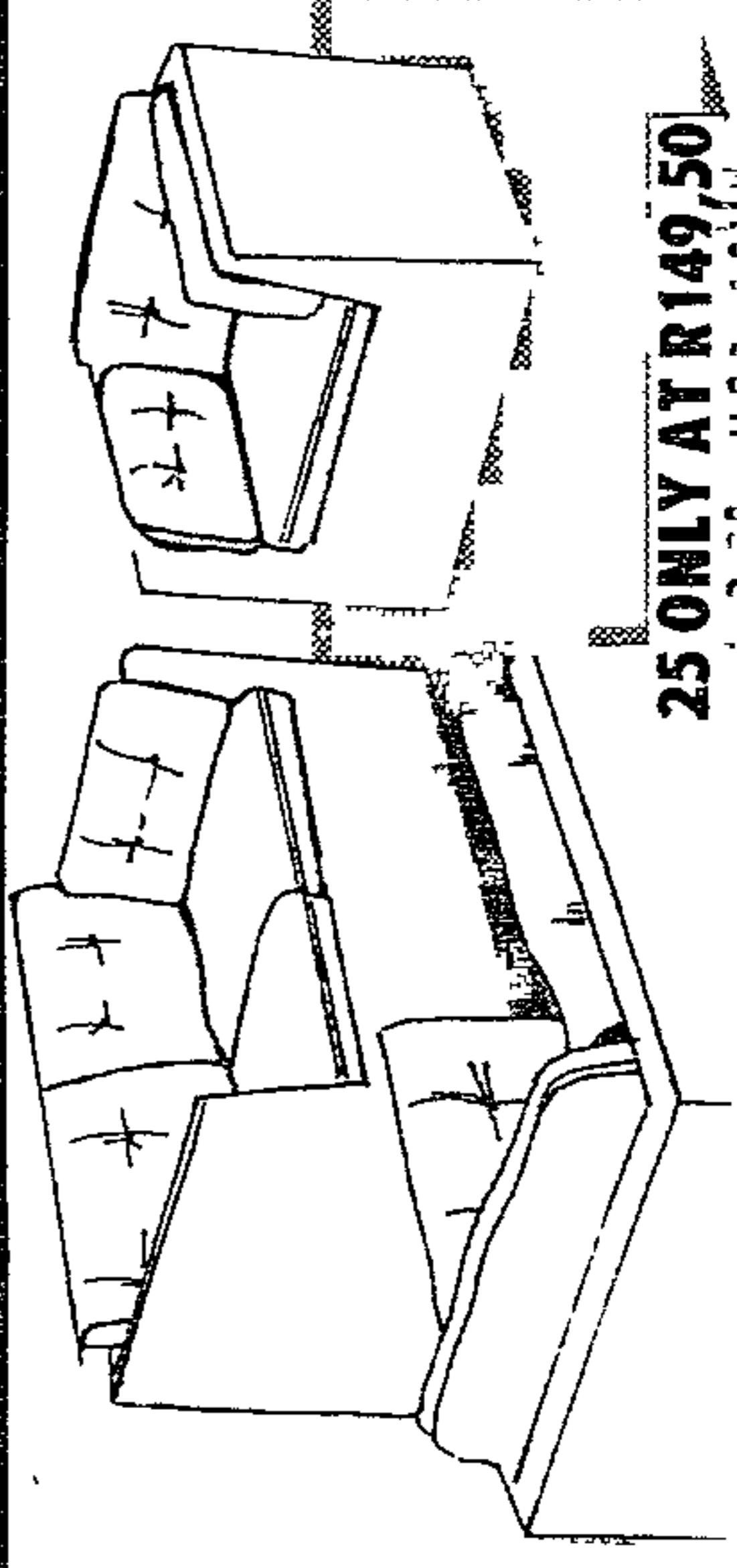

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by Professor Charles van Onselen director for the African Studies Institute at the University of the Witwatersrand, in his inaugural lecture in Johannesburg this week.

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"The pass laws continue to drive thousands of Africans into a twilight existence as they desperately try to establish a toe-hold in the increasingly economically privileged areas of the country"

"In a racially divided society there can be no absolute separation between the 'criminal' and the 'political'

"Prison gangs may have the most crudely developed ideas about power relationship in the wider society, but there is no denying they do manifest some degree of political consciousness"

Rogue, reformer, Robin Hood, for almost 30 years — even while in jail — Note headed the Ninevites, who in 1911 elicited a special enactment of the Union Parliament to control them

Even the prison authorities were wary of the man they called a 'human volcano'

At the height of his power, Note was accorded the mystic reverence usually given a great tribal leader

Members of the modern '28' gang still greet each other with a Zulu saying which means "the men who repossess the value of the horse"

In 1886, as a youth of 19, he was told by his employer his wages would be docked for two years to pay for a lost horse

Deeply aggrieved, Note went to the newly-established mining camp which became Johannesburg, and in 1890 founded the Ninevites — a loosely organised community of about 200 male and female vagrants, dislocated migrants, petty thieves and armed robbers

They were organised along quasi-military lines, and gained a reputation among other blacks as a body of men who searched for justice in a bewildering new world

Eventually the law caught up with Note

But prison posed no threat to his hold over the Nine-

WISDOM

By JEAN LE MAY Political Correspondent

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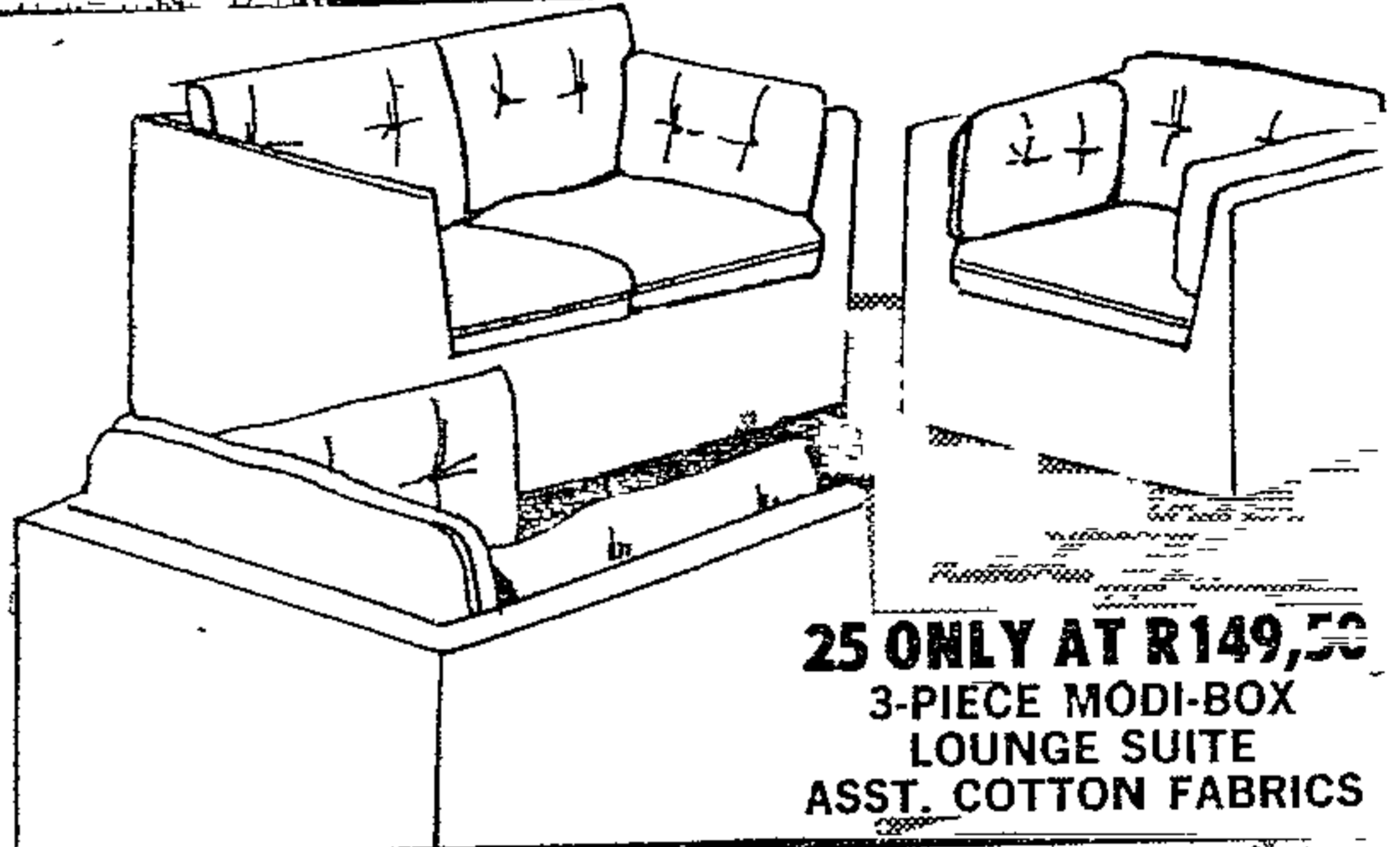
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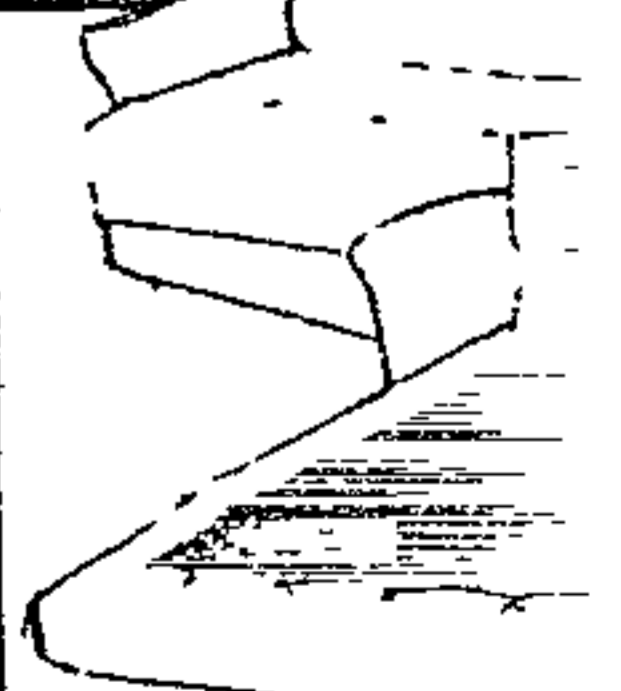
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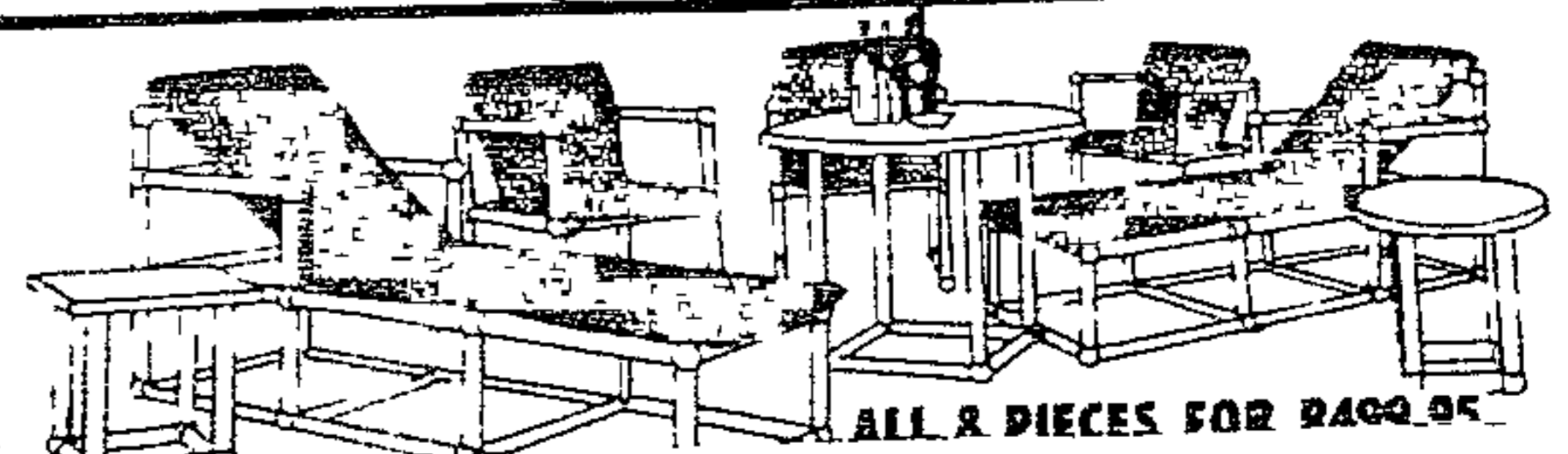
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Siveton 31/10/83

NDHLOVU FREED

Ex-Islander takes bus ride home

ONE-TIME saboteur could find her husband's return home this week meant the end of once-a-year visits to Cape Town by train to see him.

Curnick's release from a Durban prison on Tuesday was announced. He walked to freedom to become a face in the crowd, when he boarded a bus home to KwaMashu this week.

Many of the passengers on the township bound bus were not

born when Ndhlovu was among the 18 ANC members convicted in 1963 for sabotage and sentenced to the maximum security prison off the Cape mainland for politically-inspired crimes.

He was one of the saboteurs responsible for dynamiting power-line pylons in New Germany, Samia and Montclair in Natal during 1962.

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But the word soon

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4/10/83

The Star, Tuesday, Octol

Govt draws guidelines for alternatives to jail

By Zenaide Vendeiro

The Government is drawing up national guidelines for the implementation of community service orders as an alternative to imprisonment

This was announced yesterday by Mr Justice R J Goldstone, chairman of the National Institute for Crime Prevention and the Rehabilitation of Offenders (Nicro), at the institute's annual general meeting in Johannesburg

Nicro has drafted regulations for the consideration of the interdepartmental working committee charged with the formulation of the national guidelines

A pilot scheme in Cape Town has proved successful and has the support of the chief magistrate of Cape Town. Already 65 petty criminals who would otherwise have gone to prison are doing community work

"Nicro keeps on pushing for alternatives to imprisonment and encouraging magistrates to sentence offenders to community service," said Mr Justice Goldstone

He said the institute had sent circulars to institutions including police stations, hospitals and old age homes, asking them whether they would be prepared to employ offenders

"There was an overwhelming posi-

tive response. About 80 percent of the organisations said they would be willing to employ offenders"

The community service scheme would stand or fall, he said, by public reaction. It was important that the community should feel an appropriate sentence should be given

Nicro's national director, Mr J V Pegge, welcomed the current media attention to crime and the increasing public participation and interest in the work of Nicro

"Nicro has long argued that containment of the nation's major crime problem will depend on citizen participation in crime prevention and offender rehabilitation

"The State alone cannot contain the problem and the public over-dependence upon judicial, police and prison resources has been a cause for our concern for many years"

The controversial issue of sentencing will come under discussion again at a national conference to be held in January 1985 when Nicro celebrates its 75th anniversary

The conference, with overseas participation, will be organised by the institute and the University of the Orange Free State and will be held in Bloemfontein

Prisoners cost taxpayer R650 000 a day

Community service sentences urged

Prisons are 36% too full, says Viljoen

By J MANUEL CORREIA

SOUTH AFRICA'S prison population was costing the taxpayer about R650 000 a day, Mr Justice Goldstone of the Transvaal Bench said yesterday when he made a strong plea for more community service orders to be imposed by lower courts.

More community service orders (CSOs) would reduce the prison population and save the taxpayer a considerable amount of money, said the judge, who is national chairman of the South African National Institute for Crime Prevention and the Rehabilitation of Offenders (NICRO).

Mr Justice Goldstone, who was speaking at NICRO's three-day biennial general meeting in Sandton, said 65 CSOs, for which provision was made in the Criminal Procedures Act, had been imposed in Cape Town, where the pilot scheme had been launched with the full co-operation and blessing of the Chief Magistrate.

It was hoped to launch the scheme

countrywide after an inter-departmental Government committee had completed its work.

The final result would, it was hoped, take the form of a schedule to the Criminal Procedures Act, the judge said.

The CSOs were only relevant in the magistrate's courts and, to a lesser extent, in regional courts.

The Supreme Court dealt largely with offenders to whom CSOs could not be applied.

The importance of the CSOs was that they kept a first offender from going to jail and coming into contact with hardened criminals.

The system would save the taxpayer a considerable amount of money, but its acceptance would stand or fall on public support.

It applied to a certain category of offences — not crimes of rape and violence — and he could envisage its being applied even in the case of a first-time drunk driving offender.

A survey conducted by NICRO among private and public organisations in Johannesburg had yielded an 80% positive response on CSOs.

The system had not been applied in Johannesburg because the Department of Health and Welfare did not have sufficient staff.

Mr Justice Goldstone conceded that periodic imprisonment sentences had all but failed, although some were still being imposed and the Appellate Division had recently substituted a jail sentence for periodic imprisonment.

The failure could largely be attributed to the strain the system imposed on the Department of Prisons.

The alternative, serving the sentence at weekends in police stations, also did not work because weekends saw police stations at their busiest.

Mr Justice Goldstone said the most successful CSO to date in terms of public approval had been the case of the man who had negligently caused the recent devastating fire on Table Mountain.

After intervention by NICRO, the man had been sentenced to work in the Kirstenbosch national botanical gardens.

The Chief Magistrate of Cape Town had been inundated with calls from the public praising the decision to impose this sentence.

Mail Reporter

THE country's prisons are overpopulated by 36%. There are 106 000 prisoners daily in 242 prisons which normally accommodate only 72 892 prisoners — and each prisoner is costing the taxpayer R6,52 a day.

These shock statistics were released recently on the East Rand by the State President, Mr Marais Viljoen, who is patron-in-chief of the South African National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro).

A spokesman for the Prisons Department in Pretoria yesterday gave a breakdown on how daily costs of a prisoner have risen since 1979.

In that year it was R2,68. In 1980 it was R3 and in 1981 it was R3,62. Last year the cost leapt to R5,79 and this year to R6,52.

Mr Viljoen said in his address to Nicro's East Rand branch that South Africa, like other countries in the West, faced the problem of a high crime rate and over-populated prisons.

Statistics showed that during the 1982/83 statistical year there had been an over-population of 36% in South African prisons.

The seriousness of the position was emphasised by the fact that during the 1982/83 book year the Departments of Justice and Law and Order had allocated R898-million to the fight against crime.

In June, July and August this year there were 106 000 prisoners in 242 prisons which could normally accommodate only 72 892 prisoners.

"It costs the State R6,52 as prisoner a day. About 15 000 awaiting-trial prisoners are held daily," the State President said.

From July 1, 1981, to June 30 last year about 1 500 000 criminal cases had been set down for hearing at magistrates' courts. Last year 51 050 prisoners had been paroled.

Mr Viljoen emphasised that neither the State nor welfare organisations could combat crime single-handed. The public could help by actively supporting organisations like Nicro, he said.

'Drop pass laws — then have less crime'

Mail Reporter

UNLESS pass laws and other statutory offences were decriminalised, South Africans would continue to have to foot the staggering prisons bill, Mrs Helen Suzman, Progressive Federal Party MP for Houghton, said at the Rand Afrikaans University

yesterday

"But the Government won't do this", she said.

Mrs Suzman endorsed the call by Mr Justice Goldstone for more community service orders to be imposed by lower courts.

She said the prison population was swollen by statutory offenders, people convicted

of pass law offences, trespassing, breaking curfews and of failing to produce documents.

She estimated that 35% of people serving sentences of less than four months were statutory offenders.

Mrs Suzman said there was a need to review the range of punishable crimes.

"We must also take into account that we are almost deliberately encouraging the creation of a lawless society."

"Frequent imprisonment leads to contempt for the law."

"The migratory labour system is also contributing to lack of stability."

Nicro to hold conference on sentencing

Mail Reporter

A NATIONAL conference on sentencing will be held in Bloemfontein in 1985 to celebrate the 75th anniversary of the National Institute for Crime Prevention and Rehabilitation of Offenders — Nicro.

This was announced yesterday by Mr Justice Goldstone, Nicro's national chairman.

Overseas experts, judges,

magistrates, members of State departments and academics would take part in the conference — from January 15 to January 18 — organised by the University of the Orange Free State.

The conference would have three themes: the philosophy of punishment, the limits of criminal sanction and alternatives to imprisonment.

Mr Justice Goldstone said

he hoped the conference would prove to be a milestone in South African legal history.

"Too seldom do judicial officers get to sit together to see where they are going," he said.

The last Nicro national conference in 1974 had been held before the appointment of the Viljoen Commission and the important role it had played had been officially acknowledged.

253 report 4/10/83

Prison probe will be kept under wraps

By Fiona Macleod

An in-depth investigation into prison gangs and conditions at the Barberton prison command is underway

The probe was ordered by the Minister of Justice after numerous outbreaks of violence at the prison and the recent jailing of six warders

The Regional Court President of Johannesburg, Mr J A van Dam, who is in charge of the three-man investigation committee, said, yester-

day that details of the probe could not be published

The Press would not be allowed to attend

The investigation would be extensive and could be broadened to include prisons throughout the country, he said

The committee last week started investigating the deaths of nine prisoners after three maximum security convicts were assaulted by warders and died last December

Evidence relating to

their deaths was confidential and it would be a breach of the sub judice rule to publish it until inquests had been formally started, Mr van Dam said

The committee was also delving into the question of subcultures among prisoners and prison gangs

Mr van Dam said it could be fatal to prisoner informants to make known their names

The Minister of Justice, Mr Kobie Coetsee, has included in the investigation all the "unsatisfactory aspects" referred to by Mr Justice D O Vermooten when he jailed six Barberton Prison farm warders for severely assaulting convicts

The committee will also study how to avoid a repetition of the "heat exhaustion" at the farm or other prisons

Dr Herman Venter, a leading criminologist and former mayor of Pretoria, and Brigadier E A Venter, of the Prisons Service, have been appointed to assist Mr van Dam

Mr Coetsee has ordered that "bad elements" among prisoners at the Barberton maximum security prison be moved to other jails

The regional commander of the Natal and Eastern Transvaal areas, Brigadier P S Velthuysen, has been ordered to deal personally with the management of the five-prison command, with special reference to the maximum security prison

ult charges

Windhoek prison hunger strike enters 27th day

253
Mercury
Windhoek Bureau 5/10/83

THE imprisonment in the Windhoek Central Prison of two long-term prisoners who have been on a hunger strike for 26 days, has been referred to the Release Board.

The chief executive officer of the Administrator General's Office, Mr Jan Greebe, announced yesterday that the two prisoners, who were not named, were refusing food because of dissatisfaction with the circumstances of their convictions and the sentences imposed on them.

They were sentenced to lengthy terms of imprisonment for, among other

things, housebreaking with the intention of stealing, theft and escaping.

In respect of the convictions for which they were sentenced to long-term imprisonment, both prisoners expressed their dissatisfaction and therefore refuse to take nourishment, Mr Greebe said.

He added that on the first day the prisoners refused to take nourishment they were informed by a medical practitioner about the consequences and that it eventually would result in death.

The men were being presented with three meals a day in spite of their refusal to accept food, and were being visited daily by doctors.

PRISONS ²⁵³
Something's rotten

Because of the highly restrictive provisions of the Prisons Act, little information about life in SA's prisons ever reaches the general public. Indeed, most publications are so wary of contravening the Act that they seldom bother to even broach the subject.

But there are occasions when the authorities, however unwillingly, are obliged to lift the veil of secrecy. The events of the past few weeks involving Barberton's six-prison complex have provided a few indications of what really can go on behind the walls of these institutions. Nothing that has emerged gives the public grounds for confidence in the authorities.

News of the rot at Barberton first came to general attention during the sensational "heat exhaustion" trial arising out of an incident which occurred on December 29 last

Financial Mail October 7 1983

253 FM 7/10/83

FM CONFERENCE

Erich Heinemann, a speaker at the FM's Investment Conference in November, has resigned his post of economics editor at *The New York Times*. He is moving to Shearson American Express, one of the world's major finance groups, to become its chief economist.

At the FM's Investment Conference, on November 10 and 11, Heinemann will be talking on the US economic outlook. Bookings for the conference are coming in rapidly, book now, before it is too late.

escape attempt at the town's maximum security prison. This is the sequence of events.

- On April 19, 10 prisoners and two prison staff members were injured during a fight which broke out among prisoners;
- An escape bid by 10 prisoners occurred on July 1. Prison authorities later managed to recapture seven of the men. No serious injuries were involved.
- Three prisoners died after being admitted to Barberton's General Hospital following a fight between prisoners on August 22. A fourth prisoner was slightly injured.
- A prisoner who escaped and was re-arrested from the Barberton minimum

security prison farm on August 22 died in the Nelspruit hospital on September 5. A spokesman said his death was probably caused by injuries sustained when he was re-arrested;

□ Warders fatally wounded four prisoners when inmates attacked prison staff on September 20. Three other prisoners and two staff members were treated in hospital for injuries, and

□ Another prisoner was shot dead and two warders were injured when he and a fellow prisoner attacked a prison official on September 30.

The incidents at Barberton prompted Justice Minister Kobie Coetsee to visit the prison complex on September 21, after which he ordered a high level investigation to be conducted under the chairmanship of Johannesburg Regional Court president, J A van Dam.

After the "heat exhaustion" judgment, Coetsee also announced that Van Dam's investigative brief would be extended. It would include all the malpractices which contravened prison service policy revealed by Justice Vermooten's judgment, as well as making recommendations on how to avoid a repetition of the events.

No doubt the minister feels he has acted appropriately. The results of Van Dam's investigation will be eagerly awaited. But any faith the public may have had in SA's prisons has been profoundly shaken.

year. Three prisoners died, and a number were assaulted in blazing hot weather by warders armed with rubber batons at the Barberton maximum security prison farm. In the subsequent court case eight warders were charged on three counts of murder and 34 of assault.

Startling allegations were made during the trial and at one stage its venue was changed from the Nelspruit Circuit Court to Witbank on orders from the judge, Justice D O Vermooten. He said the prisoners involved feared for their safety if they remained at their Barberton prison because of alleged threats from warders.

Judge Vermooten found the eight not guilty of murder, but convicted six warders on charges of assault with intent to cause grievous bodily harm and common assault. They were sentenced to prison terms varying from one to eight years. Two warders were acquitted.

The judge found that most of the prisoners were pushing loaded wheelbarrows up an incline when assaulted and did not even have their hands free to defend themselves. He ordered the Attorney General to investigate the role played by Lieutenant J H Niemand, acting head of the prison at that time.

This was not all to emerge from Barberton. According to a spokesman for the Prisons Department there have been a number of violent incidents as well as an

253

Prisons Service replies to inmates' complaints

Prisoners in the new Johannesburg Prison at Diepkloof have claimed that there have been several hunger strikes among white prisoners, that prisoners have to eat their meals off the floor, that they are being deprived of exercise and that they are not allowed to talk to each other.

In a letter to The Star a prisoner claimed that hunger strikes at the prison were ignored by prison authorities

The SA Prisons Service has replied to each of the allegations "Hunger strikes are never ignored," said a Prisons Service spokesman

"To date, three white prisoners at the new prison have refused to eat. The head of the prison has spoken to all three prisoners to ascertain the reasons for the hunger strike. All complaints were investigated immediately and correctional steps were taken where complaints were justified"

It was policy to supply normal food portions to hunger strikers at each meal. Such food was removed only when the next meal was provided. Water was provided in unlimited quantities, the spokesman said

The visiting district surgeon examined the prisoners as soon as possible after a hunger strike started and regularly thereafter. Nursing personnel weighed such prisoners daily and tested their urine

Sheryl Raine of The Star's Pretoria Bureau reviews the prison system in South Africa.

The effects of refusing to accept food were explained to the prisoners in terms of the Tokyo Declaration

The SA Prisons Service has also asked The Star to provide details of an allegation that white prisoners at Diepkloof were being deprived of their 30-minute exercise breaks in the mornings and afternoons for periods of up to a week

Prisoners have said they were told there was a staff shortage and not enough warders were available to watch the prisoners during exercise periods

Diepkloof, built to hold 4 240 prisoners, had 1 400 more than its quota four months after it opened

Even though the prison is one of the most modern in the country, prisoners have claimed that there has been no hot water for shaving or showering since January

"One of the problems which had to be solved at one of the new prisons in the Diepkloof complex was a hot water system which did not reach its full temperature," said the Prisons Service spokesman

"Only lukewarm water was available. The building contractor has solved the problem"

Although the so-called "silent system" of the 40s and 50s was abolished in the country's prisons many years ago, prisoners at Diepkloof claimed they were not allowed to speak to each other and were threatened daily with being "charged for talking"

The Prisons Service has denied the allegation "Prisoners are not allowed to make unnecessary noise at mealtimes or when they are moving from one point to another under control," the spokesman said

"In all other cases there is no limit imposed on communication between prisoners"

"Since the inauguration of the new prison, no prisoner has been charged for talking. In isolated cases trivial disciplinary measures were imposed after prisoners had signed admissions of guilt that they made unnecessary noise"

The Star also received reports that there were no tables and chairs at the prison for meals. Prisoners had to sit on their haunches in rows of four, all facing the same way.

Gross overcrowding allied to understaffing creates 'time-bomb'

Exactly 10 years ago a top-ranking prisons official warned that South Africa could not expect the trouble-free running of its prisons to continue indefinitely, particularly in today's international crime climate and with serious staff shortages in the Prisons Service

Lieutenant General M J Nel, then Deputy Commissioner of Prisons, said the department had always managed to prevent riots and mass escapes

But, while a crisis was not foreseen, South Africa could not always expect to avoid such occurrences

The staff shortages in the Prisons Service are legendary and the situation has been aggravated by a phenomenal rise in the prison population

South Africa's 242 prisons were built to hold 74 423 prisoners. But the average daily prison population is 106 000 and by 2 000 it will be 170 000.

Although the country's penitentiaries have held an average of 36 percent more prisoners than they were built to house, individual prisons are sometimes much more overcrowded — by as much as 300 percent in some cases, according to nar-

"It is true that, as a result of problems with supply, tables and chairs cannot yet be obtained for the section concerned. But a concerted effort is being made to rectify the situation," said the spokesman

Prisoners also claimed that a certain officer was in charge of food parcels sent to convicts from relatives and friends.

This officer was allegedly transferred to Diepkloof after being demoted at Pretoria Prison for allegedly stealing money from prisoners' mail

"The allegations against this officer are not correct," said the Prisons Service

"He was promoted only in 1983. He is not in a position where he can receive money from prisoners. A double register system, which he is not involved, was implemented locally to prevent malpractices with prisoners' money"

"With regard to parcels which are received during visits, a register is kept in which the visitor writes down the items and the prisoner signs a receipt. The registers have been in use since the beginning of the year

"In accordance with the internal training programme, the officer in question was rotated to another office a considerable time ago."

their cells, fomenting unrest and gang warfare. The prison gang system in South Africa was a formidable network of power and violence.

General Brink asked for an end to the system in which awaiting-trial prisoners could spend seven weeks in jail and then be fined R4 or 10 days. A quarter of the awaiting-trial prisoners did not return to jail after their trials, he said.

In an effort to alleviate the effects of overcrowding, the Prisons Service transfers large numbers of prisoners at great cost to the Government, and sometimes over long distances, from one prison to another

"This does not alleviate the overcrowding of prisons per se, but merely makes the circumstances of incarceration at those prisons from whence transfers are made more tolerable," a spokesman said

The Department of Justice was also trying to keep the number of people sent to prisons as low as possible

Experts have always said that South Africa's imprisonment rate was one of the highest in the world, largely because of the number of

of the prisons system by short-term prisoners in 1980

Although the situation is believed to have improved slightly, at that stage 80 percent of those admitted to prisons were in jail for less than six months and there was no question of rehabilitation

Of the short-term admissions in one year, 80 000 were influx control offenders.

As a medium-term solution, the Prisons Service continuously tries to develop and implement comprehensive treatment programmes so that prisoners can be treated and trained in such a manner that they can lead useful, productive lives after release without lapsing into crime again.

In the long term, the Prisons Department aims to overcome overcrowding with careful planning and additional accommodation

New prisons have been completed at Johannesburg and Maritzburg as well as at Grootevlei Prison near Bloemfontein. The Durban-Westville Prison is almost complete.

Despite efforts on the part of



Prisons service workers undergo all types of training before assuming duty at the various centres throughout the country

Inside data on warders, officers

These facts and figures have been supplied by the South African Prisons Service

● The average age of white warders at Zonderwater Prison was 22, at Johannesburg 21, and Pretoria Prison 22. The national average was 21 years

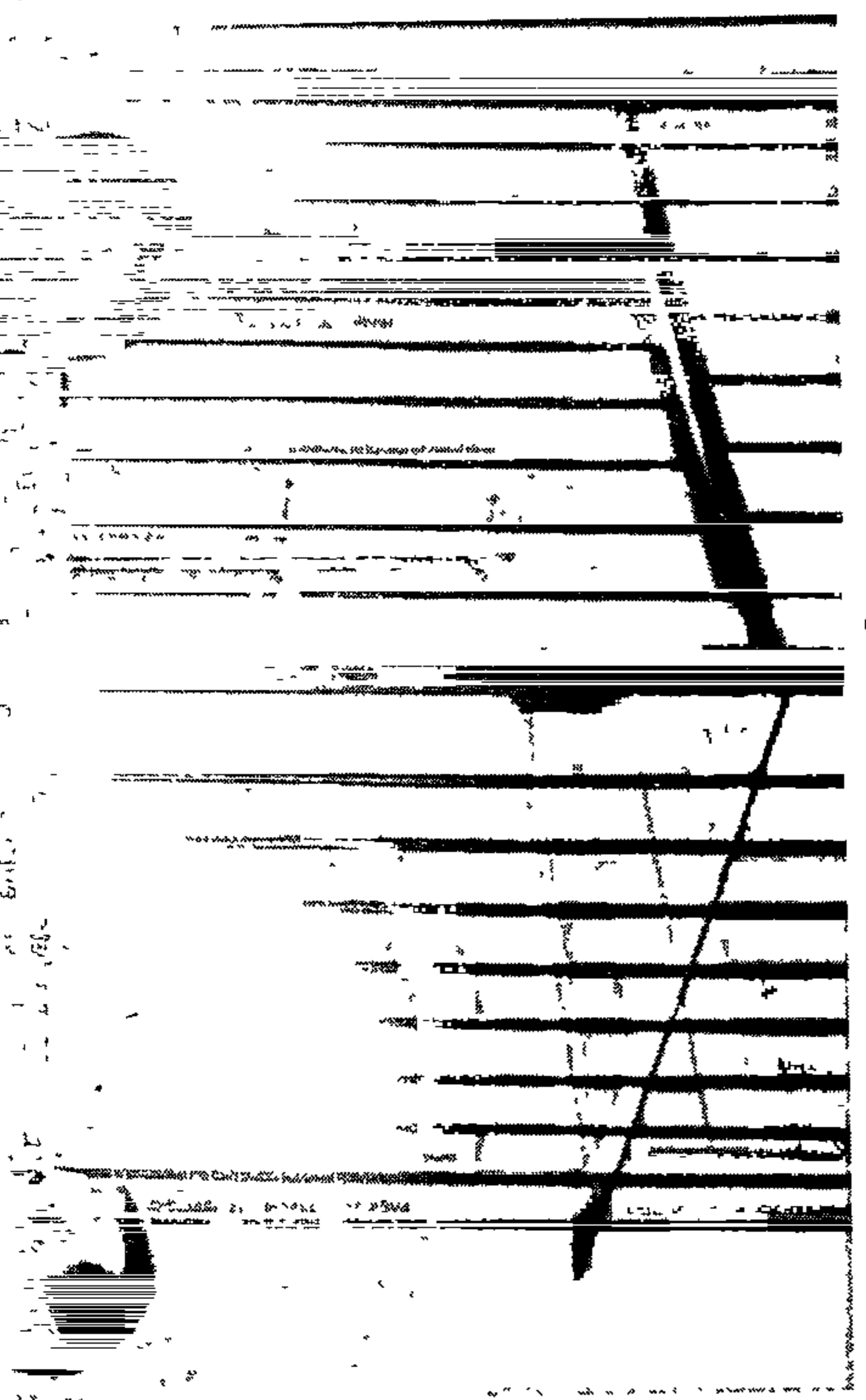
● About 52 percent of white warders had less than two years' experience and the average age of all recruits was 18½

● All of the generals in the Prison Service had post-school qualifications as had 70 percent of the brigadiers, 67 percent of the colonels and 56 percent of the lieutenant-colonels

● Four employees have doctors' degrees, seven masters' degrees and 49 honours degrees

● A total of 13 prisoners died as a result of assaults by fellow prisoners in 1981/82 and 28 died in 1980/81.

● Escape figures for 1981/82 were the lowest in 13 years when 1 286 people escaped and 844 were recaptured. About 522 prisoners escaped in the first six months of this year which is



The country's penitentiaries have held an average of 36 percent more prisoners than they were built to house, individual prisons are sometimes much more overcrowded — by as much as 300 percent in some cases, according to nar-

year's figure

There are 1 318 vacant posts in the Prisons Service.

About 73 percent of white warders and 16 percent of black warders have a matric or higher educational qualification

About 26 percent of white warders and 83 percent of black warders have Standard 8 or lower

Ninety non-commissioned members of the Prisons Service were discharged from service or reduced in rank between July 1982 and June 1983 because they were deemed unfit for service. Fifty-two were discharged or demoted during the same period last year

No non-commissioned members were dismissed for assaulting prisoners in the same periods.

During 1981/82 and 1982/83 six members of the Prisons Service contravened regulations in the Prisons Act which forbid the selling of articles to prisoners or trafficking in contraband

Sixteen prison warders were assaulted by prisoners in 1981/82 and 12 were assaulted in 1982/83

One prison warder was killed by prisoners in 1981/82. None was killed this year

Two commissioned officers were investigated for alleged misconduct in 1981/82 and one was investigated during 1982/83



As part of the rehabilitation team, 22 full-time chaplains and 1 821 part-time spiritual workers throughout the country are responsible for the spiritual welfare of prisoners.

QUOTES

"You may judge a nation's level of civilisation by the way it treats its prisoners." — Winston Churchill.

"Prisons, being largely unseen Gungah Archipelagos, simply do not command the sympathy of ordinary citizens, least of all the white, power-wielding group." — The late Professor Barnd van Niekerk of Natal University.

"The fact that prisons are overcrowded is well known. Indeed it is a matter which for

many years has been stated in the Department of Prisons' annual reports." — Mr Kobie Coetzee, Minister of Justice.

"South Africa's prisons are hell on earth." — Mr David Dalling, PFP MP.

"The department's prisons have always managed to prevent riots and mass escapes, often with the barest minimum of staff." — Lieutenant-General M J Nel, Deputy Commissioner of Prisons in 1973.

Community service rather than jail

By Sheryl Rame,
Pretoria Bureau

Over the years, experts have suggested various ways to improve the prisons system and an alternative now put forward is that of community service for short-term offenders

This suggestion has come from Cape Town University's Institute of Criminology senior lecturer Mrs Mana Slabbert, who said alternatives to imprisonment like community service and community-based centres especially for short-term offenders should be provided

In her book "Repetitive Cycles", she said

A prevention strategy was necessary to cope with offenders and to divert others from contact with the criminal justice system



Mrs Mana Slabbert, community service an alternative to jail.

Mrs Slabbert said the current system of imprisonment appeared to be no deterrent for criminals

Between 1977 and 1980 there was about one execution every two days, which tended to indicate that not even the death sentence was a deterrent

"The statistics seem to prove that a large number of people do not benefit from institutionalisation and, for them, punishment is no deterrent," she said

lashed suggestions for improving the system

He found that although judges and magistrates had the right to visit prisons unannounced at any time, statistics for 1978/79 showed that only 24 judges and 338 magistrates did so. Although this has improved, judges and magistrates find that the pressure of work often prevents them from visiting prisons as regularly as they should

Professor van Niekerk said Judge Presidents or their representatives should assume responsibility as convensors of a system of judicial monitoring of prison conditions.

Convenors should have full details of places of detention in their areas

Unannounced visits should happen regularly at unpredictable intervals

Rural prisons should receive special attention

Although the Prisons Service has given its assurance that all prisoners have access to their legal representatives at all times and that strict procedures are laid down to allow them to voice any complaints, evidence before various courts has indicated such policies may not always be implemented.

In the Barberton Prison trial, one prisoner complained to the judge that he had been put in solitary confinement after being falsely accused of refusing to work. Earlier prison officials refused to take action when he was assaulted by cell mates

Mrs Slabbert, who has had considerable experience with legal representation in court, said it was difficult to comment on prison access to lawyers

"The majority of poor people or blacks come to court from prisons with no legal representation. If it is so bad in court, it is probably worse in prison," she said

A Press tour of Durban Central Prison last year found cells built to hold 18 inmates housing 40.

"Overcrowding may impede the administration and control

THIS DAY	1838	1840	1850	1890
IN	1910	1932	1941	1953
HISTORY	1941	1941	1941	1977
	1952			

1066 — Normans under William the Conqueror defeat English at Battle of Hastings.

1679 — Installation of Simon van der Stel as Governor of the Cape Colony

1806 — Napoleon Bonaparte defeats Prussia at Jena, and Saxony at Auerstadt

1813 — Bavaria declares war on France.

1884 — The Mahdi takes Ondurman in Sudan

1895 — Inauguration of the Pretoria-Durban rail service

1899 — Boer forces take Newcastle in Natal and the Siege of Kimberley begins

1930 — Attempted Fascist coup in Finland

1933 — Germany leaves disarmament conference and League of Nations

1939 — British battleship Royal Oak is sunk in Scapa Flow with loss of 800 lives in World War 2.

1944 — British and Greek troops liberate Athens from Germans in World War 2.

1967 — Number of casualties from Communists' bombs in Hong Kong rises to 21, British official is kidnapped

1968 — First live telecast from manned US spacecraft is transmitted from Apollo 7

TODAY'S BIRTHDAYS: Eamon de Valera, Irish statesman (1882-1975), Dwight Eisenhower, US general and 34th US President (1890-1969), Lillian Gish, US actress (1896-), Roger Moore, English actor (1927-)

fore the Hoexter Commission investigating the structure and functioning of the courts.

Overpopulation, said General Brink, resulted in prisoners lying idle and unproductive in

in terms of the country's apart-heid laws.

Professor Jan van Rooyen, of the University of South Africa's criminal law department, did an analysis of the clogging

users gamfully employed, the statistics show how difficult this must be because of staff shortages and a lack of resources.

There are at present 1 318 vacancies in the department

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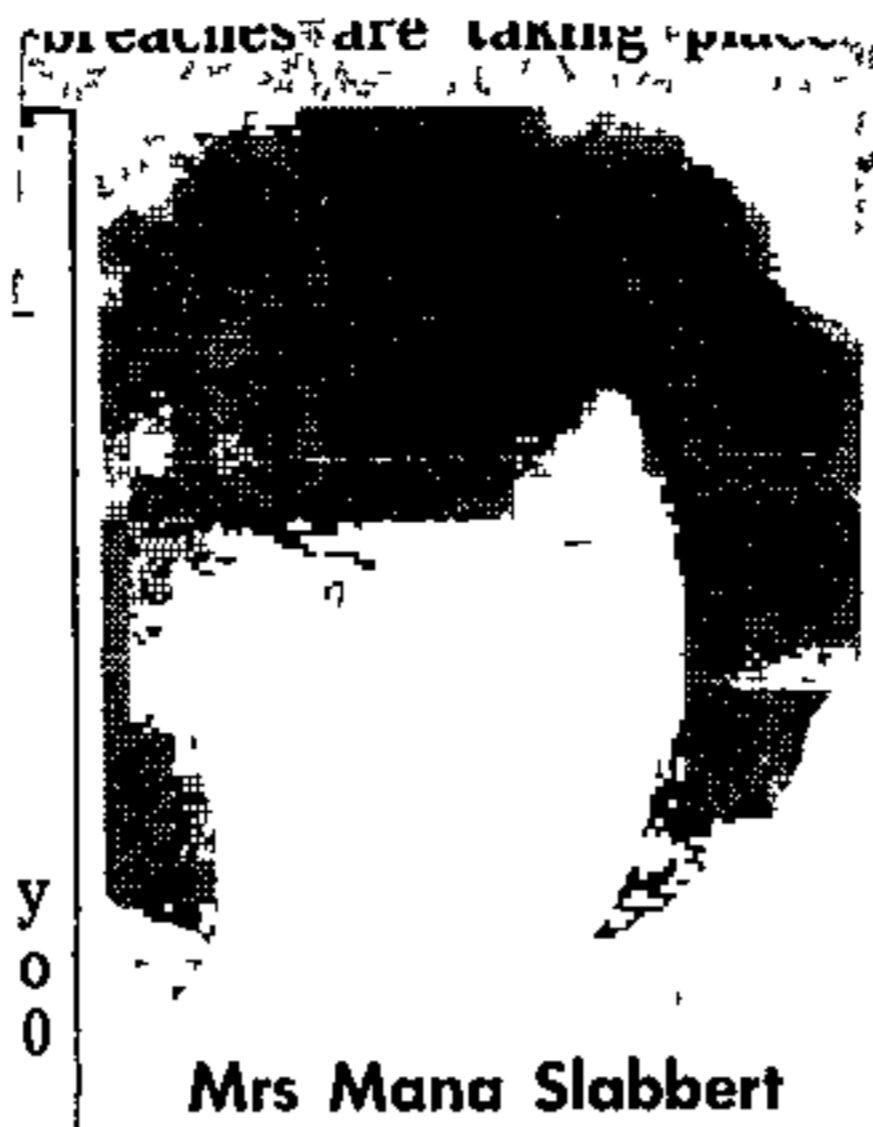
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Mrs Mana Slabbert

Justice on 'the rack'

AGUS 11/10/83 253

Staff Reporter

THERE was enough evidence to suggest that South Africa's system of justice generated more crime than it prevented or curbed, a University of Cape Town criminologist, Mrs Mana Slabbert, said in the city today

Addressing the conference of the Western Cape branch of the Security Association of South Africa, Mrs Slabbert said "There is no difference between the assault of an offender on a street victim and the assault of a prison warden on a prisoner

"The Barberton Prison trial has clearly illustrated the brutality which took place and the lack of protection which the prisoners involved had"

Citing the interim report of the Hoexter commission of inquiry into the structure and functioning of the courts, she said this showed the administration of justice

had reached breaking-point as a result of a staff shortage

"The commission observed that the possibility exists of accused being wrongfully convicted, as facts which could be of advantage to them are not brought before court," she said

"Another witness said 60 percent of commissioner court cases showed irregularities and that half were incomplete. A number of people who preside over commissioner courts have little or no legal training"

UNSAFE

There was also evidence that certain sections of prisons were unhygienic and unsafe. Prisoners were often bored and unproductive and the prison environment encouraged gang formation and unrest

"There is thus enough evidence to suggest that

institutions and the present functioning of the justice system generate more than prevent or curb crime," she said

Mrs Slabbert said there were definite social structures, laws and policies which maintained and perpetuated law-breaking

"The South African crime rate, which is the highest in the Western world, would be drastically reduced if basic opportunities for survival and the quality of life were to be provided for those who are denied them," she said

Unemployment was one of the major causes of lawbreaking in South Africa. About 33 000 people were imprisoned for influx control offences every month, while there were twice as many burglary, theft and robbery cases reported to the police than there were crimes of serious violence

WEEKEND
ARCUS
SPECIAL
REPORT

PRISONS SERVICE IN THE SPOTLIGHT AGAIN AFTER NEW CHARGES

Hunger strikes 'never ignored'

By SHERYL RAINE

PRETORIA.— Prisoners at the new Johannesburg Prison at Diepkloof have claimed that there have been "several hunger strikes" among white prisoners, that prisoners have to eat their meals off the floor, are being deprived of exercise and are not allowed to talk to each other.

In a letter to The Star in Johannesburg, a prisoner claimed that hunger strikes at the prison were being "ignored" by prison authorities.

The SA Prisons Service has replied to all the allegations made by the prisoners at Diepkloof

"Hunger strikes are never ignored", said a Prisons Service spokesman

"To date three white prisoners at the new prison have refused to eat. The head of the prison has spoken to all three prisoners and inquired after the reasons for the hunger strike. All complaints were investigated immediately and correctional steps were taken where complaints were justified."

It was policy to supply normal food portions to hunger strikers at each mealtime. Such food was removed only when the next meal was provided. Water was provided in unlimited quantities.

FACTS AND FIGURES

PRETORIA— Some interesting facts and figures have been supplied by the SA Prisons Service on the country's prisons

● The average age of white warders at Zonderwater Prison is 22, at Johannesburg 21 and Pretoria Prison 22. The national average is 21 years

● About 52 per cent of white warders have less than two years experience and the average age of all recruits is 18 years and six months

● All the generals in the prison service have post-school qualifications as do 70 percent of the brigadiers, 67 percent of the colonels

and 56 percent of the lieutenant-colonels

● Four employees have doctors degrees, seven masters degrees and 49 honours degrees

● About 13 prisoners died as a result of assaults by fellow prisoners in 1981/82 and 28 died in 1980/81

● Escape figures for 1981/82 were the lowest in 13 years when 1 256 people escaped and 844 were recaptured. About 522 prisoners escaped in the first six months of this year which is 14 percent lower than last year's figure

● There are 1 318 vacant posts in the prisons service

● About 73 per cent

of white warders and 16 percent of black warders have a matric or higher educational qualification

● About 26 per cent of white warders and 83 percent of black warders have a standard 8 or lower

● Ninety non-commissioned members of the Prisons Service were discharged from rank between July 1982 and June 1983 because they were deemed unfit for service. Fifty two were discharged or demoted during the same period last year

● No non-commissioned members were dismissed for assault.

ing prisoners in the same periods

● During 1981/82 and 1982/83 six members of the Prisons Service contravened regulations in the Prisons Act which forbid the selling of articles to prisoners or the trafficking in contraband

● Sixteen prison warders were assaulted by prisoners in 1981/82 and 12 were assaulted in 1982/83

● One prison warder was killed by prisoners in 1981/82. None were killed this year

● Two commissioned officers were investigated for misconduct in 1981/82 and one was investigated during 1982/83

The SA Prisons Service has also asked the newspaper to provide details of an allegation that white prisoners at Diepkloof were being deprived of their half-an-hour exercises in the mornings and afternoons for periods of up to a week.

Prisoners have said they were told there was a staff shortage and not enough warders were

available to watch the prisoners during exercise periods.

Diepkloof, built to hold 4 240 prisoners had 1 400 prisoners more than its quota four months after it opened

Although the prison is one of the most modern in the country, prisoners have said there has been no hot water for shaving or showering since January.

"One of the problems which had to be solved at one of the new prisons in the Diepkloof complex during the operation process was a hot water system which did not reach its full temperature," said the Prisons service

"Only luke-warm water was available. The building contractor has solved the problem."

Although the so-called "silent system" of the 40s and 50s was abolished in the country's prisons many years ago, prisoners at Diepkloof claimed they were not allowed to speak to each other and were threatened daily with being "charged for talking."

SA Prisons Service has denied the allegations.

"Prisoners are not allowed to make unnecessary noise during meal times or when they are moving from one point to another under control", the spokesman said.

"In all other cases there is no limit imposed on communication between prisoners.

"Since the inauguration of this prison (Diepkloof), no prisoner has been charged for talking. In isolated cases trivial disciplinary measures were imposed after prisoners had signed admissions of guilt that they made an unnecessary noise"

The Star also received reports that there were no tables and chairs at the prison for meals. Prisoners had to sit on their haunches in rows of four, all facing the same way

"It is true that, as a result of problems with supply, tables and chairs could not yet be obtained for the section concerned (for white prisoners). A concerted effort is however being made to rectify the situation," said the

Making it better...

PRETORIA— Experts have suggested a number of ways over the years in which the South African prisons system could be improved.

Mrs. Mana Slabbert, senior lecturer at the Institute of Criminology

Cape Town, suggested spokesman

that "alternatives to imprisonment such as community service and community-based centres especially for short-term offenders be provided" It is believed that this is being investigated

In her book, Repetitive Cycles, she also suggested the following

- A prevention strategy is necessary to cope with offenders and to divert others from contact with the criminal justice system

- More selectivity should be exercised about who is sent to jail and the relationship between the police, courts and corrective institutions must be re-evaluated

Prisoners also claimed that a certain sergeant was in charge of food parcels sent to convicts from relatives and friends.

He was allegedly transferred to Diepkloof after being demoted at Pretoria Prison from Warrant Officer to plain Warder.

He was demoted for allegedly stealing money from prisoners' mail.

"The allegations against the sergeant are not correct," said the prisons service

"He was promoted to sergeant only in 1983. He is not in a position where he can receive money from prisoners. A double register system, with which he is not involved, was implemented locally to prevent malpractices with prisoners' money.

"With regard to parcels which are received during visits, a register is kept in which the visitor himself writes down the items and the prisoner signs receipt. The registers have been in use since the beginning of the year.

"In accordance with the internal training programme, Sgt Moorby was rotated to another office a considerable time ago."

Difficult times for prison service

THE South African Prisons Service today revealed the stark difficulties it faces in maintaining the country's 242 jails

- The average age of white warders had dropped from 23 years in 1977 to 21 years.

- Nearly 53 percent of the 3 454 white warders had less than two years experience.

- There is still a chronic shortage of social workers and only 23 psychologists to see to the needs of prisoners.

- The average daily prison population of 106 000 was housed in prisons built to hold only 74 423.

- Between 1963 and 1975, the country's prison population rose by 50 per cent.

- Between 1970 and 1980 the prison population rose by 12 per cent when the population generally rose by only seven per cent.

- It now costs the country R700 000 a day to care for its prisoners

Troubled by long-standing staff shortages, serious over crowding in jails and limited resources, the prison service faces a tough challenge to meet the demands of a prison population expected to reach 170 000 in the next 20 years

The recent Barberton heat ex-

haustion trial exposed one of the worst sides of the service to public view

That there are problems including gang warfare and assault which require attention in this government department cannot be denied

But despite all difficulties, the prison service has to date prevented the occurrence of major prison riots like those which have occurred in the United States and has significantly reduced the number of escapes

However, there are 1 318 vacant posts despite a bumper year for staff recruitment last year. The average age of new recruits to the service is now 18 years and 6 months

The ratio of trained staff to prisoners is one to 635. This makes rehabilitation of criminals extremely difficult if not impossible

Only 700 prisoners were registered for formal study last year and 1 900 were involved in literacy training

Experts who have studied the problem believe that an important part of solving the country's prisons challenge will involve keeping short-term offenders, particularly those who contravene apartheid laws, out of already overburdened jails

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Bosses 'don't want Island men'



THE JOY of returning home from jail has been soured for former Robben Islanders who cannot find work.

The SA Council of Churches claims only five per cent of released former Islanders have managed to get work — and some of those left jobless have accused employers of setting up an “unholy

● CANZI LIZA . . . “most come out better qualified than when they went in”.

By **MONO BADELA**

alliance” with the authorities

SACC spokesman Tom Manthata said there were numerous highly motivated Robben Islanders out of work despite them being much better educated than when they were jailed.

Echoing this was former Robben Islander Canzi Lisa, who studied for a diploma in Administration and Commerce during his five years in jail — but has still been turned down by several financial institutions and companies.

“The paradox of the situation is that most political prisoners come out better educated than they went in,” he said. “But even if you have strings of degrees, nobody wants a politico”.

Another example is United Democratic Front member Brian Mbulelo Mazibuko, who was brutally murdered in Tembisa last week.

He died jobless, after being released from Robben Island last March after five years in jail.

In the 18 months since then, he was only

employed for a month — and lost the job when his employers discovered he was a former Island inmate.

Prince Msuthu, a UDF member in Port Elizabeth, said there were 40 former Robben Islanders in the city of whom two had got work since their release.

Thirty of the unemployed are former Kwazakhele high school students jailed in 1977.

Mr Msuthu showed City Press several letters refusing employment and accused employers of discriminating against former prisoners.

“They just turn us away,” he said. “If you’re lucky enough to get a job you get sacked as soon as they find out who you are,” he said.

Another former Island man, Ephraim Butshing of Klipspruit, said “I feel some employers have a certain attitude towards Robben Islanders. Some of them definitely seem to take sides with the Government.”

“All we need is work for a living. It’s really frustrating to just sit around in the townships.”

MLELEKI Dhlamini was sentenced to death and brutally executed at the Leeuwkop prison.

His crime was unknown but he had been tried and found guilty.

His accusers, prosecutors, the judge and the executioners were convicts and members of two of the foremost gangs in South African prisons.

After Dhlamini had been sentenced in 'The Circle' or 'Kring', his executioners held him down, slit his stomach open with a razor blade, beginning a slow, merciless murder in a dark communal maximum security cell shared by 41 prisoners.

He cried out for mercy — to be killed quickly.

But his executioners took their time with tortures too gruesome to relate. Eventually, a belt was tied around his neck and he was hanged over the bars of the cell door.

In the Rand Supreme Court, three members of the 28 Gang and one of the 26 Gang were sentenced to death for the murder.

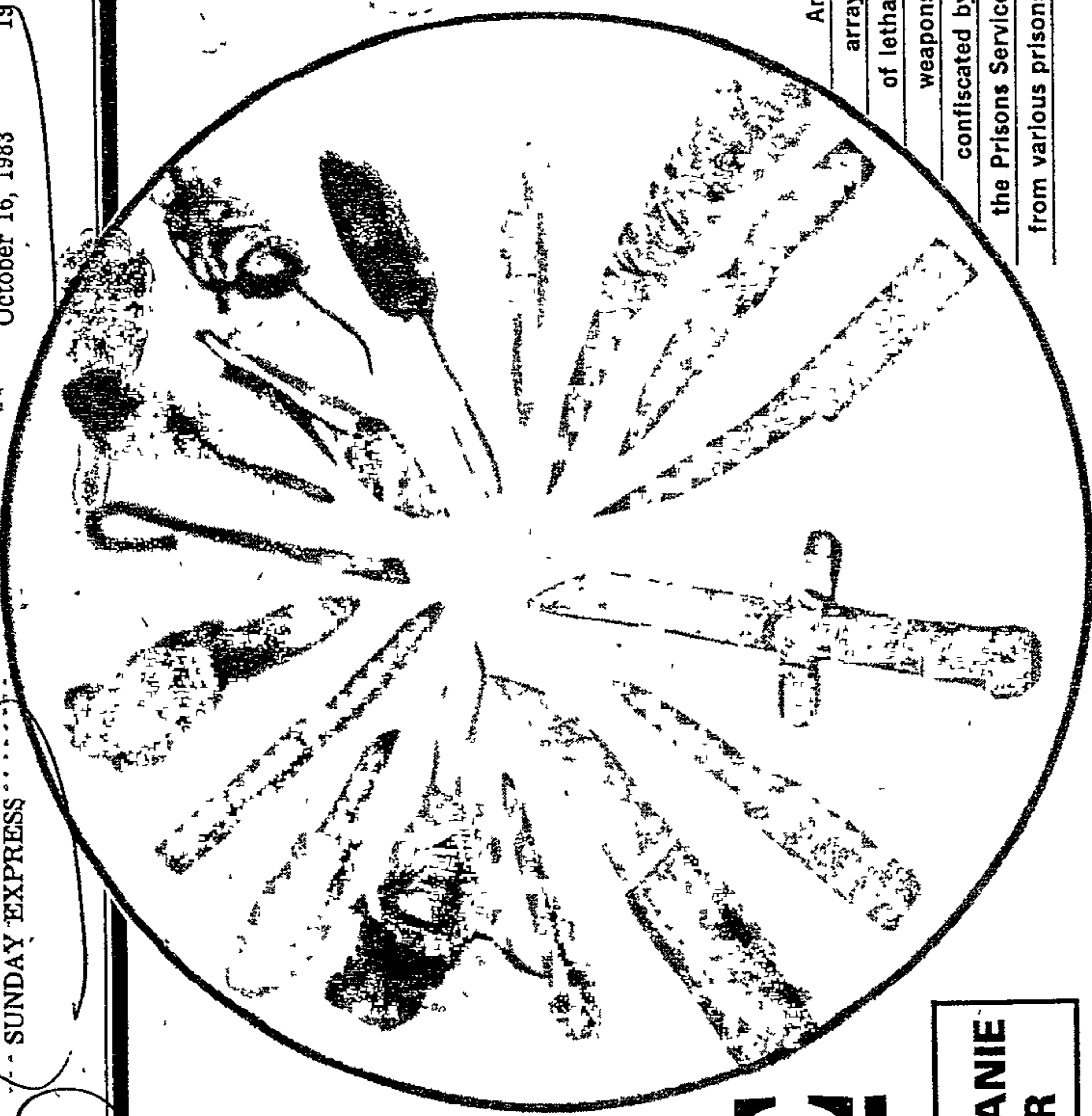
They told the court they had been ordered to kill the 25-year-old Dhlamini by a 28 Gang 'judge', and were afraid not to comply. The court rejected this evidence.

The case following Dhlamini's murder in May, 1978 gives only a glimpse of the grim picture of ruthless violence perpetrated by the tough gangs behind the walls of South Africa's overcrowded and understaffed prisons.

The gangs have military names and almost regimental discipline. Loyalty is all and like the infamous Mafia and many terrorist organisations — once in, always in.

Some of the main gangs operating in prisons throughout the country today are the Airforce 23, the Airforce 24, The 26s, The 27s, The 28s and the Big Five. Less significant gangs are the Forty Thieves, the Desperados, Spy 13, Fast Eleven, Flick Styles, Book 30s, Shy Boys, Fast Twelve and Black Power.

Each gang has a specific



An array of lethal weapons confiscated by the Prisons Service from various prisons

BY **STEPHANIE VENTER**

INSIDER THEIR CIRCLE OF DEATH

PRISON gangs have their roots in the late 19th century, according to a report compiled by Mr Nicholas Hayson, research officer for the Centre of Applied Legal Studies at the University of the Witwatersrand.

"Towards an Understand-

Gangs' powers — in and out of prisons

member, Mr Hayson, owe their existence to a man called Mzoozepe, who states

municate with each other, says Mr Hayson.

During the recent trial of 19 long-term prisoners from Leeuwkop prison for the death of an inmate and an attack on another, some of the accused called witnesses from other prisons.

Prisoners acting as state witnesses in a trial against

sodomy — as modern gangs do — from as early as 1906.

Kikihjaan, Note's lieutenant, who eventually formed The 27s, had a group of six "voeltjies" (non-gang members) who smuggled him tobacco and other luxuries when he was in the isolation cell.

Boy Boys, Fast Twelve and Black Power.

Each gang has a specific role in the prison structure

Interviews

Research into prison gangs was conducted two years ago by Mr Nicholas Fink Hayson of the Centre for Applied Legal Studies at the University of the Witwatersrand. His findings appear in a report, "Towards an Understanding of Prison Gangs", based on Supreme Court records and interviews with ex-offenders.

"The 27s specialise in combat, The 26s in theft. The 28s pamper, protect and organise catamites or 'wyfies' (young male sex-partners), the Airforce 24 organise mass escapes, and the Big Five — through informing and collaborating with the authorities — try to maximise their privileges."

"Men of the Number", as gangs refer to themselves, are organised in an hierarchical, quasi-military order. Gangs have their own tattoos, salutes and a colourful imaginary uniform, flags and other military paraphernalia.

"If a 28 officer is transferred to another prison, he will identify himself by his 'uniform' describing in detail

Legal Studies at the University of the Witwatersrand

"Towards an Understanding of Prison Gangs" reveals details on the extent, the power and the bizarre characteristics of South Africa's prisons

It tells how high-ranking prison gang 'officials', who pretend to be wearing elaborate uniforms, have the power to sentence members and non-members to death

● Mr Nicholas Hayson

exactly what he is 'wearing', says Mr Hayson. Ranking — from soldier to lord — is determined through "competence and knowledge and violence".

Each rank has its own assigned officers and duties, real and imaginary. Officers may include exercise instructor, munitions and uniform store clerk, inspector of schooling (in gang history and traditions) and judge. Duties may include punishment, spying, guarding.

Punishments meted out by gangs to both members and non-members include 'klappe' (10 slaps with an open hand), 'beker' (blows on the head with an enamel mug fastened to a sock), and death.

Some of the more common methods of "brutal, pre-

member, Mr Hayson states.

While it is fatal to resign, promotion within the gangs ensures members of respect in a world of criminals.

The power of gangs is evident within and without prison. When gang violence is reported and taken to court, state witnesses may be killed if they give evidence.

Mr Hayson says gangs

becomes a means of expression and perhaps the only means considered legitimate among prisoners.

Gangs compete for rare resources, even scraping butter off bread to accumulate a surplus for bargaining and they "live a parasitic existence off other prisoners".

Nothing left

However, he says their positive aspects are that they "offer some status and commitment to people who might otherwise have nothing left to live for".

While prisoners join gangs for security, loyalty and brotherhood, many joined because they were homosexually raped and reduced to 'wives' — "or because

owe their existence to a man called Mzoozepe, who later changed his name to Jan Note and then to Nongoloza. In the late 1800s he rose to command a group of brigands who hid in the hills south of Johannesburg.

By the early 1900s there were gangs both inside and outside prisons, with the same structure as Jan Note's brigands had had.

Note's gang practised

they wished to avoid this fate.

The 28 Gang has a 'private line' of sexual partners — 'wyfies' of gang members who also carry out domestic chores.

Gang 'judges' preside over a 'Circle' or 'Kring' to decide on punishments for misdemeanours or breaking the gang codes.

Death warrants usually have to be issued and a member may be killed without knowing that he has been on trial or what the sentence is.

Despite stringent prison controls, prisoners make and smuggle in deadly weapons. The supply of weapons and the ruthlessness and discipline of its fighters determine the strength of a gang. Some of the home-made

non-gang members) who smuggled him tobacco and other luxuries when he was in the isolation cell.

In return he gave them permission to operate as a gang. They became what is now The 26 Gang. They aimed to obtain tobacco and money to supply The 27.

After 1920 the gangs did not exist in their original form outside the prisons. By 1927 a gang had begun operating inside the Barberton prison.

weapons confiscated by prison authorities include a metal dish cut into jagged pieces, a teaspoon with a sharpened handle and a lethally modified window handle.

But there is little the authorities can do to prevent the accumulation of weapons. According to the Prisons Service, prisoners have devised "ingenious methods" of smuggling potential weapons into prison.

While they are thoroughly searched when they re-enter prisons after working on building sites, in workshops or on the land, prisoners still manage to make and collect weapons.

While members of the same gang may be scattered in prisons throughout the country they can still com-

on another, some of the accused called witnesses from other prisons.

Prisoners acting as state witnesses in a trial against other prisoners become targets for the vengeance of gangs and trials are characterised by conflicting evidence.

Gangs are not an extension of "the ghetto or the street gangs", Mr Hayson wrote.

"The prison gang is a prison-based phenomenon. They are born out of prison culture and are directed towards coping with the hardships of prison life."

While gangs have been labelled a "prison evil" by the courts, they have acknowledged violence as an "everyday phenomenon", Mr Hayson's report says.

But the Supreme Court "has been unwilling to accept this prison sub-culture as an extenuating factor per se".

Murder

Once a murder has been decided on, it is almost impossible to prevent a 28 inmate who reports that he may be killed, could be dead before the authorities have time to act.

Mr Hayson also notes that a prisoner may attempt suicide rather than be locked in a cell with "hostile gangsters".

Mr Hayson suggests several areas which need to be improved in South African prisons.

Lack of privacy, adequate recreational facilities and meaningful outlets for activity, training and educational advancement opportunities need to be examined.

"Communal cells not only encourage gang formation but they destroy any access to privacy or to the individualisation of the living space."

He suggests "maximised contact" with the outside world, extended visiting hours and facilities for inmates' relatives to travel to prison.

another section or prison. Until then he will be locked up separately.

"Heads of prisons and other staff members are continuously on the look-out for situations where prisoners are being intimidated by other prisoners and to deal with this type of matter."

Once gang leaders are identified they are kept apart from other prisoners "as far as possible."

"This is done to protect the ordinary prisoner against intimidation and actions by gangs or their leaders."

While all serious cases of violence and convictions of prison regulations are handed over to the South African Police for investiga-

tion and criminal prosecution, the Prisons Service itself takes disciplinary action against petty offences.

Commissioned officers may sentence a prisoner to a maximum of 30 days solitary confinement with or without a maximum of 12 days dietary punishment.

Every prisoner can lodge complaints at any time to the head of the prison or any of his assistants. All prisons are frequently visited by commissioned officers who ask all prisoners if they have any complaints or requests.

Relatives, friends, legal representatives, magistrates and/or judges also visit prisoners and give them "ample" opportunity to lodge complaints.

HSRC 'given free access' for probe

The service said that statistics were "not readily available" on the number and type of attacks on prisoners this year. But "there has been no apparent increase in this type of incident during the last few years".

On admission, prisoners are warned against participation in gang activities. "The Prisons Service consequently does not hesitate to take the necessary steps against any prisoner who participates in gang activities."

"Disciplinary steps are taken against such a prisoner, and he also may forfeit remission of sentence, or his release on parole may be delayed or cancelled."

If a prisoner does not want to join a gang, and wants protection, he will be transferred to

THE Human Sciences Research Council has been probing prison gangs for the South African Prisons Service.

The project, begun in 1981, will be completed next year.

"The research team has been granted free access to all prisons and prisoners at all times of the day and over weekends," a Prisons Service statement said.

The Commissioner of Prisons asked the HSRC to undertake the study. While the Prisons Service admits that gang warfare plays a role in attacks between prisoners "in some cases" it said there were "large numbers of notorious villains who are not susceptible to reform and who hardly need any provocation to resort to violence."

(253) 2004
Prisoner
killed 2/10/83
by wire

ONE of three dangerous long-term prisoners who escaped from the Allandale Prison, near Paarl, yesterday died after apparently running into a tightly strung length of wire near the jail.

This was announced by the liaison office of the South African Prison Services in Pretoria yesterday.

"According to preliminary reports, it is suspected that the prisoner — who was serving 12 years and nine months for theft, housebreaking with intent to steal, and escape — had run into a tightly strung length of wire on a nearby farm, as a result of which he was fatally injured.

The name of the prisoner will not be released until his next of kin have been informed.

The two other prisoners — Jan Lukas and Ben Claassen — were recaptured near the prison at 7.30am yesterday.

— Sapa

Courts with teeth save loopholed constitutions

Most Western countries view some involvement of the courts as contributing to better and more legitimate government, writes Dr Gerhard Erasmus, senior lecturer in public law at the University of Stellenbosch, in the first of two articles

IT has finally been decided that South Africa's new constitution will not include a court with the power of judicial review — the power to declare Acts of Parliament unconstitutional. Have we missed an important opportunity? Do courts with such powers contribute to better government or are they simply unwelcome meddlers in the political process?

Judicial review is based on the idea that the courts are entitled to declare acts of the legislature and the executive unconstitutional and therefore void. To do so they need a yardstick. This is provided by the constitution. Judicial review is therefore also based on the concept of the constitution, or part of it, being *supreme and fundamental law*. It is for the courts to see that these fundamental norms are observed.

The essence of government is that it is concerned with the distribution and exercise of power. Democracies try to prevent the concentration of power in a single branch of government. To accumulate legislative, executive and judicial powers in the same source, is to court tyranny.

This was realised long ago when the first debate in history on a true, written constitution took place. The occasion was

the drafting of the American Constitution. James Madison explained the reasoning behind a system of checks and balances:

"It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections of human nature? If men were angels, no government would be necessary. In framing a government, which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed, and in the next place, oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government, but experience has taught mankind the necessity of auxiliary precautions."

The judiciary, the weakest branch of government, is such an auxiliary means of preventing abuses of power. It limits the power of the legislature and the executive. The main instrument for achieving this remains the political process. This is the ideal: Elections, accountability, representation, the real prospect of changes in government, protection of individual rights, and public opinion provide indications of the general state of health of the political process.

Only human

Against this background the desirability of judicial review becomes a *political* judgment. It is only human for those enjoying the smugness of power to resist the creation of additional controls.

In the United States the power of judicial review was said to be implied from the court's power to interpret the law and decide cases. It was the consequence of the constitution being a written document, and of the system of separation of powers. Under such a dispensation no branch of government is omnipotent or above the law. It knows no sovereign Parliament, as we have under the Westminster system.

When Chief Justice Marshall first introduced the concept of judicial review in *Marbury v Madison* in 1803 he argued that "all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently, the theory of every such government must be, that an act of the

legislature, repugnant to the constitution, is void." He considered it inconceivable to have a written constitution without judicial review.

Modern trend

The modern trend is to set out the scope of judicial review in rather precise terms in the constitution itself. This is the position in the West German and Nigerian constitutions.

Many countries have special constitutional courts, usually established for the sole purpose of testing constitutionality, in contrast to the American practice where the regular courts exercise this function.

Judicial review may also be limited to specific issues like the division of powers between central and regional government or certain questions of civil liberties. In some instances, such as Canada, the Supreme Court renders advisory opinions on the constitutionality of proposed legislation at the request of Parliament.

State practice shows that judicial review is not a concept with fixed content. The criticism that judicial review inevitably leads to an omnipotent or a politicised court is therefore a very simplistic one. Much depends on what is meant by "political".

The majority of Western states view some involvement of the courts as contributing to better and more legitimate government. Regulation of judicial review through the constitution should dispel the fear of "judicial supremacy".

Basic concept

In South Africa, however, there is practically no judicial review of the kind discussed above. Our constitution is based on the concept of sovereignty of Parliament.

In terms of Section 59 of the present constitution "no court of law shall be competent to enquire into or pronounce on the validity of any Act passed by Parliament." The only exception refers to the entrenched status of the two official languages, the amendment of which requires special majorities.

The South African Constitution is also considered an ordinary Act of Parliament. It may be repealed and amended as such. It does not contain a list of fundamental human rights.

In terms of its formal constitutional structure, South Africa is not unique. The sovereignty of Parliament is an essential characteristic of all Westminster systems. It is however based on the belief, as in the United Kingdom, that the political process will provide the necessary checks. Democratic government is ensured by adhering to constitutional values, such as respect for the rule of law and by the existence of strong opposition parties that result in frequent changes in government. The Westminster system is, however, a rather tender creature that doesn't flourish in hostile environments. This is probably one reason why we are acclaiming its demise in South Africa.

Despite the possibility of regulation through the constitution it must be emphasised that for judicial review to exist, the courts should be able to exercise some real powers of control. A shadow of judicial review is not the real thing. Areas traditionally associated with it are the protection of individual freedoms (usually as laid down in a bill of rights), the division of powers between central government and other entities with more limited powers (as found in federations), and the basic structure and nature of government.

No problem

The American experience also shows how rigid constitutional amendment procedures may influence the scope of judicial review.

One such method, a constitutional convention, has never been used. The other requires two-thirds majorities from both houses of Congress as well as approval (through the legislature or a convention) by three-fourths of the states. The struggle for the ratification of the Equal Rights Amendment illustrates the problem.

Under these conditions it becomes likely that the courts will take changed values into account in interpreting constitutional provisions. In 1896 the US Supreme Court, for example, ruled that "separate but equal educational facilities for blacks were not in conflict with the constitutional doctrine of equality." In 1954, the Supreme Court said the exact opposite.

Americans in general have no problem with the idea of the courts having this power. It is part of their political culture and is in effect seen as a necessary means of protection against abuses by a powerful government.

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Pros and cons of judicial review

971 is frequently argued that judicial review results in ineffective government, because it frustrates the will of the majority. When applied to South Africa, conditions such as a statement of the majority of those entitled to vote.

The substance of such an argument also calls for further scrutiny. What is to be gained by judicial review is additional control over the exercise of power. This is of more than ordinary importance where control by Parliament is very weak.

This criticism against judicial review also suggests something more fundamental — that it might be undemocratic. The opposite seems to be happening in the real world. Indeed, constitutionality — the notion that the power of government should be limited — is considered an essential requirement for modern Western democracies. This is what in effect distinguishes a democratic rule from dictatorship.

Important instrument

Judicial review is an important auxiliary instrument for achieving democratic government. True democrats never argue against checks on their exercise of power — quite the contrary.

The fear is often expressed that judicial review leads to a politicised court. The American experience is then cited as supporting evidence. That the United States Supreme Court does play some political role is of course true.

Under America's rather open-ended constitutional system (judicial review is implied and not clearly circumscribed) it might be inevitable. It is, however, quite a different thing to put a value judgement on the typical American version of it and suggest that it is a bad thing for that country.

Americans in general see the court as guarantor of their

Concluding his two-part article on the role of the courts in the new constitution, DR GERHARD ERASMUS, senior lecturer in public law at the University of Stellenbosch, says it seems illogical to exclude institutions like the judiciary from assisting the Government along the path to legitimacy.

It has enabled that society to adjust to potentially disruptive forces like the struggle for civil rights for blacks. On other occasions it has helped to cleanse the political system, as in the Watergate affair. On the whole the American experience might rather be a case in favour of judicial review.

Other reasons

There are additional reasons for its "politicisation". The legislature is not always prepared to tackle all controversial issues itself. It tends to leave some questions for the courts. (Civil rights legislation followed only after the *Brown v Board of Education* decision in favour of integrated education.) So if the "politicised" American court is a bad thing then some of the blame must be attributed to the most political of organs, the legislature.

Another explanation for the active role of the US Supreme Court in certain areas is to be found in the rigid constitutional amendment procedures already mentioned.

The lesson to be learned is to provide for guidelines in the constitution with regard to the scope of the court's functions rather than to throw out the baby with the bathwater. Flexible amendment procedures, where necessary, and the proper exercise of legislative functions ought to provide a well-balanced system.

Judges wary

Judges have shown themselves to be extremely wary of the court becoming politicised. American Supreme Court decisions abound with examples where the "political question" doctrine was applied and judicial relief refused. Mr Justice Frankfurter reminded his colleagues that "to the legislature no less than the courts is committed the guardianship of deeply cherished constitutional

rights. It has enabled that society to adjust to potentially disruptive forces like the struggle for civil rights for blacks. On other occasions it has helped to cleanse the political system, as in the Watergate affair. On the whole the American experience might rather be a case in favour of judicial review.

Mr Justice Brandeis listed certain cautionary considerations designed to keep judicial power within bounds — among other things that the Supreme Court will not anticipate the question of constitutionality or formulate in the abstract a rule of constitutional law broader than that required by the facts before it. Great care is taken to construe statutes to avoid the constitutional issue. The party asserting the invalidity of a statute bears the burden of proving it.

The danger of a "politicised" court obstructing effective government is oversimplified and exaggerated. In the words of two American scholars, Mason and Beany, "By and large the effect of judicial decisions has been to expand and enlarge the sphere of government, rather than to qualify and restrict it."

Its primary value has been in 'making vocal and audible the ideals that might otherwise be silenced'. Had this not been so, a document framed in the context of agrarianism and largely unamended except by constitutional interpretation, could not serve the expanding needs of government in a complex industrialised society.

'Ultimate protection'

We, too, readily denounce the involvement of the courts on the ground of certain matters being political. Several issues are described as political while they very clearly entail rights and duties — clear legal concepts, the stuff that court cases are made of. The protection of civil liberties is an example.

Archibald Cox wrote "The ultimate protection for minorities, for spiritual and political liberty, for freedom of expression, and other personal liberties comes rightfully from the judiciary."

Throughout, these issues are treated as legal matters. The reason why they are largely de-

not only serve South Africa quite well, it may even be necessary. Under the new constitution the wide and largely uncontrolled powers already enjoyed by the executive will be increased. The future legislature will be "structurally less capable of mounting principled opposition to executive policies" (Dean, *Constitutional Change in South Africa*).

With the political controls so weakened the need for additional checks on power increases. Local conditions like a lack of mutual trust, polarisation of groups and the inequality in rights and powers only add to it. An argument frequently used for drumming up support for the new constitution is that it will herald the dawn of consensus politics — as opposed to conflict politics.

Nowhere will the need for consensus be greater than in determining common and own affairs. Here, however, the State President will enjoy almost unchecked powers. No court of law may inquire into or pronounce on the validity of his decisions. It is for the State President himself to decide whether he wants to refer such matters to the President's Council for advice.

Doubtful motives

The case for the new constitution is largely based on what it will in future produce, rather than on its own merits. All expectations hinge on the new political style that will emerge after the implementation of the new system.

For this to happen several "extra-constitutional" factors (genuine goodwill, the effect of the committee system and so on) are crucial. It may be true that constitutional documents never truly reflect the nature of the political game. It seems illogical, however, and under local conditions even short-sighted, to exclude useful institutions

and control over the exercise of the latter's powers. Additional criteria will have to be worked out to achieve this. The present format of the new constitution does not contain them because it is based on a different philosophy.

Opportunity lost

The new constitution reaffirms the position that "no court of law shall be competent to inquire into or pronounce on the validity of an Act of Parliament".

What is permitted is for the Supreme Court to "pronounce on the question as to whether the provisions of this Act (ie the New Constitution) were complied with in connection with an Act of Parliament or any law purporting to be an Act of Parliament". This however refers to formalities and not to substance.

An important opportunity to create a small but "real" measure of reform has been lost. The new constitution is being sold among other things on the ground that the Westminster system is totally unsuitable for local conditions. Nevertheless, a crucially important characteristic of it, the exclusion of the courts with regard to testing legislation, has been retained, albeit in very un-Westminster-like surroundings.

All this may produce a paradoxical result. The recent past (Rikhotso, Inyanguma) has demonstrated how our courts are being drawn into the constitutional and political process.

Activist role

In the words of Professor Laurence Boulie "this might be a manifestation of the political system's crisis in South Africa — because of the deficiencies in existing institutions, political issues are being presented as legal issues for resolution by the courts".

This might induce the courts to assume a more activist role. Instead of keeping the courts out of "politics", the exact opposite might happen. The recognition and incorporation of the courts into the new system could have made it more

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without losing too much face. It also vindicated the viewpoint of those working for peaceful change. In short, the courts functioned as a safety valve where the politicians got stuck, save that the judgment turned on a legal point of some technicality.

The law cannot be ignored as an instrument for the implementation of policy. Policy requires rules, which affect rights, duties and powers. In this sense the judicial and political functions are often bound to complement each other.

A form of judicial review

along the path towards legitimacy. A refusal to do so puts a question mark behind the motives of those controlling the overall structure.

In the light of the political non-feasibility of an enforceable bill of rights becoming part of South Africa's constitutional order, the remaining scope for judicial review in the new system is rather limited.

It could deal with matters like the classification of common and own affairs (according to criteria already laid down in the constitution), and relationship between the legislature and the executive. State President,

structured involvement.

The refusal to do so stems from the perception of those those in power — that a role for the court is unnecessary. This illustrates how all constitutions should be seen in the context of the political systems of which they form part.

As political conditions change and the need for compromise increases, opinions may change fundamentally. It has happened before. When Rhodesia became Zimbabwe, white Rhodesians changed their views and came to regard the new Lancaster House constitution as the guardian of their rights.

ARGUS

27/10/83

Prison probe nearing end

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NUM

4/11/83

By SUE FAULKNER

THE president of the Johannesburg Regional Court, Mr J A van Dam, who is leading an investigation into conditions at Barberton Prison, said yesterday that he expected to start drafting the report within the next few weeks.

Mr Van Dam will travel to Barberton Prison at the weekend to take final evidence.

Statements have been taken at various prisons throughout the country.

The full report, which will look at malpractices revealed in the "Barberton Prison Farm heat trial", is expected later this year.

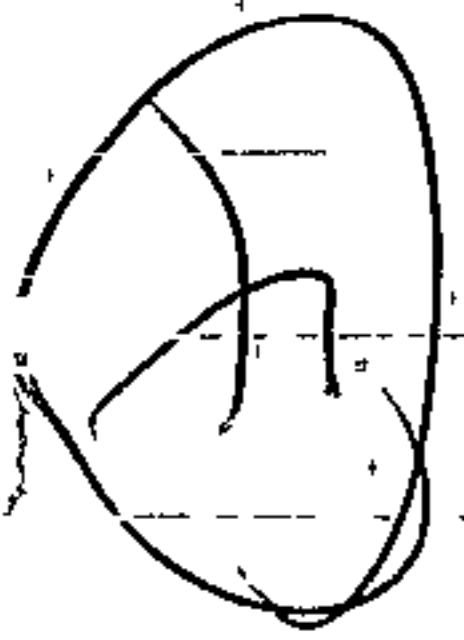
The Minister of Justice, Mr Kobie Coetsee, ordered the investigation in September after he visited Barberton Prison where 11 convicts have died violently within a year.

Six Barberton Prison warders were jailed on September 28 after three prisoners died from heat exhaustion while working on the prison farm.

"The investigation is progressing satisfactorily," Mr Van Dam said.

However, he had so far received no response to his appeal to hear evidence from people and organisations able to contribute to the investigation.

"I'm extremely disappointed at this. I would be delighted to hear from anyone who has anything to contribute before I start drafting the report," he said.



'Circle' has power of life and death over members

5/11/83
E. Post
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MLELEKI DHLAMINI was sentenced to death and brutally executed at the Leeuwkop Prison

His crime was unknown, but he had been tried and found guilty

His accusers, prosecutors, the judge and executioners were convicts and members of two of the most notorious gangs in South African prisons

After Dhlamini had been sentenced in "The Circle" or "Kring", his executioners held him down and slit his stomach open with a razor blade, beginning a slow, merciless murder in a dark, communal maximum security cell shared by 41 prisoners

He cried out for mercy — to be killed quickly

But his executioners took their time with tortures too gruesome to relate

Eventually a belt was tied around his neck and he was hanged over the bars of the cell door

In the Rand Supreme Court three members of the 28 Gang and one of the 26 Gang were sentenced to death for the murder.

They told the court they had been ordered to kill the 25-year-old Dhlamini by a 28 Gang "judge", and were afraid not to comply

The court rejected this evidence

The case following Dhlami-

STEPHANIE VENTER investigates the violence in our prisons.

The convict did not know it yet, but the judges of The Circle had sentenced him to death. He would die slowly and painfully in front of dozens of other prisoners, but none would dare to help him. They feared the gangs more than they feared the law.

min's murder in May, 1978, gives only a glimpse of the grim picture of ruthless violence perpetrated by the tough gangs behind the walls of South Africa's overcrowded and understaffed prisons

The gangs have military names and almost regimental discipline

Loyalty is all and, as with the infamous Mafia and many terrorist organisations, once in, always in

Some of the main gangs operating in prisons throughout the country today are the Airforce 23, the Airforce 24, the 26s, the 27s, the 28s and the Big Five

Less significant gangs are the Forty Thieves, the Desperadoes, Spy 13, Fast Eleven, Flick Styles, Book 30s, Shy Boys, Fast Twelve and Black Power

Each gang has a specific role in the prison structure

Research into prison gangs was conducted two years ago by Mr Nicholas "Fink" Haysom of the

'uniform', describing in detail exactly what he is 'wearing', says Mr Haysom

Each rank has its own assigned officers and duties, real and imaginary

Officers may include exercise instructors, munitions and uniform store clerks, inspectors of schooling (in gang history and traditions) and judges

Duties may include punishment, spying and guarding

Punishments meted out by gangs to both members and non-members include *klappe* (10 slaps with an open hand), *beker* (blows on the head with an enamel mug fastened to a sock), and death

Some of the more common methods of "brutal, premeditated and cold-blooded" murder are, Mr Haysom says, disembowelling, removing the intestines and playing with them, multiple stabbing and leaving the victim to bleed to death

While most gangs stress that membership is voluntary, once a prisoner becomes a member "loyalty and obedience are demanded by the gangs at risk of death"

Members keep their rank, no matter to which prison they are sent

Gang members lose their status, prestige and power

if they are released, says Mr Haysom

For that reason, former prisoners may commit crimes so they are imprisoned again

In the context of powerlessness and frustration, aggression and disobedience become a means of expression — perhaps the only means of expression, and perhaps the only means considered legitimate among prisoners

Gang members "live a parasitic existence off other prisoners"

He says a positive aspect is that they "offer some status and commitment to people who might otherwise have nothing left to live for"

While many prisoners join gangs for security, loyalty and brotherhood, others join because they are homosexually raped and reduced to *wyffies* — "or because they wish to avoid this fate"

The 28 Gang has a "private line" of sexual partners — *wyffies* of gang members who also carry out domestic chores

Gang "judges" preside over a "Circle" or "Kring" to decide on punishments for misdemeanours or breaking the gang codes

Death warrants usually have to be issued, and a member may be killed without knowing that he

has been on trial or what the sentence is

Despite stringent prison controls, prisoners make and smuggle in deadly weapons

The supply of weapons and the ruthlessness and discipline of its fighters determine the strength of a gang

Some of the home-made weapons confiscated by prison authorities include a metal dish cut into jagged pieces, a teaspoon with a sharpened handle and a lethally modified window handle

There is little the authorities can do to prevent the accumulation of weapons

According to the Prisons Service, prisoners have devised "ingenious methods" of smuggling potential weapons into prison

While they are thoroughly searched when they re-enter prisons after working on building sites, in workshops or on the land, prisoners still manage to make and collect weapons

While members of the same gang may be scattered in prisons throughout the country, they can still communicate with each other, says Mr Haysom

During the recent trial of 19 long-term prisoners from Leeuwkop Prison for the death of an inmate and an attack on another, some

nesses from other prisons

Prisoners acting as State witnesses in trials against other prisoners become targets for the vengeance of gangs, and trials are characterised by conflicting evidence

Gangs are not an extension of "the ghetto or the street gangs", Mr Haysom writes

"The prison gang is a prison-based phenomenon"

While the courts have labelled the gangs a "prison evil", they have acknowledged violence as an "everyday phenomenon", Mr Haysom's report says

Mr Haysom suggests several areas which need to be improved in South African prisons

Lack of privacy, adequate recreational facilities and meaningful outlets for activity, training and educational advancement opportunities need to be examined

"Communal cells not only encourage gang formation, but they destroy any access to privacy or to the individualisation of the living space"

He suggests "maximised contact" with the outside world, extended visiting hours and facilities for inmates' relatives to travel to prison

HSRC probe of SA prison gangs nearly completed

THE Human Sciences Research Council has been probing prison gangs for the South African Prisons Service

The project, begun in 1981, will be completed next year

"The research team has been granted free access to all prisons and prisoners at all times of the day and over weekends," a Prisons Service statement said

While the Prisons Service admits that gang warfare plays a role in attacks between prisoners "in some cases", it said there were "large numbers of notorious villains who are not susceptible to reform and who hardly need any provocation to resort to violence"

The service said that statistics were "not readily available" on the number and type of attacks on prisoners this year. But "there has been no apparent increase in this type of incident during the last few years"

On admission, prisoners are warned against participation in gang activities

"Disciplinary steps are taken against such a prisoner, and he also may forfeit remission of sentence or his release on parole may be delayed or cancelled"

If a prisoner does not want to join a gang and wants protection, he will be transferred to another section or prison. Until then he will be locked up separately

"Heads of prisons and other staff members are continuously on the lookout for situations where prisoners are being intimidated by other prisoners and to deal with this type of matter"

Once gang leaders are identified they are kept apart from other prisoners "as far as possible. This is done to protect the ordinary prisoner against intimidation and actions by gangs or their leaders"

While all serious cases of violence and contraventions of prison regulations are handed over to the police for investigation and prosecution, the Prisons Service itself takes disciplinary action against petty offences

Commissioned officers may sentence a prisoner to a maximum of 30 days solitary confinement with or without a maximum of 12 days dietary punishment

Every prisoner can lodge complaints at any time to the head of the prison or any of his assistants. All prisons are frequently visited by commissioned officers who ask all prisoners if they have any complaints or requests

Relatives, friends, legal representatives, magistrates and/or judges also visit prisoners and give them "ample" opportunity to lodge complaints

E. Post

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SA's notorious prison gangs date back to late 19th century



NICHOLAS HAYSOM
... gangs a tradition

PRISON gangs have their roots in the late 19th century, according to a report compiled by Mr Nicholas Haysom, research officer for the Centre of Applied Legal Studies at the University of the Witwatersrand

Towards an Understanding of Prison Gangs reveals details on the extent, the power and the bizarre characteristics of South Africa's prisons.

It tells how high-ranking prison gang "officials", who pretend to be wearing elaborate uniforms, have the power to sentence members and non-members to death.

Once a member, always a member, Mr Haysom states.

While it is fatal to resign, promotion within the gangs ensures a member respect in the world of criminals.

The power of gangs is evident within and without prison.

When gang violence is reported and taken to court, State witnesses may be killed if they give evidence

Mr Haysom says gangs owe their existence to a man called Mzoozepi, who later changed his name to Jan

Note and then to Nongoloza

In the late 1800s he rose to command a group of brigands who hid in the hills south of Johannesburg

By the early 1900s there were gangs both inside and outside prisons, with the same structure as Jan Note's brigands had had.

Note's gang practised sodomy — as modern gangs do — from as early as 1906

Kikilijaan, Note's lieutenant, who eventually formed The 27s, had a group of six *voeltjies* (non-gang members) who smuggled him tobacco and other luxuries when he was in the isolation cell.

In return he gave them permission to operate as a gang. They became what is now The 26 Gang. They aimed to obtain tobacco and money to supply The 27s.

After 1920 the gangs did not exist in their original form outside the prisons.

By 1927 a gang had begun operating inside the Barberton prison

5/11/83

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E. Post

The forgotten man who will hang

DAVID MGUNI has become almost the forgotten man of the Maureen Smith murder saga

He was the killer who was to have been paid R10 000 to plunge the fatal knife into Roger Smith after the family chauffeur Jack Ramogale had tripped the, main electrical switch and plunged the Smith home into darkness

Of the murderous trio, only Mguni now faces the hangman after Thursday's Appeal Court rulings

Maureeh Smith has been given a 20 year jail sentence, and Ramogale 15 years Mguni — who, in the event, was never paid for the

crime he committed — is to hang

At the first appeal earlier this year in Bloemfontein, Mguni's lawyers argued that the offer of R10 000 in banknotes to a man who earned his living as a backyard mechanic in the shanty black township of Alexandra was a fortune and should be regarded as temptation so extreme as to mitigate in extenuation of his actions in killing Roger Smith

In his written judgment — handed down at the Appeal Court in Bloemfontein — the Judge of Appeal, Mr Justice Wessels, considered Mguni's case in this way

"In so far as the third appellant is con-

cerned, I shall assume in his favour that the onus rested on the State to prove the issue of extenuating circumstances

"It was proved beyond any reasonable doubt that he became a murderer for financial gain. The (trial) court correctly held that the fact that he was persuaded to kill the deceased for a reward of R10 000 did not constitute an extenuating circumstance

"In my opinion there is no merit whatsoever in his appeal"

Mr Justice Smuts, the acting Judge of Appeal, said in his written appraisal that he could find no difference between Mguni — who plunged the knife into Smith — and

Ramogale, who had agreed to trip the fuses on the main electrical supply to the Smith household and thereby lure Roger Smith into the garden, where he was killed

Mr Smuts wrote "In the present case the act of Ramogale, in luring the deceased out of the house to a spot where he knew the hired killer was waiting, was so closely connected with the death of Smith that his degree of moral blameworthiness is practically indistinguishable from that of Mguni's

"I see no difference worth mentioning between the man who stabs the man and the man who places a knife in the hand of the killer, with knowledge that it will inevitably and immediately be used to kill the victim"

RD M 19/11/83

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The twilight world of the prisoners who are banished to Ciskei Return from jail and been Island

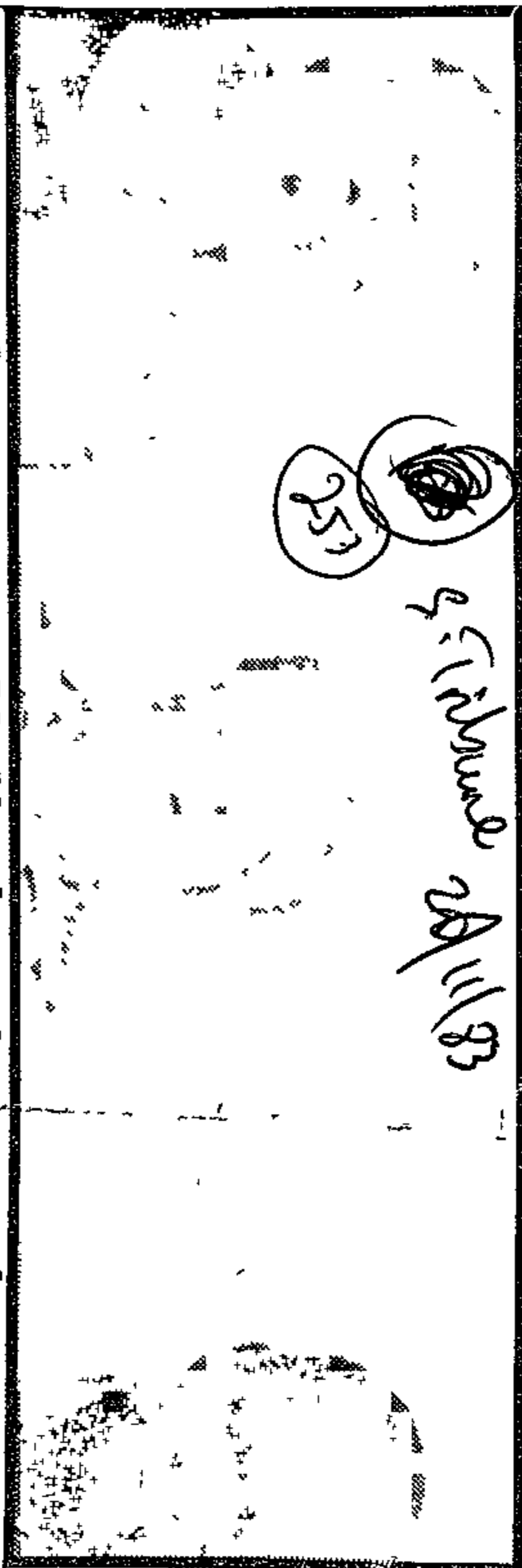
Three men after Robben

By Barbara Hart

RELEASE from Robben Island jail has not brought freedom to scores of former political prisoners now in Mdantsane — but rather a "life sentence" of social stigma, political isolation and employment and housing problems.

Five of some 135 former Robben Island prisoners — who were settled in this giant Ciskei township a few kilometres from East London — recently ended years of silence and spoke of the "social gap" they have lived in for the past 10 years.

The last straw has been the eviction by the Ciskei Government of three former prisoners from homes given to them rent-free by South Africa on their release.



□ **'ROBBEN ISLANDERS': Nowhere to go and nowhere to stay — Hetse Ntibixelwa, Nosipho Norongo and Felix Dangala**

The three are now staying either with friends or relatives. Others are concerned that they too may soon be evicted. The houses of Mr Fe-

zile Dangala, 50, and Mrs Nosipho Norongo, 61, and her 81-year-old sickly mother, have been locked up by the Ciskeian Government and their possess-

ions taken away and stored. Mr Hetse Ntibixelwa, 60, has similarly been evicted from a room allocated to him in 1971 in

the single men's hostel. The reason, Ciskei is demanding arrear rent payments, one dating back to 1972, from the three. The group insists they

were given the accommodation rent free. "Our aim is not that we don't want to pay the rent but we want to be given a chance to fit back into society," one man said. "While we were staging in jail, others were developing, establishing their homes, buying furniture and securing work

"When we were released we were deported to Mdantsane, given bare four-roomed houses and some people were banned. Many of the former prisoners did not originate from Mdantsane but were settled there on the release. "There's no dignity for a person when you're released with nothing; no food or clothes, except an overall. You don't even like yourself

"You're dislocated by deportation. Nobody knows you so they don't help you. They won't even give you a cup because they're scared of being associated with political prisoners. "Even criminals are helped to reform and jobs are found for them. We were only given houses," he said.

The group says ongoing security police visits to their homes and places of employment — by the police — perpetuate their exclusion from society. "People get scared and don't want to associate with us when they see the security police coming to our houses," said one of the group. "They (security police) also come to our work. We can't get permanent jobs

because maybe the manager didn't know about us but when the police come we might get fired.

"We don't have a crime now. There's no reason to visit us."

The "Robben Islanders" consider themselves to be South African citizens and do not recognise Ciskei's "independence".

When Ciskei took independence in 1981, the former prisoners hoped President Lennox Sebe's "package deal" (conditions for taking independence) would make provision for them to remain South African citizens. This was not to be.

"The South African Government hasn't told us whether we were handed to Ciskei at independence, nor were we asked for our opinion.

"If South Africa says we are not wanted then we are stateless. We don't recognise Ciskei. We weren't jailed for fighting to have homelands," said another man.

Politically these former prisoners are impotent. They have been warned constantly by police not to involve themselves in South African or Ciskeian politics.

One said: "We're still not free; we can't get involved in politics because the special branch keeps visiting us.

"We can't contribute or have a say in our own welfare. We're like children being told what to do."

The group wants South Africa to investigate their position in Ciskei or to allow them to live in South Africa.

Turning to the eviction from their houses, the group said it is "waiting". It has approached the East London commissioner of Co-operation and Development, who referred it to the Ciskeian Government.

"The Ciskeian Director-General of Internal Affairs told me I was not the only one affected and would have to pay within a month," Mr Dangala said.

None of the three have paid the rental arrears.

Mr Ray Swart, Progressive Federal Party MP, has contacted the Minister of Co-operation and Development, Dr Piet Koornhof, in connection with the housing, local PFP sources report.

Ciskei's Director General of Internal Affairs, Mr JW Grieb, could not be contacted.

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Barberton Prison assault 28 claim R1m from Govt

By HELENE ZAMPETAKIS

WITH the legal deadline nearly up, a lawyer acting for the assaulted Barberton prisoners rushed through letters of demand for nearly R1-million against the Minister of Justice and Prisons, Mr Kobie Coetsee and prison warders at the weekend.

Mr Frank Berman, a Johannesburg attorney acting for 28 prisoners who were assaulted by warders at Barberton Prison in December last year, served 30 letters of demand on Mr Coetsee in Pretoria and another letter on Lieutenant Johannes Wessel Niemand, the former acting head of the prison.

The prisoners' claims varied between R3 000 and R22 500.

The Minister and the ward-

ers were called on to make the payments by December 19.

Six of the Barberton prison warders were found guilty in October of assaulting more than 40 prisoners, three of whom died after the assaults.

The prisoners were now suing for injuries, pain and suffering, temporary disablement and the costs of future medical treatment.

The letter of demand also blamed the Prisons Department for several "aggravating factors" which had increased the prisoners' suffering, including

- Removing the convicts from their home-town of Durban to prisons in remote areas, making it almost impossible for their families to visit them.

- Failing to inform their families of their transfer from Durban, and

- Failing to co-operate in investigating the convicts' injuries or to provide adequate medical treatment to badly assaulted prisoners.

A principal witness in the trial against the warders, prisoner Barry Bloem, had slashed his wrists 22 times in March last year following assaults and threats to his life, Mr Berman claimed.

Mr Berman said yesterday he was "very worried about the prisoners' safety".

He referred to a letter smuggled out of prison which claimed witnesses at the warders' trial were being severely harassed.

Prison deaths probe ended

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22/11/83

By WIM VANVOLSEM

THE committee of inquiry into prison conditions — called by the Minister of Justice after the Barberton Prison Farm trial and several consequent violent deaths there earlier this year — has completed its probe.

This was confirmed yesterday by the chairman of the committee, the president of the Johannesburg Regional Court, Mr J A van Dam, who said they hoped to submit a final report to the Minister, Mr Kobie Coetsee by early January.

Mr Van Dam expressed his disappointment at the poor response to his appeal to members of the public to come forward with evidence.

"I would have thought that many individuals and organisations having the conditions of prisoners at heart, and who could help with information, would have grabbed this opportunity to come forward to assist the committee in its probe," Mr Van Dam said.

Mr Van Dam's concept report will be sent to the other two members of the committee, Brigadier A Venter of the Prisons Service and Professor Herman Venter, a UNISA criminologist, for their comments.

"We will then together compile a final report early in January and submit it to the Minister of Justice," Mr Van Dam said.

The Regional Court president described the probe as "very satisfactory". He said they spoke to many prisoners in several maximum security prisons throughout the country.

"Many of the prisoners were very open-hearted and have given us very good evidence," he said. Prison officials had also co-operated.

Asked whether the findings of the probe would be made public, Mr Van Dam said that this was entirely the Minister's prerogative.

'Service instead of prison' call

CAPE TIMES 22/11/83 (252) (253)

Chief Reporter

THE Law Society of the Cape of Good Hope has, at its annual meeting in Grahamstown, adopted a motion by a Cape Town attorney that the principle of community-service orders, in place of imprisonment for certain categories of crime, be approved as part of South Africa's criminal justice system

In favour of scheme

The motion was introduced by Mr Sam L Gross, who also proposed that the Minister of Justice be informed of the society's support of this principle, and that the necessary legislation be enacted as soon as possible

The minister, he added, had already expressed himself in favour of the scheme, as had the penal-reform commission under the chairmanship of Mr Justice Viljoen, of the Appellate Division

In his motivation, Mr Gross said that in most countries the crime rate had risen considerably, with the result that prisons were overcrowded

South Africa's daily prison population now exceeded 107 000, of whom about 60 percent were short-term prisoners — that is, prisoners serving six months or less

It was generally agreed, Mr Gross said, that imprisonment was not the answer for all law infringements, for apart from the expense to the State of maintaining supervision and custody, the chances of deterioration in prison were as great as those of reform

"In Britain, the community-service orders scheme has been operating since 1972, and more than 20 000 cases have been dealt with on this basis. The scheme is also in operation in the United States and most Western countries"

Non-custodial penalty

The concept of community-service orders was simply a non-custodial penalty, requiring an offender to work unpaid for a specified number of hours which must be completed within a specified period

In this system the offender had the option not to avail himself of a community-service order, but to serve the traditional prison sentence instead

Mr Gross added "It is not likely, however, that offenders would turn down an order which ensures freedom of movement and non-restriction of liberty, as against custodial imprisonment."

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Coetzee receives prisoners' claims

THE South African Prison Services has confirmed that claims by 28 prisoners who were assaulted by warders at the Barberton Prison in December last year, have been received by the Minister of Justice, Mr Kobie Coetzee "in his official capacity."

A Prison Services spokesman said in a statement to Sapa "It has been confirmed that claims against the State as reported in certain news reports have been received and the Minister of Justice in his official capacity has been cited in the claims."

He said it would be appreciated if no comment on any of the accu-

sations is made because it could form part of the claim

"Any complaints of this nature which are referred to in Press reports will be dealt with if they have been received through the proper official channels," the spokesman added.

He was commenting on reports in some newspapers that said claims totalling R1-million had been served on the Minister.

Six Barberton Prison warders were found guilty last month of assaulting more than 40 prisoners, three of whom died after the assaults — Sapa

No purely political prisoners

(253)

Star
23/11/83
— Coetsee

By Sheryl Raine,

South Africa does not have anyone in jail solely because of their political convictions, says Mr Kobie Coetsee, the Minister of Justice

All so-called political prisoners in South Africa were imprisoned because of their activities or planned activities involving terrorism, sabotage, arson or violence

Speaking at a passing-out parade of 378 newly trained warders at Kroonstad Prison today, Mr Coetsee revealed that between July 1 1982 and June 30 1983 a total of 54 Supreme Court judges and 296 magistrates had visited South African prisons on 350 occasions.

Prisoners had sufficient avenues to air alleged grievances.

Organisations such as Amnesty International and UN sub-committees accused the Government and prison authorities of all kinds of cruelties and malpractices from physical torture to psychological attacks

South Africa handled this with denials, by permitting overseas visitors in to our prisons and by allowing the International Committee of the Red Cross annual visits to certain prisons.

Every prisoner was entitled to complain about treatment to Prisons Service officials or to relatives and legal representatives during visits.

South Africa had a better record regarding riots and violence than many Western prisons.

People were quick incorrectly to associate isolated incidents in South African prisons with general misconduct in the Prisons Service.

In the few isolated cases where members of the Prisons Service stepped out of line appropriate action was taken.

It was time to attend to better protection of warders against psychological and physical attacks in the course of their duties, the Minister said.

● See Page 5, Metro section.

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'No-one in jail purely for political convictions'

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E. Post 24/11/83

KROONSTAD — Not a single prisoner was being held in South Africa purely because of his or her political conviction — no matter how revolutionary or reactionary the conviction might be, the Minister of Justice, Mr Kobie Coetsee, said yesterday.

All so-called "political" or security prisoners behind bars at present had been imprisoned because of active or planned terrorism, sabotage, arson or violence. They were not treated "better or worse" than any other transgressor of the law, he said.

Speaking at a passing-out parade of prison warders in Kroonstad, the Minister said the South African prison authorities were frequently accused by overseas organisations, such as Amnesty International and the Human Rights Commission, of maltreating and torturing prisoners.

This was countered by permitting foreigners to visit the country's prisons and by allowing the International Committee of the Red Cross to pay yearly visits to certain prisons.

Mr Coetsee said that during the period July 1, 1982, to June 30, 1983, 54 Supreme Court judges and 296 magistrates had visited South

African prisons on 350 occasions.

"Their reports, which relate to the conditions of incarceration and not to the administrations of prisons, have largely contributed towards the objective evaluation of prison conditions."

Mr Coetsee said he was satisfied that prisoners had sufficient "avenues to air alleged grievances."

"In the few isolated cases where members do step out of line, they are reprimanded in appropriate ways and, if necessary, appropriate action is taken," he said.

The SA Prisons Service Cross for Valour was presented to Sergeant L. J. Prinsloo for saving the life of a prisoner.

Although no details of the incident were revealed, Mr Coetsee mentioned in his speech that valiant action by Sgt Prinsloo had prevented the death of a prisoner "at the hands of two other prisoners."

"He did not hesitate to jeopardise his own life in order to save the life of the prisoner," said Mr Coetsee, adding that it was a great pity incidents such as this one did not receive the publicity they deserved — Sapa

(253) Sowetan 25/11/8

Molala slams race laws

SHORTLY after being released from a seven-year prison sentence, Mr Patrick "Let Them Dance" Molala, the former crack Pretoria Callies forward dropped a bombshell that he would not play in the National Professional Soccer League because of the South African political

system.
"LTD", as he is popularly known, was released yesterday afternoon together with Mr Arthur Mkhwanazi, both of whom were convicted and sentenced to seven years' imprisonment respectively in 1976 for sabotage
Mr Molala, who is

studying for a B Proc degree, lashed out at the political system in South Africa and condemned the Group Areas Act, which, he said had denied Arcadia Fluoride a home ground
"It is a fraud to speak of sport being depoliticised in South Africa," he said

Asked what his future plans were, a jovial Mr Mkhwanazi, nephew of Thami Mkhwanazi, a former reporter with the banned Post newspaper, said "There is so much to say, but one of the aims is to keep the revolutionary lights burning"
"Let Them dance"

said he was prepared to play for Callies but only if they played in the Federation League "I know it is going to be a blow to my friends but that's it I also appreciate the limitations of the NPSL who function within a structure that makes it impossible for them to put their foot down," Mr Molala said

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Warder gets top award for saving prisoner

25/11/83

Szal

Pretoria Bureau

Quick action and brave intervention during a prison assault at Kroonstad Prison have earned Sergeant L J Prinsloo the SA Prisons Service Cross for Valour

Sergeant Prinsloo was today awarded the cross at a ceremony attended by the Minister of Justice, Mr Kobie Coetsee, in Kroonstad

On May 19 1981 the District Surgeon visited prisoners at Kroonstad Prison

Two D group prisoners (with minimal privileges) were allowed out of their cells to wait their turn to see the surgeon.

Another prisoner who worked as a cleaner in the cells was cleaning a passage when the two attacked him from behind with sharpened spoons.

PUNCTURED LUNG

The cleaner ran screaming towards a gate where Sergeant Prinsloo was on duty. Sergeant Prinsloo intervened to save the life of the prisoner and in the process was stabbed in the back and on one side.

Sergeant Prinsloo suffered a punctured lung and other injuries

The attackers were later rounded up in a courtyard

At the same ceremony Sergeant J Gericke (Robben Island), Sergeant N A Ebersson (Kroonstad), Warrant Officer M M Shabangu (Modderbee) and Warrant Officer J J Breedt (Head Office) were given awards for neatness and discipline

ANC man in bid for clemency

By ANTON HARBER
Political Reporter

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Rabie
ROOM
26/11/83

THE Chief Justice has turned down an application for an appeal against the death sentence by an ANC member Benjamin Moloise, leaving him only an appeal for clemency to the State President as his last resort to avoid the gallows.

Lawyers for Moloise said yesterday they have asked for a stay of execution pending an appeal to the State President.

Two applications for an appeal against his sentence have been turned down — by Mr Justice E van Dyk in the Rand Supreme Court and by the Chief Justice, Mr Justice B J

This leaves only an appeal to the State President. His lawyers, Priscilla Jana and Associates, are awaiting a reply to their application for a stay of execution to allow this last appeal.

If granted, this should give him at least a brief respite, since it will take a month or two to collect new evidence and present it to the State President.

Moloise, 28, was sentenced in June this year for killing Warrant-Officer Phillipus Selepe.

WO Selepe had given evidence for the State during the trial of three ANC insurgents executed earlier this year.

Barberton: another 3 sue

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City Press

THE families of three convicts who died at Barberton Prison last December after brutal beatings have, at the 11th hour, asked Johannesburg attorney Frank Bertram to sue the Prisons Minister and various prison warders for the deaths.

Last week City Press broke the exclusive story

**By BANCROFT
HLATSHWAYO**

that 30 assaulted prisoners had demanded nearly R1-million from the Minister and the warders

At that stage none of the families of the three dead men had brought a claim.

Following last week's report in City Press, they got in touch with Mr Bertram through our Durban office and asked that an action be brought for their dependants.

The letters of demand will have to be served this week to make the deadline of 11 months after an alleged offence

The time is up on No-

vember 28.

Those suing are

Mrs Florence Makhathini, mother of Ernest Bhekizizwe Makhathini, 50, an unmarried father who was sentenced in 1980 to five years for a dagga charge

Mrs Dolcie Khumalo, mother of Robert Mayor Khumalo, who was given 17 years for armed rob-

bery and was due to be paroled about the time he was killed

He too has several dependants, including several children - the youngest being six, four and three years old.

Miss June Xaba, 23, sister of Mhlakaza Zakhele Xaba, 23, who was serving an eight year sentence for murder

...MURDER HEAD... Page 2

By WIM VANVOLSEM

LETTERS of demand for what is believed to be "a considerable amount" were served yesterday on the Minister of Justice, Mr Kobie Coetsee, and several former prison warders on behalf of dependants of three prisoners who died at the Barberton Prison Farm in December last year

This follows claims for nearly R1-million served last week on the Minister, warders and a former acting head of the prison on behalf of 32 prisoners who were complainants in the seven-week "heat exhaustion trial"

In this case six warders were jailed by Mr Justice D O Vermooten, for assaulting prisoners by repeatedly beating them with rubber truncheons

Several relatives of the three deceased have instructed a Johannesburg lawyer, Mr Frank Berman, to sue for dependant's claims against the Minister and those warders who — to the best of knowledge according to the court records — contributed to the men's deaths

The letters of demand Summons in this case could not be issued later than 30 days from now, as one cannot sue more than a year after the events, which took place on December 28 last year

Relatives sue after deaths in prison

The first batch of letters of demand on behalf of the surviving prisoners concerned claims for injuries, pain and suffering, temporary disablement and costs of future medical treatment as well as several other "aggravating factors"

A spokesman for the Minister of Justice and the Prisons Department said Mr Coetsee had taken cognisance of the letters and confirmed that claims had been made against him in his official capacity

He quoted the Minister as saying "Any claim of this nature will be studied and it will be decided in due course what reply should be given and what action taken" were served just in time, because in terms of the Prisons Act one month's notice must be given before summons can be issued, to give defendants a chance to decide whether or not to accept liability

RABKIN RELEASE WELCOMED

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S. Tribune 11/12/83

By John D'Oliveira

LONDON: The British Government has welcomed the release of Dr David Rabkin, saying that it had come at an "opportune time"

Dr Rabkin, a former sub-editor at *The Argus* in Cape Town, was sentenced to 10 years' imprisonment in 1976 for offences under the Terrorism Act and the Internal Security Act

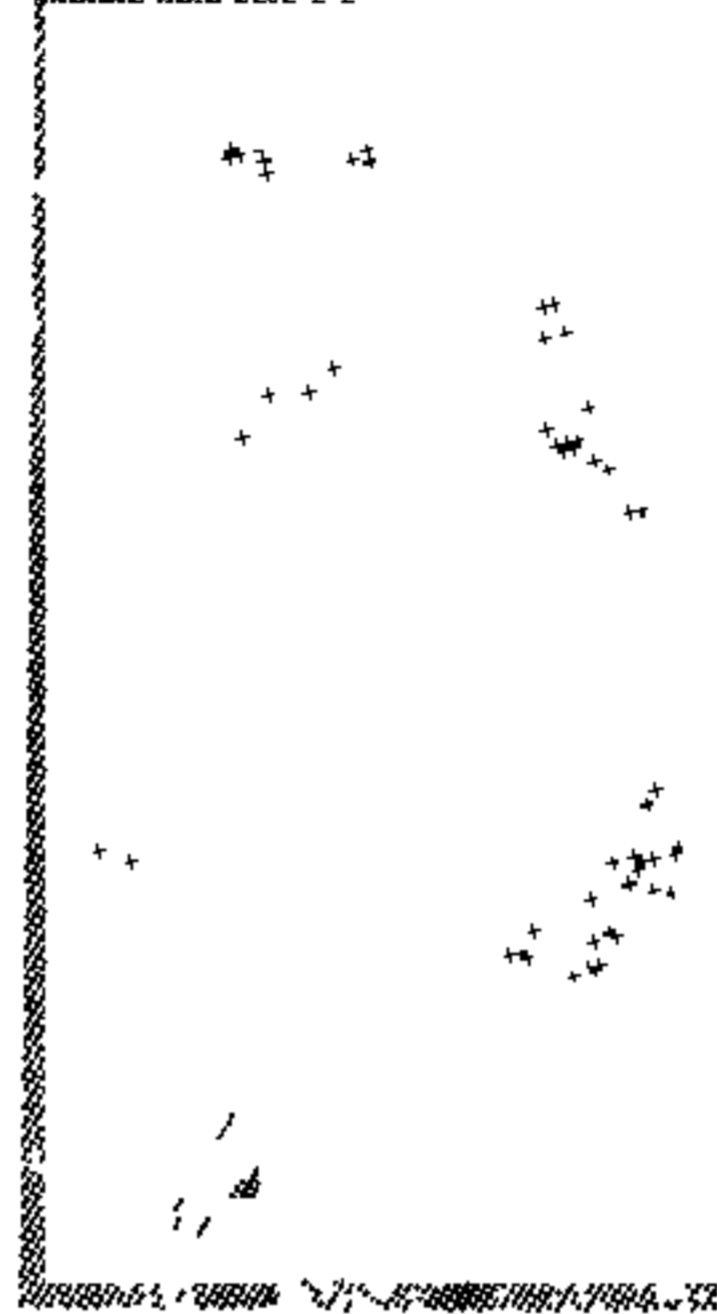
On Thursday Mr Pik Botha, the South African Minister of Foreign Affairs, told a group of British members of Parliament that Dr Rabkin was being put on a plane to Britain and that the South African Minister of Justice would review the situation of another security prisoner, Mr Ian David Kitson

Mr Kitson was sentenced to 20 years in prison in 1964 after being found guilty of acts of sabotage, of preparing for guerrilla warfare and of furthering the aims of communism

Dr Rabkin, a British subject, was released on the eve of Mr Botha's discussions with his British counterpart, Sir Geoffrey Howe

On Friday a spokesman for the British Foreign Office said his government welcomed the release — something Britain had been seeking for a number of years through approaches to the South African Government

Asked whether his government considered the release a gesture aimed at facilitating the talks



Rabkin

between the two foreign ministers, the spokesman said he believed the release had come "at an opportune time"

He said the British Government had no news of any fresh developments affecting Mr Kitson

This was also a case on which the British Government had made "numerous representations" to the South African Government despite the fact that Mr Kitson had dual British and South African nationality

(Because of Mr Kitson's dual nationality, Britain has no formal standing in terms of international law, as it has in relation to one of its own citizens)

The spokesman said the South African Government was well aware of the British Government's views on Mr Kitson and the British Government hoped his case would receive early and favourable consideration

(253) RDM 5/12/83

I'm a bit freaked, says Rabkin

Political Reporter

POLITICAL prisoner Dr David Rabkin was put on a plane for London last Thursday only hours after being told for the first time that he was to be released before completing his 10-year sentence. He served seven years

The first public announcement of his release was made by Mr Pik Botha, Minister of Foreign Affairs and Information, who told a group of British MP's on Thursday

Friends of Mr Rabkin said that for some time he had expected to get an early release but did not know definitely until just a few hours before he was put on the plane

Speaking from London last night, Mr Rabkin said he was "a bit freaked but okay".

He said he would be holding a Press conference this morning and could not talk before that took place.

In 1976 Dr Rabkin received

a 10-year sentence after being convicted on charges under the Terrorism and Internal Security Act for ANC activities. His wife left South Africa after serving a one-month sentence.

His release has prompted speculation about the possible early release of Ian Kitson, convicted of sabotage, who holds joint British and South African citizenship. Mr Botha told the British MPs that Kitson's situation would be reviewed

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estures when charges
gainst him were read

The chairman of the
ourt, Lieutenant-Colonel
ung Maung, asked the
rosecution and defence
-wyers to present their
-mal arguments in writ-
-ing before Friday, when
the court will pass sen-
-ence

The maximum punish-
-ment for murder in
Burma is death — Asso-
-ciated Press

Jeane Kirkpatrick, last
night asked Secretary-
-General Mr Javier Perez
de Cuellar to help secure
the release of a US pilot
shot down during Sun-
-day's bombing raid

Mrs Kirkpatrick's plea
was in response to a re-
-port that the Syrians
would not release the
pilot until the end of the
war in Lebanon and the
departure of US forces
from the country —
-Reuter

● See Page 11 World Sec-
-tion

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Rabkin tells of his life in prison

253
Star
6/12/83

The Star Bureau

LONDON — Dr David Rabkin, thinner and nervous — but with the same engaging smile — talked yesterday of his life in South African jails

He was released last week, three years short of completing his 10-year sentence under the Terrorism and Internal Security Acts

"There'd been talk of an early release, but I didn't know till the day I could have fallen on my back when they told me"

The reunion with his children was fantastic, he said

"My parents brought them to see me twice a year, but then a couple of years ago the officials stopped the contact visits

"That made me so bitter and upset, because it was the children who were being punished"

He could not find the words to describe his meeting with his wife Sue, who had not been allowed to visit him

Mrs Rabkin was heavily pregnant when she was convicted of serving the interests of an unlawful organisation

Dr Rabkin was allowed to hold his daughter once before his wife was deported "I held her and I kissed her, and then went back to my cell and burst into tears"

Dr Rabkin says his jail treatment was correct but he is concerned by what he called a growing control over political prisoners by security agencies

Dr Rabkin claims he was told by a senior prisons officer there had been an unprecedented degree of direct intervention by the security services who had



Dr David Rabkin enjoys the taste of freedom and a pint of beer in a London pub

virtually taken over all the decisions regarding the lives of political prisoners

The allegation was denied last night by a spokesman in Pretoria for the Prisons Service

Dr Rabkin rejects claims by Mr Louis le Grange, the Minister of Law and Order, that political prisoners are treated like any others

"I was kept in virtual solitary confinement for five months That would never happen to an ordinary prisoner"

Dr Rabkin said it was too soon to say how his imprisonment had affected him, but he had learnt a lot from his fellow-prisoners about politics and how to cope with prison life

Leading West Germans indicted

DUSSELDORF — Indictments in West Germany's "Flick affair" corruption scandal were served yesterday on all the accused except the Economics Minister, Otto Count Lambsdorff

Defence lawyer Mr Hans Lehne said that copies of the 253-page indictment were handed to his client, Mr Manfred Nemitz, and to Mr Eberhard von Brauchitsch, former managers of the giant Flick Company

Dresdner Bank chief and former federal Economics Minister

Mr Hans Friderichs, and Mr Horst-Ludwig Riemer, former Economics Minister for North Rhine-Westphalia, were also served with the indictments

The ex-managers are accused of bribery Mr Friderichs is charged with accepting cash for his Free Democratic Party in return for Flick tax concessions

Authorities were not able to act against Count Lambsdorff until Parliament lifted his immunity to prosecution last Friday — Reuter

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(253)
Problem
of man
who is a
woman

Mail Reporter

THE unusual problems posed by the case of transvestite John "Marlene" Anderson, who was sentenced to five years imprisonment last week, are likely to meet with some sympathy from the Prison Services.

It seems likely that Anderson, who was taken to Diepkloof Prison after sentence, will be kept in a single cell for the duration of his sentence.

Anderson, 28, of Rieger Park, was sentenced by Mr Justice W J Human in the Rand Supreme Court at a time when he was neither fully a man, nor a woman physically, being midway between a complicated series of sex change operations.

A spokesman for the Prison Services said yesterday that the department was unable to comment on the treatment of individual prisoners.

"However, the Prison Services is not unsympathetic to the individual needs or circumstances of individual prisoners, and adaptations can be made in deserving cases," he said.

"In some cases, prisoners can be detained in single cells," said the spokesman.

During the trial, Anderson's defence counsel said Anderson was psychologically a woman.

Prisons service denies Rabkin allegations

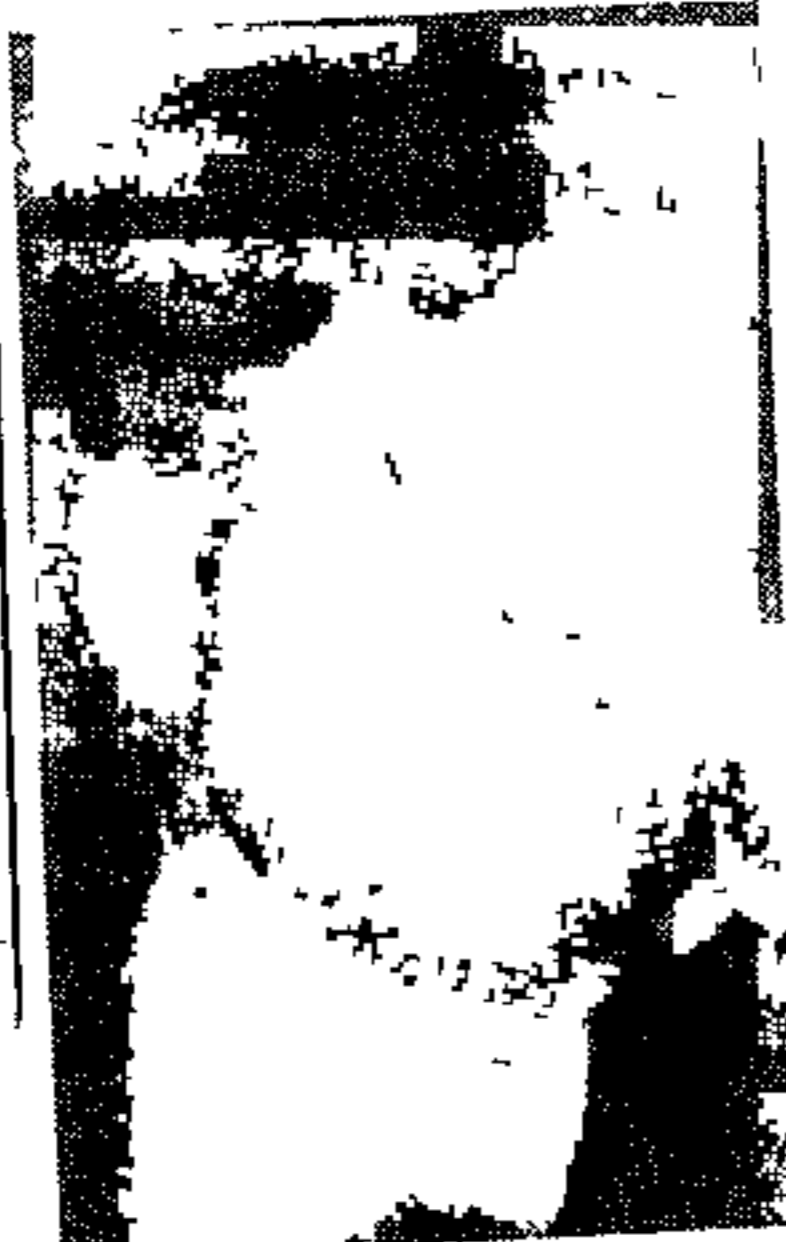
253

D. Dispatch
7/12/83

PRETORIA — The SA Prisons Service has described allegations made in London by Dr David Rabkin, about treatment of political prisoners in South Africa, as "ridiculous"

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DAVID RABKIN

emphasised that security prisoners receive the same treatment as other prisoners," a spokesman said in Pretoria in a further comment on

allegations by Dr Rabkin at a press conference after his early release from jail in South Africa last week

Among other things, Dr Rabkin alleged the South African Security Police were taking control of the prison life of "political prisoners"

He said "All this adds up to a growing climate where one can almost begin to talk of the danger of a Gestapo-like system of special courts, special prisons and special measures for political prisoners"

The Prisons Service

spokesman said certain provisions had to be made in order to prevent escapes and that the correct application of policy would not necessarily be acceptable to all prisoners

"It can be expected that Dr Rabkin would react in this way

"Nevertheless, it can be stated without fear of contradiction that he was treated fairly and correctly within the framework of our policy

"It must be pointed out that if this was not the case, he had every

opportunity to point out any negative applications of policy — something he did not do

"Apart from continuous opportunities offered by the administrative system, Dr Rabkin had plenty of opportunities over the last seven years to lodge complaints with the International Committee of the Red Cross.

"Up to now, no such complaints have been made and Dr Rabkin's allegations are, in the main, ridiculous," the spokesman said — SAPA

(253)
D. Disputa
8/12/83

Prison service has nothing to hide - minister

PRETORIA — The Prisons Service had nothing to hide and it was unfortunate that prisons could not be opened to the general public, the Minister of Justice, Mr Kobie Coetsee, said yesterday

This was impractical, however, as it would disrupt the prisons administration and be a security risk, he said, addressing a passing-out parade at the Zonderwater Prison near Pretoria



MR COETSEE

"The Prisons Service also had a responsibility towards the prisoner and his family to ensure they are not exposed to further unnecessary humiliation

"The prisoner has been tried, convicted and sentenced in public and is busy repaying his debt to society — he deserves to do so without further embarrassment and it is essential for his uplifting and redevelopment of self-respect"

Although public visits were not possible, it was necessary for South Africans to know what happened, Mr Coetsee said, adding that he appreciated the media's task of informing the public in a responsible, objective manner

This was why he had given a directive to the Prisons Service in 1980 for information on events in prisons to be made available to the media

According to the latest annual report, the 24-hour media liaison service had received and processed just under 1 100 media inquiries, and many journalists visited prisons each year, Mr Coetsee said

A sound relationship existed between the Prisons Service and most newspapers, and the liaison office had a flexible policy when it was approached for comment on allegations regarding prisoners' treatment or the prison administration

Mr Coetsee said emphasis had been placed on the opportunity to comment on allegations, provided that the commentary and the relevant allegations were published jointly

The liaison office did not, therefore, function to grant approval to publish, but to make a positive contribution to the media's efforts to provide an objective information service to the public, he said — SAPA

Nearly 200 people sitting on death row

WAITING TO DIE — 189 OF THEM

A STAGGERING 189 people are languishing on death row at Pretoria's Central Prison, waiting for their date with the hangman.

These figures, obtained from the Justice Department, also show that 97 people were executed between July 1982 and June this year.

A department spokesman said figures for people hanged after June this year could not be made public until they went through

MEDICS MEET

THE NATIONAL Medical and Dental Association, a break-away from the long established Medical Association of South Africa, is holding its first annual congress in Durban this week-end.

NAMDA was formed a year ago as an alternative body for medical doctors who believed that MASA was more concerned with looking after the interests of its members than with the health of the community.

They key note address at NAMDA'S conference will be given by Transvaal's, United Democratic Front head Dr Essop Jassat. He will speak on "The struggle for health and democracy" in South Africa.

Political comment in this issue by P. Selwyn Smith, news bills by B. Cohen, headlines and sub editing by D. Diddie, all of 62 Eloff St Ext. JHB

BY LEN KALANE

Parliament Fifty-seven of those facing the hangman's noose in the past year were black people, 36 coloureds and three whites.

The present death row population consists of 138 black people, 41 coloureds, nine whites

and one Indian. This includes former boxing champ Cameron "Kangaroo" Adams and gangland boss Vincent Stuurman, who were sentenced to death after gang war fare in Western township.

Also awaiting his date with the hangman is Aaron Mnguni, the condemned killer in the Maureen Smith case.

NGOYI CHOSEN TO LEAD PEUDF

Nearly 2 000 enthusiastic supporters of the United Democratic Front attended the official launching of the front's Eastern Province branch in Korstern near Port Elizabeth at the week-end.

At the meeting, addressed by one of the three UDF presidents Oscar Mpetha, the crowds chose Edgar Ngoyi, a nephew of Mrs Lilian Ngoyi, as president. Mr Ngoyi spent 14 years on Robben Island for ANC activities.

Simon Mkalipi, a former treason trialist and the only blind man to have been banned in South Africa, was chosen one of five patrons.

THREE Port Elizabeth men facing charges of public violence this week accuse members of the Security Police of assaulting them.

Eleven men - members of the Congress of South African Students, the Motor Assemblers' and Component Workers' Union (MACWUSA) and the PE Black Civic Organisation

Christians at O.K.

BARBERTON CONVICT WINS ASSAULT CASE

253

C. Press

18/12/83

BARRY BLOEM, one of the 30 prisoners who are suing the Minister of Justice and Barberton warders for nearly R1-million for assault, was this week acquitted in the Witbank Magistrates Court on a charge of assaulting a convict who gave evidence for the warders charged with murder and assault in October.

At the end of the State's case, attorney Frank Berman of Johannesburg successfully applied for Mr Bloem's acquittal without calling any of the witnesses he had subpoenaed from several prisons.

Mr Bloem was also due to appear at an internal inquiry at Witbank Prison the following morning, Wednesday, on charges of malicious damage to property, but the matter has been postponed.

**By
DES
BLOW**

The head of the prison, Colonel Gert Roberts, also said that Bloem was to be transferred back to Barberton to stand trial for an alleged offence committed there.

This was despite an assurance by the judge at the trial, Mr Justice D O Vermooten, that none of the witnesses

who gave evidence against the warders would ever go back to Barberton.

Warders were brought from five different prisons to give evidence on behalf of Mr Bloem on Wednesday.

Mr Obed Masango, who brought the charge against Mr Bloem, was described as a "blatant liar" in Mr Vermooten's judgment, in the warden trial.

He had given evidence that the warders had not beaten any of the prisoners on the day when convicts at Barberton Prison were beaten so severely while working in intense heat that three died and many were hospitalised.

He said their injuries

were inflicted in fights among themselves and that the injuries he had suffered had come from prisoners and not from blows by warders with rubber batons.

On Tuesday Mr Masango told Mr A H Engelbrecht that on October 30, shortly after the trial, one of the prisoners, Patrick Schieman, had approached him in Witbank Prison and asked him why he had given evidence for the warders.

He said before he could answer, Bloem came up to him and struck him twice in the face.

He said a white warden intervened and stopped the assault, and that

Bloem then bashed his head against the wall and hit him again.

The prosecutor, Mr G E du Plooy, called two prisoners, Thembile Siyone and Montgomery Mkonza, to support Masango's story, but they gave conflicting evidence.

The five ex-Barberton prisoners who had been brought from other prisons were not called to give evidence.

They included Boysie Levy and Joseph Africa who were brought to Witbank from Zonderwater Prison by six warders, Patrick Schieman from Baviaanspoort, Gen Griffin from Waterval Prison near Utrecht in Natal, and Edward Pretorius from Modder Bee Prison.

Fewer escapees — but violence on the increase

By DANIELA WYSZKOWSKI

NEARLY 400 convicts are on the run in South Africa

This is about half the number of prisoners who escaped from the country's jails during the year

Although the latest statistics released by the South African Prisons Service show a decrease in the number of break-outs this year, the escapes are becoming more violent

Top of the most wanted list are André Stander, Patrick Lee McCall and Allan George Heyl

Former policeman Stander and habitual criminal, McCall escaped from a Cullinan physiotherapist's office in July, after being taken there for treatment. They were serving lengthy sentences at the nearby Zonderwater Prison

It is believed Stander helped "spring" Heyl in a daring raid in October. Serving an effective 15-year sentence for armed robbery, Heyl was freed by two gunmen as he was about to write a trade test at Olifantsfontein near Germiston

Heyl was serving an effective

BARBERTON REPORT READY SOON

A REPORT on conditions at the Barberton prison, where 12 prisoners died violently in less than a year, will be handed to the Minister of Justice next month

This was confirmed this week by Mr J A van Dam, president of the Johannesburg regional court, who led the investigation at the request of the Minister, Mr Kobie Coetsee

The probe was ordered by Mr Coetsee after a visit

to the prison in September.

Six Barberton prison warders were jailed for between one and eight years after the death of three prisoners who were beaten while doing forced labour in December last year

Mr van Dam has compiled a "tentative" draft report which two other members of the committee of inquiry, Dr Herman Venter, a criminologist, and Brigadier E A Venter of the Prisons Service, are studying

tive 15-year sentence after being convicted on five charges of armed robbery with aggravating circumstances

A report released in September has shown that 91,4% of the past year's escapes took place outside prison walls

The then Commissioner of Prisons, Lieutenant-General J F Otto, said the escapes occurred when prisoners were transferred from one prison to another, when they were taken to doctors' con-

sulting rooms, hospitals and courts, or when they had to work outside the prison

Between January and October 808 black prisoners escaped. Only 451 of those have been re-arrested

Thirty-eight white prisoners escaped during the same period. All but five were re-arrested

Besides the dangerous trio, details of two others still at large were given this week

One, E P van der Schyff, made a dash for freedom

from a work team at Zonderwater Prison in February

The other, Petrus Strydom, made a getaway from the George Prison in July. Strydom, 38, awaiting trial on a charge of possession of dagga, escaped with three convicts when they overpowered a guard

The three were re-arrested in Knysna two days later. A spokesman for the service's liaison office said that re-arrest figures may not be accurate

"It may happen that an escapee is re-arrested for an offence in a district other than the one from which he had escaped. Considerable time may lapse before the prisoner is identified as the escapee," he said

The spokesman said there may have been recent re-arrests and identifications which had not been recorded at prison headquarters yet

He said the number of escaped convicts still at large should be placed in perspective

"A decrease in the number of escapes has been evident over the past few years and, according to the latest statistics, this tendency will continue

"During the year reviewed up to June 30, 1980, the number of escapes was 1 598, this dropped to 1 371 in 1981 and in 1982 to 1 256," he said

In the statement released in September, Lt-Gen Otto said it was evident that escapes were becoming increasingly violent

The statement said escapees generally rendered themselves guilty of all sorts of abominable, violent and reprehensible offences and behaviour more often. Lt-Gen Otto had given instructions that handcuffs and leg-irons were to be used at all times when prisoners left the prison temporarily

The department had reported escapes to the media on a regular basis, with warnings if necessary

"This attitude of frankness as regards the announcement of escapes probably leads to considerably wider news coverage, which may create the false impression that escapes are on the increase," he said

SA Press 'suffers new controls'

LONDON — South Africa cracked down on its newspapers during 1983 in a "new way", the International Press Institute, reported on Friday

Editors were prosecuted for technical breaches of restrictive laws designed to "tie up" the opposition Press, the institute said

In its annual review, the

watchdog organisation said the South African Press had tightened up its "voluntary code in the hope of avoiding statutory control"

"Nothing has satisfied Pretoria, because its concern is not the maintenance of 'good conduct' by the Press, but subservience to the country's political system," said the report

Thirteen black-ruled Afri-

can nations were also listed in the review which covers 86 countries

The institute reported that only a handful of nations still had a free Press, with most of the world "gagged"

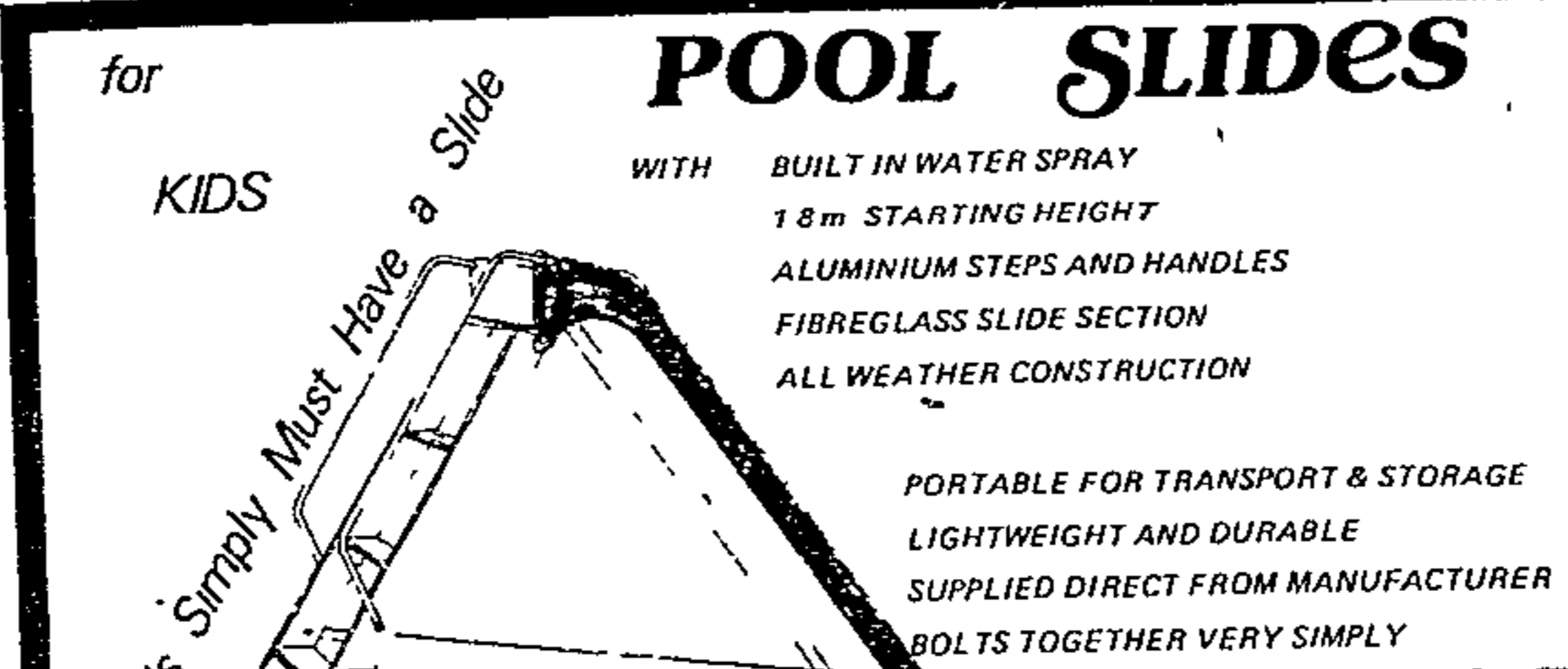
The report said in 1983, 11 South African editors and two reporters were threatened with prosecution under the country's Police and Prisons Acts — Sapa-AP

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253 *Sowetan*

Prisons denial

THE Prisons Department yesterday denied that it had received an application from a security prisoner who wanted to get married in jail.

Mr Bulelani Ngcuka was reported to have sought permission from the department to marry his fiance, Miss Phumzile Mlambo, and was turned down.

Mr Ngcuka, a Durban attorney, was jailed

for three years for refusing to testify in a security trial in Maritzburg in 1982

21/12/83
A spokesman for the Prisons Department said the Commissioner of Prisons did not receive the application.

He said prison regulations made provision that in exceptional cases the Commissioner would give permission for a prisoner to get married.



MR GEORGE MOTSEI: Released from jail.

(253) Sowetan 21/12/83

FREED GEORGE MISSES HIS BUDDIES

A SOWETO man who was convicted for sabotage and sent to Robben Island at the age of 16, was released last week.

Mr George Motsei, 20, was a Form 1 pupil at Tlhatlhogang School when he was detained in 1978 and

subsequently charged and convicted for sabotage with three others in 1979.

He was sentenced to five years' imprisonment.

The other three, Stanley Molusi, David Mokgosi and Andrew

Molefe, were all sentenced to nine years' imprisonment.

Mr Motsei was scheduled to be released on February 14 but his sentence was cut by two months.

"While one is happy to be free, one always

thinks of the people one left behind and this is a constant reminder of their plight," said Mr Motsei.

His immediate plans are to complete his schooling and then prepare to go to university.



Lieutenant-General Willie Willemse . . . shortage of prisons staff not critical.

Genial family man heads SA's prisons

By Sue Leeman,
Pretoria Bureau

As new Commissioner of Prisons, Lieutenant-General Willie Willemse has reached the pinnacle of a 27-year career in the Prison Service

At 45 he is the youngest person ever to be given the demanding role of head of South Africa's 242 prisons housing more than 100 000 inmates

General Willemse is a genial family man with an obvious and deep commitment to the service

His father had carved a career in the Prison Service and General Willemse remembers becoming acquainted with the workings of various prisons from an early age

He decided on leaving school that this too was his calling and says he has never looked back

MODEST BEGINNING

General Willemse's career began modestly — one of his first jobs was as chauffeur to the then Director of Prisons, a job which he says allowed him to travel and gave him the chance to see the Prison Service "in broad perspective"

Posts which followed as he advanced through the ranks included what he describes as an "enriching" stint as Commanding Officer on Robben Island

He married Elsie Hall, the daughter of a Prison Service official. They have two sons, one of whom recently presented them with a granddaughter

Appointed commissioner early in December, General Willemse has picked up the reins from his predecessor, the late Lieutenant-General Johan Otto

Observations which the pair made in United States and European prisons in 1981 have influenced current initiatives to reorganise the service.

One of the aspects currently under review is improvements to the system of classifying prisoners — defining those who warrant maximum security treatment as against those who have a better prognosis and deserve earlier parole

The shortages of staff — around 1 300 posts out of a total of between 15 000 and 16 000 are vacant — has in no way reached critical proportions, General Willemse says.

"Obviously we could do with more staff, but in South Africa trained personnel are a limited commodity"

General Willemse stresses that the service functions as a team, adding that he is happy with the level of commitment among his staff

"I'm optimistic about the future when I look at the quality of the personnel core"

He emphasizes that the service's main goal — to provide for the safekeeping of inmates — must never be lost sight of

Of the recent jailing of six warders convicted of assaulting prisoners in their care, General Willemse says he regrets the fact that members of the service "overstepped their authority"

"This is a job which frequently tries one's patience, but in no way can we condone what happened"

Potential warders, he says, are carefully screened for qualities such as the ability to deal fairly with troublemakers as well as empathy for those in trouble

On the issue of violence between prisoners themselves, General Willemse says he is concerned about "anything that is to the detriment of prisoners"

"The Human Sciences Research Council is studying the issue of prison gangs and we are doing everything possible to combat the problem."

OVERCROWDING

Regarding escapes, which in the first six months of this year numbered 522 but were 14 percent down on the same period in 1982, he said the service was constantly looking at ways to improve its competency

"One can never be foolproof, but one can try."

He admits overcrowding in prisons is a problem, but describes the number of excess inmates as "moderate". Last year it was revealed that around 106 000 prisoners are housed in quarters designed to hold at most 74 000

"The number of square metres originally provided for each person conforms to international standards, which are generous

"We try to keep prisoners outside as much as possible, putting them to work on prison farms"

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PUBLIC SECTOR — GOVT. — PRISON

1984

JANUARY — DEC.

AG reopens 'heat exhaustion' case

Ex-prison head to face charges

253

RD 11/1/84

By WIM VANVOLSEM

THE former acting head of the Barber-ton Prison Farm, Lieutenant J H Niemand, described by a Supreme Court judge last year as a possible plotter of the "heat exhaustion" baton assaults on prisoners at the prison just over a year ago, will face charges soon for his part in the incident.

The Attorney-General of the Transvaal, Mr J E Nothing, confirmed yesterday that he had taken a decision to institute further prosecution after

studying the court records of the Witbank "heat exhaustion trial" about the role played by Lieut Niemand

The trial judge, Mr Justice D O Vermooten, had ordered the records to be referred to the AG's office for this purpose

Eight warders of the prison farm had been charged with three counts of murder and 34 of assault for continuously beating prisoners with their rubber batons while they were pushing wheelbarrows loaded with sand in temperatures of 35°C

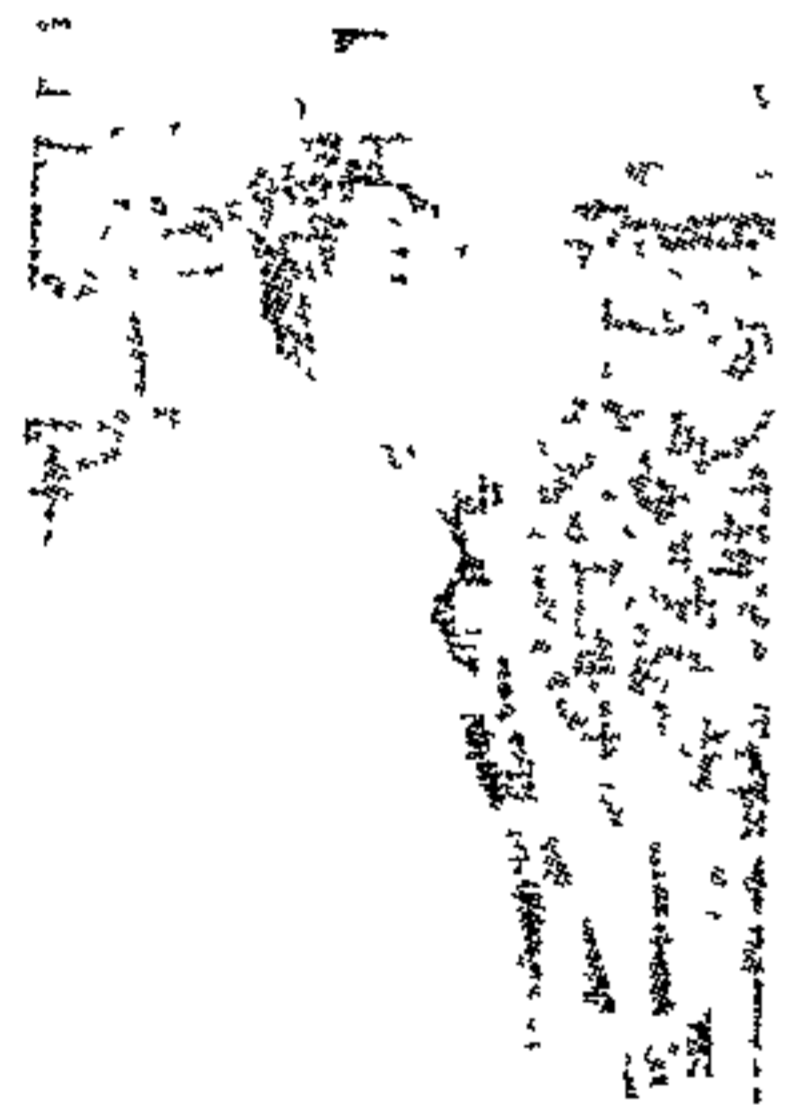
Six of the warders were found guilty of assault and sentenced to jail terms ranging from one to eight years

At the end of the trial in September last year, Mr Justice Vermooten ordered the records to be referred to the Attorney-General's office for a decision on possible prosecution of Lieut Niemand.

The judge said the blame for what he referred to as "a mass assault" and "a wholesale attack on defenceless prisoners" lay squarely on the shoulders of Lieut Niemand, who had not been charged

Mr Justice Vermooten quoted evidence that Lieut Niemand had been hand-picking warders "who could swing batons" the morning of the incident and that he had given instructions "to make convicts warm"

He said it appeared it "pleased" Lieut Niemand to



LIEUT J H NIEMAND
A possible plotter

Dollars flooded markets

Financial Reporter

FOREIGN exchange markets throughout the world were reported to be saturated with dollars yesterday as the US currency slid from its recent peaks

While no clear explanation for the cause of the dollar's slump was evident by late yesterday, the West German central bank, the Bundesbank, was reported to have intervened to support the German currency. Other European central banks were believed to have sold dollars to boost

By RODNEY HARRIS
Mail Man on T

CAPE TOWN — I will captain South the remainder of the Series against the Indian cricket team "It's the greatest of my career," said man Nottinghamshire to the County Championship the first in 52 Transvaal to a clean five titles at stake last Ironically, his Transvaal captain was at the start of the provincial selectors for a "total commitment" they appointed him His appointment in new Springbok captain yesterday's debacle at where the Springboks their worst defeat in against the Caribbean The aggressive 34 Transvaal skipper from his Western Proterpart in a move that local cricket fans and even members of the

LIEUT J H NIEMAND
A possible plotter

Dollars flood markets

Financial Reporter

FOREIGN exchange markets throughout the world were reported to be saturated with dollars yesterday as the US currency slid from its recent peaks

While no clear explanation for the cause of the dollar's slump was evident by late yesterday, the West German central bank, the Bundesbank, was reported to have intervened to support the German currency

Other European central banks were believed to have sold dollars to boost their currencies, which had slid to record lows against the powerful dollar

One immediate result of the dollar's slump was a rally in the gold price, to over \$370 an ounce from Monday's \$366

The rand recovered from Monday's all-time low of \$0,78 to \$0,80 before settling at \$0,7925

As soon as the dollar fall started, foreign exchange operators flooded the markets with dollars, reaping quick profits from a situation that might easily reverse when the markets open today

High US interest rates and the belief that America is on the brink of a strong economic recovery have been behind the dollar's recent strength, and foreign exchange dealers believe the currency's decline to be a temporary phenomenon

● See Business Day



neat exhaustion trial" about the role played by Lieut Niemand

The trial judge, Mr Justice D O Vermooten, had ordered the records to be referred to the AG's office for this purpose

Eight warders of the prison farm had been charged with three counts of murder and 34 of assault for continuously beating prisoners with their rubber batons while they were pushing wheelbarrows loaded with sand in temperatures of 35°C

Six of the warders were found guilty of assault and sentenced to jail terms ranging from one to eight years

At the end of the trial in September last year, Mr Justice Vermooten ordered the records to be referred to the Attorney-General's office for a decision on possible prosecution of Lieut Niemand

The judge said the blame for what he referred to as "a mass assault" and "a wholesale attack on defenceless prisoners" lay squarely on the shoulders of Lieut Niemand, who had not been charged

Mr Justice Vermooten quoted evidence that Lieut Niemand had been hand-picking warders "who could swing batons" the morning of the incident and that he had given instructions "to make convicts warm"

He said it appeared it "pleased" Lieut Niemand to send prisoners out to work in the middle of a blazing summer when traditionally no work parties were assembled

"This work then changed into some kind of battlefield and when it was all over there were three dead and a great number injured," Mr Justice Vermooten said

He said that overwhelming evidence had been given of "enthusiastic" assaults

There was evidence that Lieut Niemand had told one of the accused, Warrant Officer Gert Smit, that the convicts "should be beaten to death"

"Maak hulle dood," he was quoted by witnesses as having told warders overseeing the punishment squad

When passing sentence, Mr Justice Vermooten had said "I can't stress enough, that the accused and Lieut Niemand took the law into their own hands" He also likened the assaults to old-style American lynching

The court was told that the accused warders had been tools in the hands of a system over which they had no control — Lieut Niemand's own personal disciplinary system outside prison regulations

The Attorney-General told the Rand Daily Mail that Lieut Niemand's case would be heard in a Regional Court in the Nelspruit district, but could not say exactly when or where

He also declined to say what the charges would be, until they had been formally put to Lieut Niemand in court

"But charges have been formulated and this is a direct sequel of receiving and studying the records"



Little Ian Connell, 6, of Malvern, had problems finding a school day at school because he is so small. His younger brother Barry whole affair, and not at all concerned that his brother starts Oxford Road today. Ian wants to be a soccer player when t

SA-Maputo talks begin on Friday

By JOSÉ CAETANO

THE first round of the forthcoming wide-ranging talks between South Africa and Mozambique will be held in Maputo on Friday

Reliable sources in the Mozambican capital said Friday's talks will centre on tourism

The Mozambican delegation will be led by Mr António Materrula, Secretary of State for Tourism, and is also expected to include, among others, Mr Mário Trindade, the former director of Tourism

Mr Dame Hough, chairman of the SA National Tourism Board, will head the South African negotiating team, which will also com-

prise representatives of the Tourism Board as well as of the departments of Foreign Affairs and of Industries and Commerce

Mr Hough is a former Administrator-General of SWA

In a statement this week the Minister of Foreign Affairs, Mr Pik Botha, said the objective of the joint bilateral working group on tourism will be "to propose joint ways and means by which tourism between the both countries can be re-established"

Meanwhile, the senior Mozambican delegation to the talks on joint security matters, which are due to start in Pretoria on Monday, will arrive in South Africa at the weekend

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Prison officer to be charged

Own Correspondent

JOHANNESBURG — Lieutenant J H Niemand, former acting head of the Barberton Prison Farm and named by a Supreme Court judge last year as a possible plotter of the deadly "heat exhaustion" baton assaults on prisoners there just over a year ago, will face charges soon for his part in the incident.

The Attorney-General of the Transvaal, Mr J E Nothling, confirmed yesterday that he had decided to institute further prosecution after studying the court records of the Witbank "heat exhaustion trial" in connection with the role played by Lieutenant Niemand.

The trial judge, Mr Justice D O Vermooten, had ordered the records to be referred to the A-G's office for this purpose.

One to eight years

Eight warders of the prison farm had been charged with three counts of murder and 34 of assault for continuously beating prisoners with rubber batons while they were pushing wheelbarrows loaded with sand in temperatures of 35 degrees

Six of the warders were found guilty of assault and sentenced to jail terms ranging from one to eight years.

At the end of the trial in September last year, Mr Justice Vermooten said the blame for what he referred to as "a mass assault" and "a wholesale attack on defenceless prisoners" lay squarely on the shoulders of Lieutenant Niemand, who had not been charged.

Mr Justice Vermooten quoted evidence that the lieutenant had been hand-picking warders "who could swing batons" the morning of the incident and that he had given instructions "to make convicts warm".

'Beaten to death'

He said it appeared it "pleased" Lieutenant Niemand to send prisoners out to work in the middle of a blazing summer when traditionally no work parties were assembled.

"This work then changed into some kind of battlefield and when it was all over there were three dead and a great number injured."

Overwhelming evidence had been given of "enthusiastic" assaults.

There was evidence

that the lieutenant had told one of the accused, Warrant Officer Gert Smit, that the convicts "should be beaten to death".

"Maak hulle dood", he was quoted by witnesses as having told warders overseeing the punishment squad.

During sentencing, Mr Justice Vermooten said: "I can't stress enough that the accused and Lieutenant Niemand took the law into their own hands."

The court was told the accused warders had been tools in the hands of a system over which they had no control. Lieutenant Niemand's own personal disciplinary system outside prison regulations.

The Attorney-General said Lieutenant Niemand's case would be heard in a Regional Court in the Nelspruit district, but could not say exactly when or where.

He also declined to say what the charges would be, till they had been formally put in court.

"But charges have been formulated and this was a direct sequel of receiving and studying the records of the Witbank trial," Mr Nothling said.

Barberton jail further charges

By Sheryl Rame,
Pretoria Bureau

The Attorney-General of the Transvaal, Mr J E Nothing, has decided to press further charges in connection with the Barberton prison heat-exhaustion incident.

"I have decided to institute a further prosecution and have referred the matter to the Regional Court in Nelspruit where a man is expected to appear soon," Mr Nothing said.

It is believed that the man could be Lieutenant J H Niemand, who had command of the Barber-

ton prison farm slightly more than a year ago when 47 convicts were taken out to work in searing heat.

Three prisoners died of heatstroke and shock after assaults by warders using rubber batons.

Six of the warders have already been sentenced to terms of imprisonment ranging from one to eight years.

In another development concerning the Barberton incident, an independent investigation into the whole Barberton prison system has been completed.

(253)
ROM
11/84

85 have prison terms reduced

By ANTON HARBER
Political Reporter

A TOTAL of 85 political prisoners have been granted remission on their sentences since the Government extended the privilege to them in May 1982, according to a spokesman for SA Prison Services.

An investigation of most of these cases showed that many were released just a few weeks before the end of their sentences.

In one case a Soweto man, Mr Themba Sishange, was released after serving only five years of his 15-year sentence for terrorism.

In another, Mr Lombard Mbatha was released 11 months before the end of his 20-year sentence.

Mr Breyten Breytenbach was released with two years remaining of his nine-year sentence.

None of the 40 political prisoners serving life sentences had been released. There were over 250 political prisoners in South Africa.

The decision to grant remission rested with either the Commissioner of Prisons in the case of short-term prisoners, the Minister of Justice or the State President.

The Central Release Board, appointed by the Minister of Justice, recommended remission in the case of long-term prisoners.

The board consisted of prison officials and non-official members who were "people from the community" who could make a "valuable contribution".

The decision was based on the nature of the crime, the extent to which a prisoner had paid his debt to society, the length of sentence, previous convictions, the protection of the public and the security of the State.

The Minister of Justice, Mr Kobie Coetsee, had previously stated that the Government would retain final control over the release of political prisoners.

Cell killing: 253

CAK Times 14/1/84

26s blame 28s

Supreme Court Reporter
THE two Malmesbury Prison "26" gang members accused of murdering a fellow prisoner, yesterday told the Supreme Court they were innocent and had been framed by members of the "28" gang

Willem Claasen, 24, and Godfrey Karolus, 22 — both members of the "26" gang — have pleaded not guilty to murdering Hendrik Maans, about 33

It is alleged the two had approached Maans while he was sleeping on Friday May 27, last year, and while Karolus had held Maans down, Claasen had stabbed Maans 12 times in the

chest and slashed open his throat with a clasp-knife

Earlier, the court heard that Maans had refused to take part in a homosexual "sex dance" in which partners were chosen by members of the "28" gang

In affidavits handed into court, the two "26" gang members said that under threat of death by members of the "28" gang, they had been forced to don blood-stained jackets which had been used by the assassins

"On Wednesday May 25, the deceased was placed in our cell and he told us he was a

"fransman" (a person who does not belong to a gang) and he slept on our side of the cell," Karolus and Claasen said

Possibility

That evening, Karolus and Claasen — together with another two "28" gang prisoners, Daniel van Rensburg and Nikolaas Dawson — discussed the possibility that Maans was, in fact, a "28", they said

Maans was told to go and sleep with the other "28s", which he did, they said

"Later that evening, Van Rensburg and Dawson came and told us that Maans was a '28' and that he had given evidence in an earlier court case in which '28' gang members had been given the rope and the 'number shows' (according to rules of the '28' gang) that they, Van Rensburg and Dawson, must now kill him," Karolus and Claasen said

"They then went to bed"

A little later, Van Rensburg and Dawson gave the order for all the *fransmanne* in the cell to put their heads under their blankets

"They added 'the one who uncovers his head will also die'"

Screaming

After Maans's screaming had been heard by prison warders and the cell lights had been switched on but before the cell door was opened, Van Rensburg had turned to Karolus and Claasen and had said "the number shows that you must wear the jackets and take responsibility, otherwise you will also die"

Fearing for their lives they put the blood-stained jackets on before they were led away by prison officials, they said

The hearing will continue on Monday

Mr Justice Vivier sat with two assessors, Mr J W van Greunen and Mr H J Luttig. Mr P R van Zyl appeared for the State. Mr C de Kock appeared pro Deo for Claasen and Mr D Kawalsky pro Deo for Karolus

I saw stabbing in prison, says warder

253
14/1/84
E ARGAS

Supreme Court Reporter

A MALMESBURY prison warder saw an inmate stab a fellow-prisoner twice while sitting astride him, the Supreme Court, Cape Town, has been told

Giving evidence yesterday at the trial of William Claasen, 24, and Godfrey Karolus, 22, both charged with murder, Mr Christoffel Myburgh said he heard a scream while doing his rounds at 2.30 am on May 27 last year.

"When I looked through the window of Cell 6 I saw Karolus sitting on Hendrik Maans's chest. His knees were pinning Maans's arms down."

Mr Myburgh said Claasen was also struggling with Maans.

"As I looked I saw Karolus stab Maans and I shouted at them to stop, but Karolus stabbed him again. Maans was already soaked in blood."

Tattoos

Mr Myburgh said he recognised Claasen by the tattoos on his face. These were the letters BFK on his forehead and a star next to each eye.

"I recognised Karolus immediately because I knew his face. I used to call out his name for him to collect his mail."

Counsel earlier submitted revised explanations of the "not guilty" pleas by the accused.

Gangs

In them they claimed the murder was committed by two other prisoners, Daniel van Rensburg and Nikolaas Dawson. They said they were members of the 26s prison gang and these two were members of the 28s.

Although Maans told them he was not a member of either gang, Claasen and Karolus had told Van Rensburg, Dawson and the only other member of the 28s in the cell, Japie Jacobs, they knew Maans was a 28s-member.

Van Rensburg and Dawson later returned and told them they had confirmed this information and had found out Maans had given evidence against fellow-gang members who had been sentenced to death.

The hearing continues on Monday.

253 RDM 14/1/84

Seven warders plead not guilty

By JOHN MILLER

THE seven, Leeuwkop prison warders who allegedly took part in a baton attack on one of the convicts, each pleaded not guilty to attempted murder yesterday.

Mr Johannes de Hath, 21, Mr Elphas Mbatha, 28, Mr Amos Nkonana, 48, Mr Isaac Modudi, 51, Mr David Malumo, 31, Mr Cyprian Kumalo, 38, and Petrus Ntuli, 32, each pleaded not guilty in the Randburg Regional Court yesterday.

The seven warders appeared on the charge of attempted murder after Mr John Dladla, a

convict, was allegedly beaten up in July 1982.

Three of the warders said they were not present when the attack took place at the prison, while Mr Mbatha said he did not throw a single blow.

Mr De Hath said he hit Mr Dladla once with a baton. Mr Modudi said he hit the prisoner on the head, knees and ankles with a baton.

Mr Ntuli told the court the fight started after he asked Mr Dladla for a razor blade which he had hidden.

The case was postponed to April 25 and the seven warders were let out on warning.

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I'd no
business
in jail,
says
Tholoe

By MONTSHIWA MOROKE

A SENIOR Johannesburg journalist Mr Joe Nong Tholoe, who was released from Robben Island at the weekend after the Pretoria Supreme Court set aside his conviction, says he should never have gone to jail in the first place.

Now reunited with his wife and two children, Mr Tholoe, 41, of Soweto, was detained by Security Police in June 1982.

Mr Justice CS Margo, with Mr Acting Justice R H Zulman concurring, set aside the conviction and sentence of Mr Tholoe, Mr Siphon Ngcobo, 29, of Mofolo, Mr Nhlanganiso Sibanda, 27, of Alexandra, and Mr Siphon Mzolo, 23, of Tembisa, because they were sent to jail for a non-existent offence.

Mr Tholoe and Mr Ngcobo were each sentenced to 30 months' imprisonment and Mr Sibanda and Mr Mzolo for three years under the Internal Security Act for distributing literature of the banned Pan-Africanist Congress.

Speaking from his home yesterday, Mr Tholoe said there was no cause to celebrate. However, it was a relief he was no longer banned.

"I'm not happy because I had no business to go to jail in the first place, or to have been banned for that matter," he said.

Mr Tholoe, a former president of the banned Union of Black Journalists and former vice-president of the Media Workers' Association of SA, said his release had not come as a complete surprise. All along he had hoped the appeal would be successful.

"At 2pm on Friday we were told to pack our belongings because we were going home. When that kind of thing happens, you are not sure whether you are dreaming. Then comes the pain of having to leave behind the people you have come to know and respect."

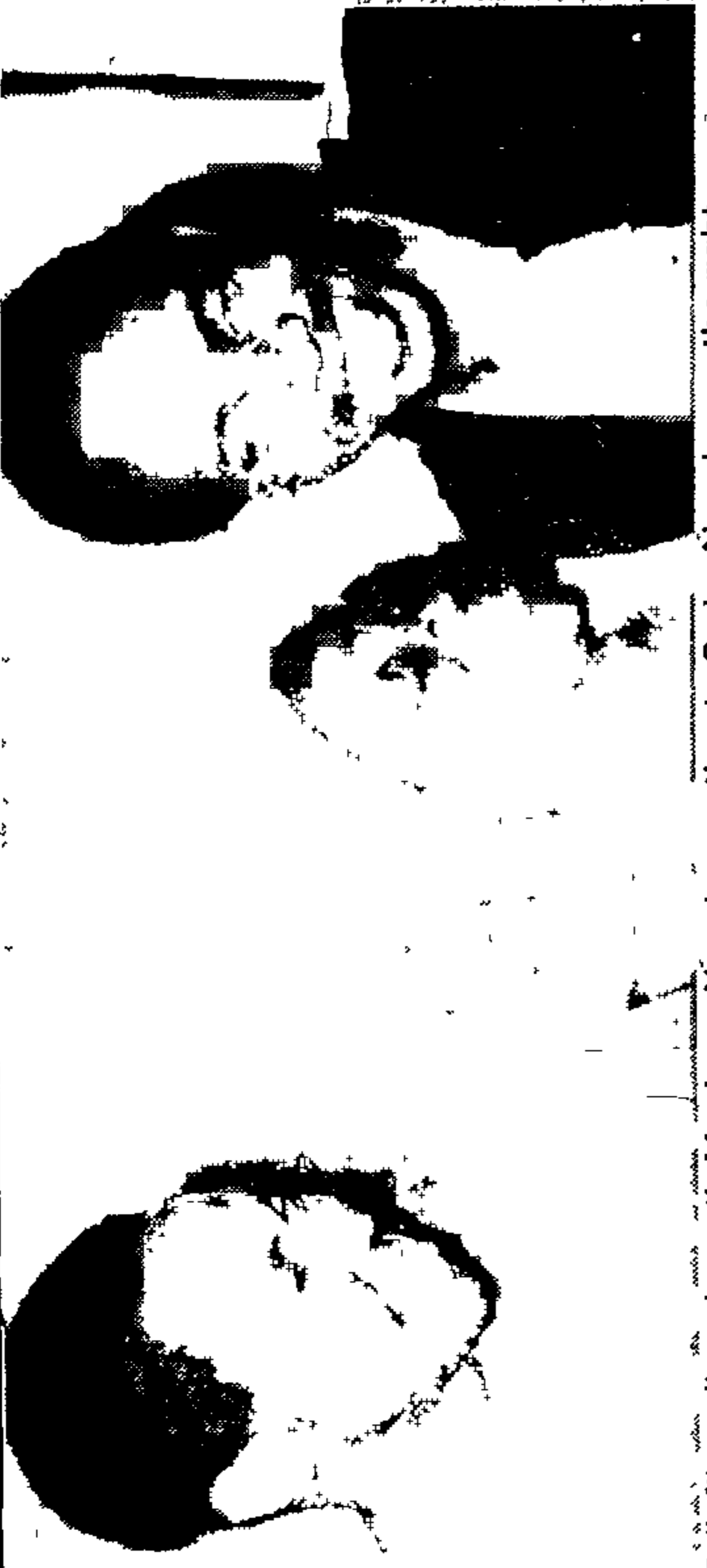
Mr Tholoe had no plans "but to get back to the typewriter."

Thloloe and 3 others freed

By MONK NKOMO

THE conviction and sentences imposed on a senior Sowetan journalist and three men were invalid because the charges against them were in terms of the Internal Security Act which had not come into force at the time of their conviction, the Pretoria Supreme Court ruled on Friday.

Mr Justice C S Margo with Mr Acting Justice R H Zulman concurring, set aside both the conviction and sentences against Mr Joseph Nong Thloloe (41), Mr Sipho Moffat Ngcobo (29) both of Soweto, Mr Nhlamagiso Sibanda (27) of Alexandra, and Mr Steven Sipho Mzolo (23) of Tembisa



JOE THLOLOE (left) is all smiles with Mrs Lucy Ngcobo, mother to Sipho Ngcobo on the right

The four men appealed only against their sentences after being convicted for distributing literature about the outlawed Pan Africanist Congress between February 1981 and June 1982. Mr Thloloe and Mr Ngcobo were each sentenced to 30 months imprisonment. Mr Sibanda and Mr Mzolo were each jailed for three years.

JUDGMENT

In his judgment, Mr Justice Margo said "When this appeal was heard it appeared that the events upon which the conviction was based had occurred before Act No 74 of 1982 came into force and that the convictions and therefore the sentences were invalid".

The ground for setting aside the conviction and sentences the judge said, was that the charge sheet disclosed no offence in respect of the charge upon which the appellants were convicted and the convictions were in respect of a non-existent offence.

He added "In the present case the validity of the convictions is in issue in so far as such affects the validity of the sentences. It is true that the validity of the convictions was not raised by the appellants but they have appealed against the sentences and since the sentences depend on the existence of the convictions, we are constrained to exercise the court's inherent powers of review to set aside both convictions and sentences.

The judges also ruled that although the magistrate had erred in imposing the sentences, it would serve no purpose to ask him reasons for that decision. They warned, however, that the State might bring fresh charges against the four men.

Breytenbach lashed for 'abandoning struggle'

The Star's Foreign News Service

PARIS — A major Third World news magazine, long a fervent supporter of Breyten Breytenbach, has bitterly attacked his new book "Mourir" as a "terrible deception."

It asks whether he is an "impostor and a coward"

The Paris-based weekly "Jeune Afrique" said. "The famous South African author gets lost in painful pseudo-philosophical nightmares and forgets all about apartheid."

The title is a mixture of "miror" meaning "mirror", and "mourir" meaning "to die."

The prominently displayed book review is entitled "Has Breytenbach abandoned the struggle?"

It asked bluntly. "Is he an im-

postor as well as a coward?" "We have the right to ask this question after reading his latest book

"This book's 330 pages can be read and read, but there is absolutely nothing in it which reaches anywhere near the level one expects

"The book is rather a mish-mash written by a twisted creature, resembling philosophical nightmares on one theme — death

"No We expected something else from Breytenbach who, with his friend Andre Brink, likes to see himself as a champion in the fight against apartheid

"Unfortunately he shows, perhaps despite himself, that he is just the instrument of the West's good conscience

"That is a pity Because he

should have consecrated his talent — and he has a great deal — to carrying on the campaign he boasts about in many, too many, interviews

"We hoped that his book would be a kind of anti-apartheid breviary. Alas, nothing of the sort. The revolution and faith in its ideals are heavy weights"

Too heavy, it appears, for the frail shoulders of Breytenbach who, although he denies it, seems in this book to have abandoned the struggle

"Not a single paragraph talks about the political struggle against apartheid"

After criticising his style, as "dense, irregular and grandiloquent" the reviewer says. "This book will not help him cross the great divide separating him from great writers"

Editor on
E. Post
Prisons 273
16/1/84
Act charge

JOHANNESBURG — The managing editor of a boxing magazine appeared before a magistrate here yesterday charged under the Prisons Act with publishing a photograph of a death-row prisoner

Mr Peter Morris Godson of Southern Publications (Pty) Ltd told Mr S J Starssen he thought permission had been given a reporter on his staff to acquire and publish a picture of former boxing champion Cameron "Kangaroo" Adams

Adams is awaiting execution after being convicted of two counts of murder

He said the reporter had visited Adams twice and on the second visit had a chance to acquire a picture of the condemned man

Because the prison authorities did not warn the reporter in question Mr Godson said he assumed he had permission to print it

He told the court he was much more concerned with the content of the story which he took care to ensure carried nothing libellous or information which could have any influence on Adam's case

Mr B Groen argued for the State that Mr Godson should be more aware of the laws pertaining to what may be published

The case was postponed to January 31 — Sapa

253 Star 19/1/84

By Trevor Jones,
Crime Staff

Prisoner on run shot dead

A man who escaped from a prison near Aliwal North in the north-eastern Cape yesterday afternoon was shot dead in Soweto several hours later after police were involved in a 7 km chase. The prisoner was in a car that had been stolen

from a prison warder. Two Riot Squad men, Constable W F van Wyk and Constable C H Kotze, were on patrol in Kimberley Road, Nancefield, at 10 20 pm when they spotted a red Cortina with an Aliwal North registration number. The policemen radioed headquarters and it was established that the car had been stolen from Goedemoed Prison near Aliwal North by a man who had escaped earlier in the day.

They chased the car and drew level with it at Boundary Road. The cars collided and stopped.

The driver of the Cortina ran towards nearby trees. The constables drew their service weap-

ons. Constable van Wyk fired two shots and Constable Kotze fired one shot.

The fleeing man was hit in the back and right arm. He was taken to the Baragwanath Hospital, Johannesburg.

but declared dead on arrival.

He was identified as Thomas Maswanganyi, who had been serving a six-year jail term for car theft.

He escaped from a work party yesterday afternoon, stole a warder's car and headed for Johannesburg.

METRO BRIEFS

Wits denies paper's report

The University of the Witwatersrand has denied claims made in a Sunday newspaper that a senior lecturer in the Department of International Affairs was sacked because he opposed the formation of a right-wing foreign affairs research institute.

A statement says Dr R Spegele, an American, "entered into an agreement with the university to leave on terms acceptable to both parties."

His leaving "had nothing to do with plans for proposed institutes, and was unrelated to academic competence or political opinions and endeavours" — Sapa

Matie board members quit

STELLENBOSCH — All three members of the board of the University of Stellenbosch whose terms of office expire on April 1, have informed the university that they are not available for another

Milk powder exports cost SA millions

Pretoria Correspondent

The Dairy Board is exporting thousands of tons of skimmed milk powder at a loss of up to R28 million to reduce a massive surplus in South Africa.

The board has so far shipped about 7 000 tons of milk powder to Japan and Taiwan at very low prices and has taken out a R28 million loan from the Land Bank, it is understood, to cover these losses.

But even though the country still has a massive stockpile — enough for 12 months — a leading manufacturer of skimmed milk powder has increased its price by 11 percent.

Consumer organisations today condemned the practice of "dumping" milk powder on overseas markets at a loss of millions of rands, while the local market had to pay more.

The assistant director of the South African Consumer Council, Mr Bernard Hellberg, said "It does not make sense. Manufacturers who think they can win the public's goodwill like this are making a mistake."

USED IN STOCK FEEDS



Precise Planning

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Sawn-off shotguns in Christies haul

LONDON — A gang of robbers armed with sawed-off shotguns raided Christies auction house this morning and snatched jewels from the Florence J Gould collection that was on display before being sold in New York in April

Christies said the robbers took two pieces from the Gould collection and two other jewellery items

The entire 42-lot collection of Mrs Gould, who died last February, was tentatively valued at R35m when it was put on display earlier this week — Associated Press

Mandela's family not told of new visits policy

253 *Star* By Themba Khumalo 20/1/84

For years Nelson Mandela's family members have been unaware that they can visit him five times a month instead of once

This emerged after Mandela's family visited him at Polsmoor Prison in Cape Town over Christmas.

Lieutenant-Colonel D J Immelman of the Prisons Department in Pretoria said the promulgation came into effect in January 1982.

He said it applied to all prisoners — irrespective of the nature of the crimes they had committed — who were classified under Group A, the "well-behaved" prisoners Mandela fell into that category

Asked if the Mandela family was informed, he said it was the policy of his department not to comment about the conditions of prisoners.

PFP could lose out in Randburg

By Shirley Woodgate

The controlling Progressive Federal Party faces disaster in Randburg, with the National Party likely to regain power in a few months' time

This possibility arises with the announcement today that Mr Bill Sewell, chairman of the management committee, will resign from the council next month

In another shock development two members of the PFP caucus, Miss Izelle Swart and Mr Dorian Dent, announced they had resigned from the caucus and would become independent members of the council. It is possible they may even resign from the party

The resignation of Miss Swart and Mr Dent destroys the PFP's one-seat majority in the town council, with the NP now holding six seats to the PFP's five, and two independent. Miss Swart and Mr Dent may, however, still vote with the PFP

Mr Sewell's resignation at the end of February will necessitate a municipal by-election in Ward 11. It is by no means certain the party will retain this ward because Mr Sewell won it by a slender margin

NP unexpectedly took a "safe" PFP seat in a by-election

Political observers believe Randburg's decision to push integration of public amenities in the town caused the swing to the Nationalists last October

In March 1982 the PFP swept to an 8-5 victory over the National Party

Miss Swart (Ward 2, Windsor West) and Mr Dent (Ward 13, Kensington B) indicated they had resigned because of over-emphasis on politics in the town council.

Both said that while only two percent of items on the agenda were politically orientated, the bulk of debating time was regularly devoted to political matters, to the detriment of Randburg residents

Miss Swart and Mr Dent do not intend resigning their seats on the town council but will reconsider the position over the weekend

Mr Sewell announced his intention to resign from the town council because of business reasons. He has accepted transfer on promotion to the head office of his company in Cape Town and has said he will remain in office until the end of February



Prisoners tell of cell killing

Supreme Court Reporter
A MALMESBURY prison gang member told the Supreme Court yesterday that a "grandfather" had "pulled a strange number" on him and ordered him to wear a jacket stained with blood and thus lead prison officials to believe he had taken part in the killing of a fellow prisoner.

Godfrey Karolus, 23, said he was told to wear the jacket by members of the "28" gang who told him he would not be convicted on the evidence of the jacket alone and that the murder weapon was needed as an exhibit as well.

Karolus and Willem Claasen, 24 — both members of the "26" gang — have pleaded not guilty to murdering Hendrik Maans, about 33, while he was sleeping on Friday, May 27, last year.

'Throat cut'

It is alleged that while Karolus held Maans down on his bed, Claasen had stabbed him 12 times in the chest and cut his throat before disposing of their knife.

Karolus said that Maans had been stabbed by two members of the "28" gang — Daniel van Rensburg and Nikolaas Dawson — because they had discovered that Maans, himself a member of the "28s", had "pimped" (given evidence in court) on other "28" gangsters.

Because of his evidence, some "28s" had been given the death sentence, Karolus said.

Before Van Rensburg and Dawson had decided to kill Maans, they had ordered all "fransmanne" (prisoners belonging to no gang) in the cell to cover their heads with their blankets so they could not witness the killing, he said.

Before prison officials could investigate Maans's shout for help, Dawson and Van Rensburg had ordered Karolus and Claasen to wear their bloodied jackets to "take this thing on our own shoulders", Karolus said.

They had put on the jackets as instructed, out of fear of possible death or serious injury, he said.

Karolus explained to the court the order of prison gang superiority: "We, the '26s', are grandchildren to the '28s', and the '27s' are the children of the '28s' and thus our fathers. The '28s' have the most power."

'No witnesses'

He said none of the "fransmanne" saw the exchange of the jackets. "The fransmanne had covered themselves so tightly so they could not see what was going on. By the time the warders had come to investigate they were still struggling to get out of their blankets."

The hearing continues today.

Mr Justice Viviers sat with two assessors, Mr J W van Greunen and Mr H J Luttig. Mr P R van Zyl appeared for the State. Mr C de Kock appeared pro Deo for Claasen and Mr D Kawalsky pro Deo for Karolus.

Cape Times 21/1/84

Court told of gang revenge 'gone wrong'

253

Supreme Court Reporter
PRISON gangs had the ability to subvert the judiciary to suit their own purposes, the Supreme Court heard yesterday.

During argument in the trial of two Malmesbury Prison gang members accused of murdering a fellow prisoner on May 27 last year, Mr David Kawalsky, *pro Deo* counsel for Godfrey Karolus, 23, said prison gangs were well aware of the inability of courts to convict on a technical basis.

'Subversion'

"This is an attitude which is intended to subvert the system."

It is alleged that Karolus and Willem Claasen, 24, both members of the "26" gang, stabbed a "28" gang member, Hendrik Maans, and then cut his throat while he was sleeping. They have pleaded not guilty.

Mr Kawalsky submitted that this had been a revenge killing that had "gone wrong".

Witnesses had shown there had been a motive for killing Maans, he said. He was a "28" who had given evidence in court against fellow "28s" who had "been given the rope".

Both the accused told the court earlier that the killing had been carried out by Nikolaas Dawson and Daniel van Rensburg, two "28" gang members.

They said Dawson and Van Rensburg had ordered them to wear their blood-stained

jackets before prison officials came to investigate screams coming from their cell. They had done this out of fear of possible reprisals.

Mr Kawalsky said this was how the crime had "gone wrong". The warders would "ideally have found the body in the morning".

Because the gang members in the cell had ordered before the killing that all "*fransmanne*" (prisoners not belonging to a gang) cover their heads under their blankets, prisoners would have told officials they had seen nothing.

The actual killers had been forced to put pressure on the accused "to take the rap" because Maans's screams had roused warders.

The accused had been forced to take the blame on the understanding that they would be freed on a technicality, Mr Kawalsky said.

Judgment will be given on Monday.

Mr Justice Viviers sat with two assessors, Mr J W van Greunen and Mr H J Lutjg. Mr P R van Zyl appeared for the State, and Mr C de Kock appeared *pro Deo* for Claasen.

Mandela family visits extended

RELATIVES of the jailed African National Congress leader, Nelson Mandela, have utilised the changed visiting privileges "for some time now," according to the chief public relations officer of the South African Prisons Services.

Brigadier H J Botha, in a statement to Sapa, said "someone has apparently been misleading the Press deliberately as statistics show that Mr Mandela's relatives have indeed used the changed visiting privileges for some time now."

He was commenting on an article in a Johannesburg afternoon newspaper that Mandela's relatives were unaware they could visit.

five times a month, instead of once.

Earlier, the prison services said it was policy not to comment on the treatment of circumstances of individual prisoners.

Before January, 1982, prisoners in the "A" category, "Well behaved prisoners," were allowed two visits and three letters a month and from January, 1982, the maximum number of visits a month was raised to five and letters to six, the statement said.

"Privileges form part of the treatment programme and changes in this regard are communicated through administrative channels to commanding officers and heads of prisons.

"Information of this nature is immediately

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SOWETAN, Monday, January 23, 1984

Page 7

passed on to prisoners by means of announcements, interviews or written notices for the information and to be conveyed to their families," Brig Botha said.

"Details regarding privileges, including visits and letters, are conveyed to family members by prisoners themselves or furnished in the event of an enquiry.

"It would be absurd to expect of the prisons services and the administration to inform all families of changes in the details of privileges," he said.

Brig Botha said it was inconceivable that any person could have experienced confusion over the visits and letters Sapa

THE FIVE-STAR LIFE

IT IS training at five star premises for recruits in the South African Prison Service (Saps).

A new multi-million rand training college for black warders was opened last year and now has an intake of close to 300 warders every six months. Both sexes are taken in for training at this complex. It has been named the Zonderwater Training College.

And heading the complex is Lieutenant Colonel Enoch Zitha Mkhathwa, a veteran in the prison service and one of the highest ranking blacks in the service. He was among the first commissioned officers in the department, and is the first black to head a training complex.

According to him 545 warders and 57 wardresses have graduated. A vigorous training programme at the college starts daily at 7 am.

TRAINING

from the college. Standard eight is the minimum qualification for acceptance as a warder in the Prisons Service.

Trained warders are posted to 24 prisons throughout the country, which, according to Saps, daily hold 100 500 prisoners.

The SOWETAN recently visited the new complex, and spoke to Colonel Mkhathwa.

Col Mkhathwa, who joined the Prisons Service in 1959, holds a Bachelors and Honours degree in criminology which he obtained from the University of South Africa. He is married to Mavis, with three children, Sibusiso, Mpumelo and Nombulelo.

until 4 pm from Monday to Friday. The trainees from throughout the country go through crash courses under 43 trained instructors.

"We offer theoretical as well as practical training which includes court procedures, first aid, handling of firearms, fire fighting, social etiquette, foot and firearm drill, physical training and self defence," Col Mkhathwa said.

The new college, which has been shifted from Baviaanspoort near Mamelodi township in Pretoria, also has a variety of excellent sports facilities and a well-equipped kitchen and catering services controlled by Warrant Officer Abel Ngwenya, a qualified chef who keeps these premises

under hygienic conditions.

The college, which is still under construction, also consists of a dry goods canteen, a teaching aid centre, lecture rooms, a gymnasium hall, a music centre and a small hospital where the less seriously ill warders are treated.

There are also well-furnished bungalows for male and female trainees as well as a training centre for their own auxiliary social workers, and a clothing shop run by a qualified tailor.

BAND

The former Baviaanspoort Brass Band, which consists of 39 qualified musicians, keeps busy in one of the music rooms belting out music under the baton of Mr Ernest

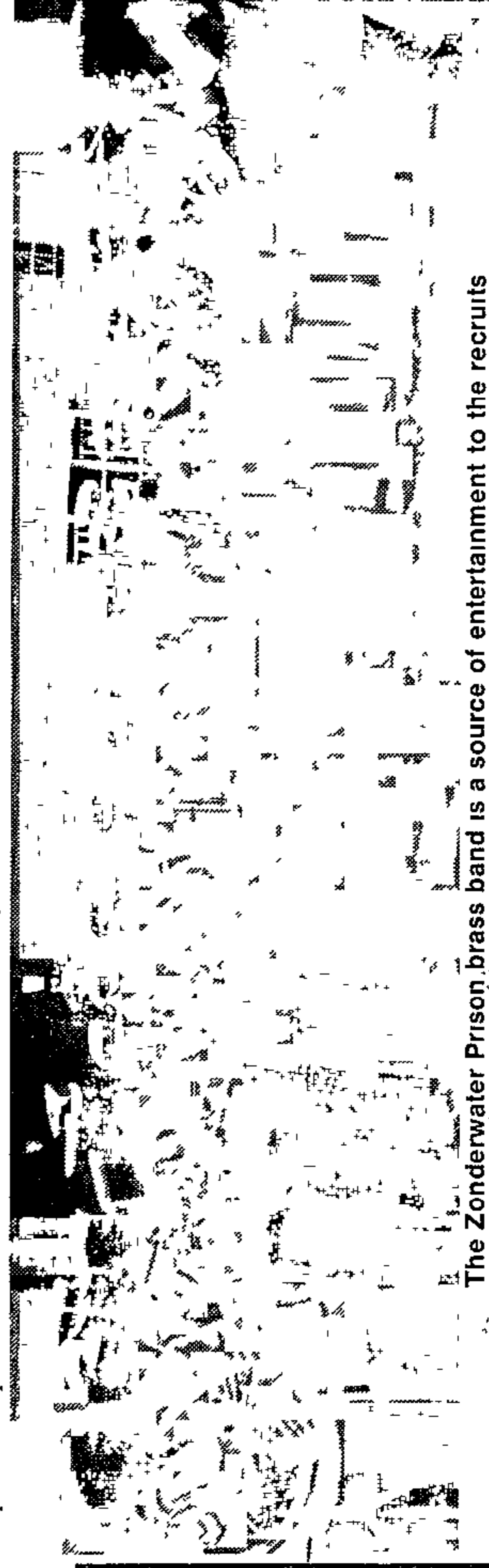
Mathaphuna.

Some of the privileges enjoyed by the warders include housing schemes for married and unmarried qualified warders who stay in nearby three-bed roomed houses. There is also a State bus which ferries their children to school in Cullinan.

Col Mkhathwa said he was impressed by the dedication and willingness of the warders, seven of whom were furthering their studies through Unisa.

The training centre — one of four in South Africa — also offers special courses to instructors from the "national states". The college is expected to be fully completed in about a year's time.

Lt Col Mkhathwa runs the first training school for black warders



The Zonderwater Prison brass band is a source of entertainment to the recruits

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1 thousand U. Col. 84

Life sentences

8/2/84

*18 Mrs H SUZMAN asked the Minister of Justice

How many persons are at present serving life sentences for offences against the security of the State?

†The MINISTER OF JUSTICE:

Forty four (44)

Defence/armaments production: White Paper

*19. May R SIVE asked the Minister of Defence

Whether the South African Defence Force intends submitting to Parliament a White Paper on defence and armaments production during the current session, if not, why not, if so, when?

The MINISTER OF DEFENCE:

Yes During the week of 9 April 1984.

The gag is off, but still

It is a little painful, but oh, the relief of getting the gag yanked off my face. Relief and a flood of thoughts backwards, forwards, a jumble, forwards, backwards, a whirl.

The night of January 27-28, 1981. There is a violent knock at the door of my home in Pimville. It must be the security police I know. These knocks have punctuated my life since I was a teenager. What is it this time?

They were delivering a banning order — the sticking plaster that was to seal my lips for 36 months.

Somewhere, some faceless people had held a trial in which I was accused, in my absence, and they had found me guilty and the two white young men in my living room were delivering a copy of the judgment.

I had been found guilty of "engaging in activities that endanger the maintenance of law and order"

Did THEY know what they were doing when they robbed me of my voice? Did they know the effect it would have on me, the damned frustration?

Silence in court. If you will not respect this court, you will get into serious trouble already. Silence. What for? An eternity of questions.

The frequent knocks. At night. Weekends. Weekdays. Who is this man? Don't you know you are not supposed to get visitors? He has come to visit my wife and children, not me. We came to see if you are still okay. Where is your friend Phil? When last did you see him?

More than a year later, the night of June 23-24. That knock again, dammit. This time all my doors and windows are rapped. I open one door and before I know what is happening there is a crowd streaming in through both the front and back doors.

They take me away and this time they take me to court. They believe they have, at last, found evidence to convict me in court on four charges of terrorism, alternatively of furthering the aims of a banned organisation, the Pan Africanist Congress, and of possession of a firearm and ammunition without a licence.

But I have to wait in solitary confinement for five months before I am brought to court.

In the end I am found guilty of furthering the aims of the PAC by collecting literature published by them. The literature I was supposed

I am not free

A poignant article by Johannesburg journalist Joe Thlooe, recently released by the Appeal Court after serving more than a year of a 2½-year sentence resulting from possession of a booklet.



Joe Thlooe... "they have merely lengthened the chain"

to have collected was one booklet. Four of us are found guilty. Supho Mzolo and Nhlanganiso Sibanda are sent to jail for three years, Siphon Ngcobo and I for two and a half years.

Those responsible for putting us in court claim to believe certain things:

- That justice must be seen to be done.
- That a man is innocent until he is proved guilty in a court of law.
- That a man cannot be punished by the law until he has been proved guilty.

The 36 months that have gone by have been, for me, a mockery of these beliefs. They also mocked generations of their ancestors who fought for a simple principle, that no man is obliged to obey a law he did not make.

On a technicality I am now free. The Appeal Court found that the law under which I was convicted had not yet become law when I was supposed to have committed the "crime."

I have had a steady stream of journalists coming to see me since I was released on Friday, January 13 — irony — and they have all asked one question: How were you treated?

How do you answer a question that should not have been asked in the first place?

It is as incredible as asking my two children how they felt when they woke and found that their father was

gone, for reasons they still cannot understand, as ridiculous as asking my wife how she felt without her husband, or how my parents felt with their son behind bars.

A legitimate question will be about the hundreds of friends here and abroad who expressed their sympathy, who supported my family, and the Argus Company which kept me on the payroll throughout the ordeal.

To these I say thank you. If I were to write a book, it would not express my gratitude, so the two words is all.

Back to the pain of tearing the gag away. It might be off from me, but I cannot forget the Mathata Tsedus, out there, frustrated by their gags, dying to make their contribution to our society.

I cannot forget the wealth of talent that is rotting away on Robben Island and other jails when they should be productively employed out here helping us transform our present society to one that is free of oppression and exploitation.

I feel the pain of tearing the gag away when I realise that fate is playing a sadistic trick on me. I am still not free — THEY have merely lengthened the chain, not removed it. THEY can pull it in again any time they feel like doing it.

And the future? I will continue in the role I have dedicated myself to showing up and fighting injustice and exploitation wherever I see them. Victims have no other choice.

Prison chief cried: 'Beat them' — claim

753
Jan
15/2/84

By Andrew Beattie

The acting-head of the Barberton Prison Farm watched warders beat prisoners indiscriminately with rubber truncheons as they were loading wheelbarrows in searing heat, a warder told a Witbank Regional Court this morning. Sergeant Warder Charles Makola was giving evidence at the trial of Lieutenant Johannes Wessel Niemand, the former acting-head of the prison farm.

Lieutenant Niemand has pleaded not guilty to charges of assault with intent to do grievous harm, alternatively inciting others to do so and attempting to defeat the ends of justice.

The case follows the "heat exhaustion" trial last year in which six warders at the prison farm were jailed for continuously beating prisoners as they worked in 35 deg C heat on December 29 1982. Three prisoners died of severe heat, assault and hard work that day.

The court heard today from Sergeant Makola that Lieutenant Niemand had directly or indirectly given the order that prisoners were to be beaten and that warders were to arm themselves with pistols and rubber truncheons.

When asked in cross-examination if only the lazy prisoners were beaten, Sergeant Makola replied "Warders simply beat the prisoners as they walked past, they beat whichever prisoners they could that day. It was very confusing".

Twice Lieutenant Niemand came to the dam on the farm where the beatings were taking place. On one occasion, he brought three more prisoners who were also assaulted, the warder said.

Whenever anyone stopped work, Lieutenant Niemand shouted "Beat them, they must be beaten".

Sergeant Makola said that after the beatings, he had been summoned to Lieutenant Niemand's office. The lieutenant had told him that police might come to the prison as a result of the beatings, and that the warders would have to be "very clever", and "on their toes" if asked to make statements.

The hearing continues before magistrate Mr W de Vos.

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Hansard Q. Col 187
Corporal punishment
15/2/84

94 Mr D J DALLING asked the Minister of Justice

How many persons of each race group were sentenced to corporal punishment in 1983?

The MINISTER OF JUSTICE

The figures for 1983 are unfortunately not available. The following figures are however supplied for the period 1 July 1982 to 30 June 1983

- (1) During the period mentioned 40 004 persons were sentenced to corporal punishment, without a combination of other sentences of whom—
 - (a) 1 824 were Whites,
 - (b) 13 300 were Coloureds.

- (c) 588 were Asians and
- (d) 24 292 were Blacks

(2) In addition 654 persons were sentenced to corporal punishment, coupled with imprisonment which was not suspended, of whom—

- (a) 9 were Whites,
- (b) 178 were Coloureds,
- (c) 8 were Asians, and
- (d) 459 were Blacks

(3) Furthermore 795 persons were sentenced to corporal punishment coupled with imprisonment which was suspended of whom—

- (a) 50 were Whites,
- (b) 189 were Coloureds, and
- (c) 556 were Blacks

Immigrants/emigrants

95 Mr P C CRONJÉ asked the Minister of Constitutional Development and Planning

How many (a) Coloured, (b) Indian, (c) Black and (d) White persons (i) immigrated to and (ii) emigrated from the Republic during the (aa) 1982 and (bb) 1983 calendar year?

The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

	(i)	(ii)
	(aa)	(bb)
(a) (b) and (c)	122 89	640 625
(d)	45 662 39 631	6 192 6 166

Statistics in respect of (a), (b) and (c) are not available separately

253 Hansard 15/2/84
Executions
Q Col. 182

68 Mrs H SUZMAN asked the Minister of Justice

(a) How many (i) males and (ii) females of each race group were executed in the Republic in 1983 and (b) for what crime or crimes had each death sentence been imposed?



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WEDNESDAY, 1'

The MINISTER OF JUSTICE

(a) (i) 2 White males
65 Black males
23 Coloured males

(ii) None

(b) Murder
2 White males
21 Coloured males
45 Black males

Robbery with aggravating circumstances
1 Black male

Housebreaking with the intent to rob and robbery with aggravating circumstances
5 Black males

Murder and robbery with aggravating circumstances
9 Black males
1 Coloured male

Murder and rape
2 Black males

Rape and robbery with aggravating circumstances
1 Coloured male

High Treason
3 Black males

Free on justice charge

(253) skw
16/2/84

Ex-head of prison 'advised' warders

By Andrew Beattie

WITBANK — The former head of the Barberton Prison Farm, Lieutenant Johannes Wessel Niemand, was acquitted by the Witbank Regional Court today on a charge of defeating the ends of justice.

The defence applied for his discharge when the State closed its case yesterday.

But the magistrate, Mr W de Vos, refused to grant a discharge on the charge of assault with intent to do grievous bodily harm, alternatively inciting others to do so.

Lieutenant Niemand has pleaded not guilty to all the charges.

'HEAT' TRIAL

The case follows the "heat exhaustion" trial last year in which six warders at the prison farm were jailed for beating prisoners while they worked in 35 deg C heat.

Three prisoners died in one day and 26 had injuries consistent with being beaten with truncheons, the prosecutor said.

Mr de Vos acquitted Lieutenant Niemand on the charge of attempting to defeat the ends of justice by telling warders at a parade that they should say they knew nothing of assaults on prisoners.

"The court is of the opinion that in those particular circumstances Lieutenant Niemand did not want the warders to speak to the public or the Press, and did not intend to obstruct the police in their investigations," said the magistrate.

When Lieutenant Niemand told warders in his office not to make statements to the police "he was not giving them an order", but advising them not to make statements until they had had legal advice, the magistrate said.

The hearing continues.

By WIM VANVOLSEM

WITBANK — As soon as last year's "heat exhaustion trial" was over, two Barberton Prison warders approached the investigating officer in the case with additional information, the Witbank Regional Court was told yesterday.

The two warders had originally told the officer they knew nothing about the assaults at the prison farm dam, where three inmates died and 32 others were injured when they were continuously beaten with rubber batons by warders while pushing wheelbarrows in temperatures of 35°C on December 29, 1982.

The magistrate, Mr W De Vos, yesterday also heard fresh evidence from Gen Griffin, one of the complainants in the "heat trial", about "court sessions" held by Lieutenant Johannes Wessel Niemand, acting head of the prison farm at the time and how Lieut Niemand had hit him with his open hand, ordered him to be beaten with a baton in his cell and sentenced him to 30 days solitary confinement "for no reason and without defence".

Lieut Niemand is facing charges of assault with intent to do grievous bodily harm, alternatively inciting others to do so, and attempting to defeat the ends of justice by trying to prohibit orders to make statements to the police about the incident.

Warrant-Officer Flip de Klerk of the Barberton CID, told the court that after he was called to the prison farm on December 29, 1982, he found three inmates dead and many others injured.

Lieut Niemand told him that "the men who were working at the dam had gone too far".

He said Lieut Niemand had made "a mutual impression" on him when he gave him the list of names of those warders who were on duty at the dam.

W/O De Klerk said that on January 11 two of the warders, Christiaan Horn and Jacques Stoltz — who were consequently convicted and jailed for their part in the

Witness tells of 'court sessions' in jail

Prison head beat inmates, trial told



Lieutenant Johannes Niemand, who is facing charges of assault with intent to do grievous bodily harm, with his wife and daughter outside court yesterday.

assaults — had come to his office as he needed statements from them.

"Horn finally made a statement after continuously asking me what he should do," W/O De Klerk said.

Stoltz refused to make a statement until only two days later.

"During my initial investigations I also spoke to Warrant-Officer Gert Anderey and Warrant-Officer Ewald Ferreira, but they told me they were not aware of anything that had happened.

"But after the end of the 'heat trial' — and after six warders had been sent to jail — both warrant officers Anderey and Ferreira came forward and made certain information available to me,"

W/O De Klerk said.

Last Tuesday W/O Ferreira told the magistrate, Mr De Vos, in court that he had seen Lieut Niemand come into the office where he was working with former Warrant-Officer Gert Smit, now serving eight years, and instruct him to assemble warders for a punishment squad, draw batons and "f up" a number of prisoners.

One of the complainants in the "heat trial", Gen Griffin, who is serving five years for culpable homicide and who is one of the inmates who had to spend two weeks in hospital after the assaults, told the court more details about what had happened the day before and on the morning of the fatal beatings.

He said on arrival at Barberton with 46 other prisoners who had been transferred from Durban Point Prison, Lieut Niemand had addressed them and told them to speak Afrikaans and not English, as this was not Natal but Barberton.

Lieut Niemand had hit him across the face with his open hand.

On the way to the prison hospital for routine examination on arrival, the inmates were kicked and booted by warders in civilian dress who lined the corridors.

After money was found on Griffin he was put in an isolation cell where, on the instructions of Lieut Niemand, he was struck with a baton by a warder.

Next morning he was then to Lieut Niemand's office, where a "court session" was held, with Lieut Niemand acting as magistrate and a Sergeant Joubert as prosecutor.

"Lieut Niemand sentenced me to 30 days solitary confinement without giving me the opportunity to defend myself or plead for leniency," Griffin said.

"Then I was taken to what they referred to as the 'straf dam' (punishment dam) where I was assaulted with rubber batons by warders.

"I received more than 30 blows and spent two weeks in hospital," Griffin said.

He told the court that while he was waiting to give evidence in the subsequent "heat trial" in Nelspruit, warders had threatened to curtail visits to him by his family and friends if he mentioned anything to his visitors about what had happened at Barberton.

One of the eight warders who was acquitted during the "heat trial", Sergeant Charles Makhola, told the court that he had been instructed by Lieut Niemand to get four black warders, take rifles and go with Smit to fetch rubber batons.

"I saw the beatings at the dam and so did Lieut Niemand. But later that afternoon Lieut Niemand had asked me why I had not called him on the radio to tell him about the assaults. But I did not have a radio on me," he said.

Barberton District Surgeon Dr Wim Pretorius told the court that he had not been asked to examine any of the inmates to see if they were physically fit for the labour they were supposed to do, as is standard prison procedure.

The case continues today.

Jail chief 'laughed at' by prisoners

By Andrew Beattie

Lieutenant Johannes Wessel Niemand, former head of the Barberton maximum security prison farm, yesterday denied any knowledge of assaults on prisoners, and denied he gave instructions to warders to beat prisoners.

He has pleaded not guilty in the Witbank Regional Court to charges of assault with intent to do grievous bodily harm on December 29 1982, alternatively inciting others to do so.

He said he had been at the farm when a new batch of 47 prisoners arrived from The Point Prison, Durban.

He heard that the prisoners had shouted at members of the public during their journey to Barberton Prison, and had urinated on the floor of the van in which they had been travelling.

He was told the prisoners used to swear at warders and prison officers while at The Point.

He also heard that they intended to "sort out" Barberton Prison and make it "come right", as they had done at The Point.

SEARCH FOR WEAPONS

When the prisoners arrived at Barberton he asked them who had sworn at members of the public and urinated in the van. They laughed at him.

After searching the prisoners, who he feared might be carrying knives or arms, he sentenced three to 30 days' solitary confinement for possessing dagga pipes or cash.

The next day he sent the prisoners to work at Pretorius Dam on the farm. He denied that he issued instructions for warders to beat the prisoners, but conceded that he had ordered all the warders to arm themselves with truncheons.

Lieutenant Niemand said he felt the new prisoners were "frustrated" and needed to do some work in the open air. He denied he had seen any prisoners being assaulted at the dam, and said he would not tolerate warders assaulting prisoners at any time.

That day three prisoners died and 26 were injured.

Lieutenant Niemand said he could see no reason why several warders who had been at the dam had testified that he was present during the assault.

The hearing continues.

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s/kw
17/2/84

17/2/84 (253)

Fatal jail task was 'therapy'

Own Correspondent

WITBANK. — The 37 Barberton prisoners who were beaten up with rubber batons by warders at the prison farm dam on December 29, 1982, were sent there as a form of therapy to "assist them to get rid of their frustrations"

This was stated yesterday by the former acting head of the Barberton prison farm, Lieutenant Johannes Wessel Niemand, 48, in the Regional Court here where he is facing charges of assault with intent to do grievous bodily harm, alternatively inciting warders under his command to do the same.

He was acquitted earlier yesterday by Nelspruit magistrate Mr W de Vos on a charge of attempting to defeat the ends of justice.

Last year in a Supreme Court trial, eight warders from the prison were sent to prison for two to eight years for beating prisoners with rubber batons while they pushed wheelbarrows loaded with sand in a temperature of 35 deg, resulting in three deaths.

During their trial, Mr Justice D O Vermooten said that from evidence before him, their superior, Lieutenant Niemand, was a possible plotter of the "wholesale attack and mass assaults".

These remarks resulted in this week's Niemand trial in which several of the jailed warders testified that Lieutenant Niemand had given the order for the assaults and had later instructed them not to talk to anyone about the incident.

Superior 'gave the go-ahead'

Yesterday Lieutenant Niemand referred to his own superiors, stating that the officer commanding the prison at the time, a Colonel Botha, had personally given him the go-ahead to proceed with the work expedition at the dam.

Another top officer, a Major Hall, had asked him to plead with the warders not to talk to outsiders about the matter "as it may give the Prisons Department a bad name", the lieutenant said.

Mr De Vos found Lieutenant Niemand not guilty of attempting to defeat the ends of justice, saying he had merely advised Horn and Stoltz about their lawful rights not to make a statement if they so wished to, as any attorney would advise a client.

In further evidence, Lieutenant Niemand said he had been informed that 47 prisoners who had arrived the previous evening from Durban Point prison had sworn at officers in Durban and behaved badly on their trip, urinating through the windows of the prison truck and shouting abuse at the public.

"While I was in the dining room the next morning, I decided to send them out to work at the dam — to help them to get rid of their frustrations."

He had seen no assaults during the 10 to 15 minutes he had spent at the dam while the gang worked.

When informed later that three prisoners had died and many had been sent to hospital, he was "profoundly shocked".

The hearing continues today.

Former head of prison denies he knew of assaults

Argus Correspondent

JOHANNESBURG. — Lieutenant Johannes Wessel Niemand, former head of the Barberton maximum-security prison farm, has denied any knowledge of assaults on prisoners at the farm and denied that he gave instructions to warders to beat prisoners

The former prison chief has pleaded not guilty in a Witbank regional court to charges of assault with intent to do grievous bodily harm, alternatively inciting others to do so, on December 29, 1982.

"SWEARING"

He said he was at the farm when a new batch of 47 prisoners arrived from The Point prison in Durban. He heard that the prisoners had shouted at members of the public during their journey to Barberton and had urinated on the floor of the van

He had been told the new prisoners used to swear at warders and prison officers while they were at The Point.

He also heard that they intended to "sort out" Barberton Prison and make it "come

right", as they had done at The Point, he said.

When the new prisoners arrived at Barberton he asked them who had sworn at members of the public and urinated in the van. The prisoners laughed at him, he said.

After searching the prisoners, whom he feared might be carrying knives or arms, he sentenced three prisoners to 30 days' solitary confinement for possession of dagga pipes or cash.

The next day he sent the new prisoners to work at the Pretorius Dam on the farm. He denied he issued instructions to warders to beat the prisoners, but agreed that he had ordered all the warders to arm themselves with truncheons.

Lieutenant Niemand said he felt the new prisoners were "frustrated" and needed to do some work in the open air. He denied he had seen any prisoners being assaulted at the dam, and said he would not tolerate warders assaulting prisoners at any time.

That day, three prisoners died and 26 were injured.

Court told of prison assault

THE acting head of the Barberton prison farm, watched wardens beat prisoners indiscriminately with rubber truncheons as they were loading wheelbarrows, a warden told a Witbank Regional Court yesterday.

Sergeant Warden Charles Makola was giving evidence at the trial of Lieutenant Johannes Wessel-Niemand, the former acting-head of the prison farm.

Lieutenant-Niemand has pleaded not guilty to charges of assault with intent to do grievous harm, alternatively inciting others to do so and attempting to defeat the ends of justice.

The case follows the "Heat Exhaustion" trial last year in which six warders at the prison farm were jailed for continuously beating prisoners as they worked in 35°C heat on December 29, 1982. Three prisoners died of severe heat, assault and hard work that day.

The court heard yesterday from Sergeant Warden Makola that Lieutenant-Niemand had directly or indirectly given the order that prisoners were to be beaten and that warders were to arm themselves with pistols and rubber truncheons.

When asked in cross-examination if only the lazy prisoners were beaten, Sgt Makola replied: "Warders simply beat the prisoners as they walked past, they beat whichever prisoners they could that day. It was very confusing."

WITBANK—The former acting head of the Barberton prison farm, Lieutenant Johannes Wessel Niemand, is now an assistant in the prison's supply store

The former temporary prisons chief told a regional magistrate in Witbank yesterday that he was transferred to this position shortly after three inmates died and 34 were injured when they were beaten with rubber batons by warders under his command at the prison farm dam on December 29, 1982

Lt Niemand, who is facing charges of assault with intent to do grievous bodily harm, alternatively inciting others to do so, was named in the trial as having giving the orders to take inmates to the farm dam, draw batons and "f them up".

His trial is a sequel to the "heat exhaustion trial" last year in which six warders under Lt Niemand's command were sent to jail for having beaten inmates with their batons while they were pushing wheelbarrows loaded with sand in a temperature of 35 C

Lt Niemand told Mr W de Vos in cross-examination by prosecutor Mr J. Jonker that he had sent the prisoners

(253) D. Dispatch
18/2/84

Former prison head works in stores

out to work at the dam as "a way to help them to get rid of their frustrations" after they had arrived from Durban's Point Prison the previous day

He did not agree with Mr Jonker that having them take part in a sports session would have had the desired effect

"It wouldn't have made them tired enough," he said

Lt Niemand again denied that he had seen any assaults taking place at the farm dam while he was there for about 15 minutes when he took three more prisoners he had just "sentenced" to 30 days solitary confinement, to join the work gang

Previous evidence was that Lt Niemand had witnessed the beatings and had done nothing about it

"As far as I could see there was nothing wrong

there at the dam I only heard about the beatings when the late Major Roos of the prison hospital phoned me to say one of the prisoners had died," he told the court

"I was profoundly shocked when I discovered two more were dead and that many others had been admitted to the hospital"

He said that he was "very disappointed in the warders involved" despite the fact that he had trusted them when he had selected them for the job

The man who once ruled over the prison farm is now assisting the quartermaster at the jail complex's clothing and equipment supply store, the new job he was given by the Prison's Department after the "heat exhaustion" scandal blew up

The case was postponed until April 2 for arguments and judgment DDC

Niemand State closes case

(253) City News 9/21/84
THE State surprisingly closed its case against Lieutenant Johannes Niemand — former acting head of the Barberton Maximum Security Prison charged with assault and attempting to defeat the ends of justice — after only three days of trial this week.

The State only called one prisoner to give evidence against Lieut Niemand, whose appearance in the Witbank Regional Court this week is a sequel to the December 1982 assaults on Barberton prisoners by warders that resulted in the deaths of three convicts. Six warders were jailed.

During the so called "Heat Exhaustion" trial that followed, it was alleged that Lieut Niemand had instigated the warders to assault the prisoners and had tried to prevent the warders from making statements to the police.

On Wednesday, after only one prisoner, Glen Griffin, had given evi-

By DESMOND BLOW

dence, the State closed its case. Griffin had contradicted several statements he had made at the first trial because he said he had forgotten.

Yet there were a dozen witnesses whose evidence had led to the conviction of the six warders, and several warders who gave damning evidence concerning Lieut Niemand at that trial.

These included warders John Zulu and W/O Pieter Jordaan who said that one of the prisoners who died, Mhlakaza Xaba, would still be alive but for Lieut Niemand, and prisoners Boysie Levy, Kevin Mayers, Barry Bloem and Andreis Mtembu.

A new witness W/O Gert Anderey, was standing by but was not called. He was expected to collaborate the

evidence of another new witness W/O Ewald Ferreira.

W/O Ferreira had told the court that Lieut Niemand had instructed W/O Gert Smit, who is now serving eight years for his part in the assaults, to "F-up" the prisoners.

Both Warders Anderey and Ferreira, who had previously refused to testify, changed their minds after they were picked out at an identity parade last week in Barberton with having assaulted prisoners on December 28, 1982.

However, several of the ex-warders who were convicted for their roles in the assaults gave evidence.

It was incongruous that they were now wearing the same green prison uniforms as their victims who gave evidence against them last November.

The trial continues

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Jail inmates quizzed on death

Mail Reporter

AN investigation into the death of a prisoner at Leeuwkop Prison near Johannesburg on Saturday has been undertaken by the Prisons Department but no findings have been released as yet.

Brigadier H J Botha, chief liaison officer of Prison Services, said that as with all cases of unnatural death, "the South African Police is conducting a full investigation

tion

The prisoner Cassim Omar Allie 45 is believed to have been killed by fellow prisoners.

He was serving six years for dealing in Mandrax and failing to declare taxable goods.

Brig Botha said it was not possible to speculate on the possible outcome or duration of such an investigation, but confirmed that the dead

man's fellow prisoners were being questioned.

A second man — whose identity has not yet been released — died in the same prison last week and was also believed to have been killed by fellow prisoners.

Brig Botha said "The two incidents happened in different prison institutions at Leeuwkop, and there is no connection between them."

MATTER OF FACT

TO CORRECT specific errors of fact, write to the Editor at P O Box 1138, Johannesburg, or telephone the Editor's secretary at 710-9111 between 9am and 5pm on weekdays.

If you have broader complaints about the Rand Daily Mail these can be taken up with the Mail Ombudsman, James McClurg, c/o the Editor's secretary.

POLITICAL comment in this issue Benjamin Pogrand and Peter Bunkell newsbills by Michael Stent headlines and sub-editing by Paul Holroyd cartoons by David Anderson all of 171 Main Street Johannesburg

Diamond thief gets second chance after years of fear

By JOHN MILLER

A 62-YEAR-OLD man, who stole diamonds worth almost R14 000 four years ago, was given a second chance by a Hillbrow court yesterday.

Richard Rideal, general manager of the Imperial Hotel, Maritzburg, pleaded guilty in the Hillbrow Regional Court to stealing five diamonds worth R13 810 in 1979.

Rideal said he had the diamonds on approval and flew to London to sell them.

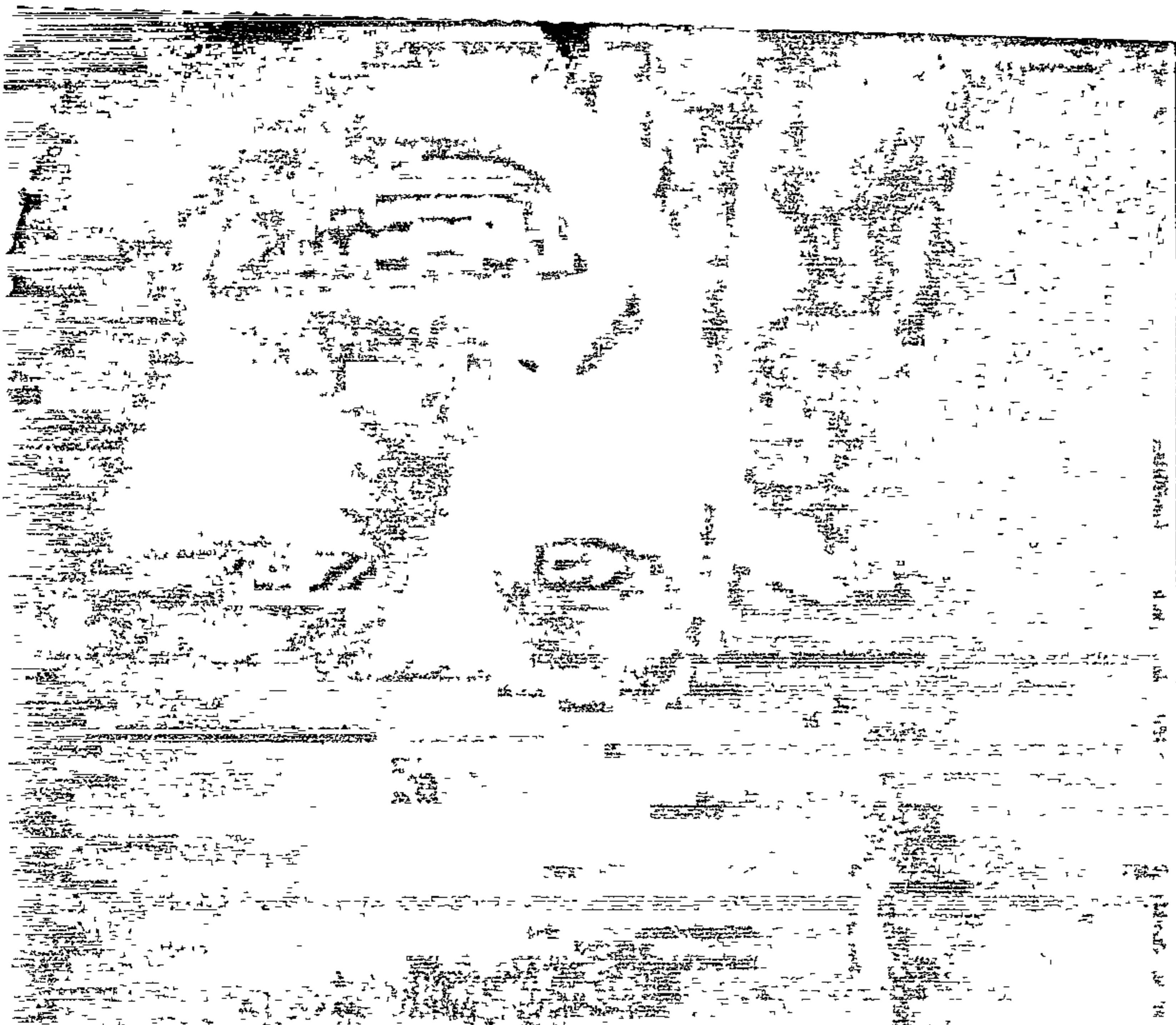
"I was only offered R7 000 for them because one of the

stones was a fake," he said.

He said he had lived in constant fear for the past four years after his wife told him that if he was caught he would be jailed for 20 years.

"Every time a night manager called me at midnight after trouble in some hotel, I thought the CID had come to get me."

The magistrate, Mr A H Barlow, postponed imposition of sentence for five years on condition that Rideal repaid the three owners of the diamonds, at R300 a month from March.



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IRIS FREIMOND
21/2/84 218

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never any question or discus-
sion over his position."
● See Back Page

South Africa

253 *Hansard* 22/2/84
Transfers from St Alban's Prison
Q. Col. 282

*7 Mrs H SUZMAN asked the Minister of Justice

- (1) Whether (a) Wellman Jauka, (b) Xola Makapele, (c) Samuel Maphoza, (d) Zola Mtatsi and (e) Andile Williams were transferred from St Alban's Prison near Port Elizabeth in or about January 1984; if so, (i) why, (ii) on what date and (iii) to which prison or prisons were they moved
- (2) whether their families were informed of their having been transferred, if not, why not, if so, when in each case?

†The MINISTER OF JUSTICE

(1) Yes

(i) The transfer of prisoners from one prison to another occur frequently as a result of various administrative reasons and also for the purpose of treatment programmes, classification of prisoners, training of prisoners, etc

(ii) 24 January 1984

(iii) Victor Verster Prison

(2) On admission at Victor Verster Prison, the prisoners were issued with stationery. They all wrote letters to their nearest relatives which were posted on 27 January 1984

B Willmer permanent residence

*24 Mr M A TARR asked the Minister of Internal Affairs

(1) Whether, with reference to his reply to Question No 4 on 8 February 1984, a decision has been taken regarding the application by Mr Brendan Willmer for permanent residence in the Republic, if so, what is the nature of the decision, if not, when is it anticipated that a decision will be taken,

(2) whether he intends to acquire further information on Mr Willmer, if not, why not, if so, from whom?

†The MINISTER OF COMMUNITY DEVELOPMENT (for the Minister of Internal Affairs)

(1) No The application has been referred to the Immigrants' Selection Board As soon as the Board has taken a decision it will be made known

(2) No However should the Immigrants' Selection Board require further information and should it so request, the Department of Internal Affairs will endeavour to obtain it

Bredasdorp: military camp

*25 Mr M A TARR asked the Minister of Defence

(1) Whether the main contract for the initial military camp at Bredasdorp has been awarded, if so, (a) to whom and (b) what was the value of the contract,

(2) whether tenders were called for, if not, why not, if so, from whom were tenders received?

The MINISTER OF DEFENCE

(1) No military camp will be erected at Bredasdorp

(a) and (b) Fall away

(2) Falls away

253
Prisoners' assistance
Hansard Q.61.344
24/2/84
*26 Mr M A TARR asked the Minister of Justice

Whether prisoners are provided with (a) cash, (b) travel warrants and (c) any other assistance for the purpose of travelling to their homes and providing for basic necessities following their release from prison, if not, why not, if so, (i) by which Government department, (ii) what is the nature of the assistance provided and (iii) which categories of prisoners qualify for such assistance?

†The MINISTER OF JUSTICE

(a) Yes

(i) The South African Prisons Service

(ii) With the exception of cash which a prisoner may have in his possession on admission, he may also earn gratuity and receive private cash from family and friends during his incarceration Those who do not earn gratuity or whose funds are insufficient, are supported financially so that they do have cash in their possession on discharge

(iii) All prisoners who are serving sentences of longer than 6 months qualify

(b) Yes

going vessel of the South African Navy prior to his making such recommendation and/or (c) was in possession of the requisite qualifications for (i) being in command and (ii) holding such an appointment, if so, what (aa) command experience did he have, (bb) executive appointment had he held and (cc) qualifications did he possess?

The MINISTER OF DEFENCE

Captain De Lange assumed command of the SAS *President Steyn* at the end of January 1980 This appointment was approved on 24 October 1979 on the recommendation of the then Chief of the Navy When the SAS *President Steyn* was decommissioned on 20 August 1980 the ship's company including Captain De Lange, was automatically transferred to the SAS *President Kruger* which was commissioned on 21 August 1980 By virtue of his seniority Captain De Lange was automatically also appointed Senior Officer of the 10th Frigate Squadron The required particulars of the then Chief of the Navy are as follows

(a), (b) and (c) Yes

(aa) As officer commanding the survey vessel SAS *Natal* which was a converted Loch Class frigate In addition he was also in command of seven smaller Royal Navy and South African Navy vessels during World War II

(bb) As navigation officer aboard the HMSAS *Transvaal*, a Loch Class frigate and HMSAS *Pietermaritzburg*, a deep sea mine sweeper In addition he was also officer of the watch aboard HMS *Indefatigable*, a Royal Navy aircraft carrier and navigation officer and officer of the watch aboard various smaller Royal Navy and South African Navy

(i) The South African Prisons Service

(ii) A railway warrant is issued for a travel-ticket (train and/or bus) to the service point nearest to the address of settlement

(iii) All categories of prisoners qualify

(c) Yes

(i) The South African Prisons Service

(ii) Prisoners receive funds for the purchase of food for the journey They are also issued with bedding tickets or bedding where applicable All prisoners who do not possess suitable private clothing, are issued with clothes on discharge and Prisoners with insufficient private clothing are supplied with additional clothing Tools of the trade and working clothes are also supplied to prisoners who have qualified as artisans provided such prisoners are suitably employed on discharge

(iii) All prisoners qualify where applicable

SAS *President Kruger*

*27 Mr B B GOODALL asked the Minister of Defence

Whether, with reference to his reply to Question No 22, standing over, on 17 February 1984, the Chief of the South African Navy on whose recommendation Captain W J de Lange was put in command of the SAS *President Kruger* and of the 10th Frigate Squadron (a) had any command experience, (b) had held an appointment as the executive officer of a major sea-

able
253 ~~ANA~~ Hansard 27/2/84
Crimes against security of State
Col. 359
108 Mrs H SUZMAN asked the Minister
of Justice

How many prisoners who are (a) 18 years and older and (b) under the age of 18 years are serving sentences for (i) crimes against the security of the State and (ii) other crimes?

The MINISTER OF JUSTICE

- (a) (i) As on 1983-12-31, 364
- (ii) With regard to all ages as on 1983-12-31, 84 656 As totals vary daily, statistics are not readily available per age group.
- (b) (i) None.
- (ii) Included with the total given in (a) (ii) This information is not collected on a regular basis However, the latest available in-

FEBRUARY 1984

360

formation was as given in reply to question number 1114 on 7 September 1983

253

Household Q Col. 365/
Death sentences
27/2/84

273 Mrs H SUZMAN asked the Minister of Justice

How many death sentences in each race group were commuted in 1983?

The MINISTER OF JUSTICE

Race group	Number of death sentences commuted
Black males	32
Coloured males	6
Asiatic males	2

Prisoners' deaths

274 Mrs H SUZMAN asked the Minister of Justice

- (1) How many sentenced prisoners died of natural causes during the period 1 July to 30 June 1983;
- (2) how many of these deaths were due to pneumonia?

The MINISTER OF JUSTICE

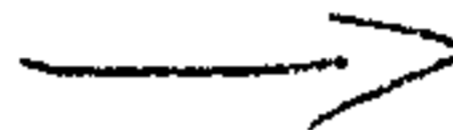
(1) 167

(2) 14

(253) (105) (124) *Hansford*
Mdantsane Q. Col 386
29/2/84

*18 Mr R A F SWART asked the Minister of Co-operation and Development

- (1) Whether any houses in Mdantsane were allocated prior to the independence of Ciskei to persons released after serving sentences of five years and longer under the Suppression of Communism Act, No 44 of 1950, if so, (a) when, (b) what criteria were applied in allocating these houses, (c) what were the conditions attached to their occupation of these houses and (d) how many persons were allocated houses;
- (2) whether a rental was charged for these houses by his Department, if not, why not, if so, what was the amount of the rental,
- (3) whether any agreement concerning these persons was concluded with the Ciskei Government prior to the inde



387

WEDNESDAY, 29

pendence of Ciskei, if not, why not, if so, what was the nature of the agreement,

- (4) whether any member of his Department has received any representations concerning these persons, if so, (a) when, (b) from whom and (c) what was (i) the nature of the representations and (ii) his reply thereto,
- (5) whether he will make a statement on the matter?

The DEPUTY MINISTER OF CO-OPERATION

Houses were in fact allocated to released persons over a long period of time whenever it was necessary to do so

The ordinary usage applicable in respect of Black towns as provided for by Proclamation 293 of 1962 was followed. No special conditions or measures were made applicable to these cases, and no separate record was kept. The normal rental was asked. No special agreement in regard to this matter was entered into with Ciskei.

A group of these persons arrived at East London and at the same time Mr Donald Cord informed the Chief Commissioner by telephone that these people were "kicked out of their houses" and that they intended to pitch a tent or tents on state land in East London.

After negotiations with officials they abandoned the attempt.

The Department is gathering further particulars which I shall make available to the hon member if he so wishes.

Prisons Act damages SA — Star editor

ARGUS
29/2/84

253
~~200~~

Argus Correspondent

JOHANNESBURG — A photograph of part of Johannesburg (Newtown) is the subject of another police investigation against the Star, sister newspaper to The Argus, in terms of the Prisons Act.

The charge is that by recently using an uncensored version of the picture which includes John Vorster Square the Star illegally published a photograph of a prison

On Monday a warrant officer visited the editor of the Star to inform him of the alleged contravention of the Prisons Act and to ask if he wished to make a statement

The editor, Mr Harvey Tyson, declined to make a formal, signed statement, but told the officer "This shows how silly the law has become I hope this case will demonstrate once and for all how imperative it is that the Prisons Act and similar laws be reformed. These laws don't curb criminals, they damage South Africa"

The matter is serious for many reasons, one being that a conviction could render illegal most pictures showing the layout of most towns in South Africa. Calendars and tourist posters — even pictures taken by sightseers on high buildings — might prove to be contraventions of the law should they inadvertently include the local prison, any police station, or even a prison van

Sketches are also banned, which means that if the Prisons Act is implemented fully even town planning documents could be illegal

Every sketch or picture involving any prison, or police cell, or lock-up,

or "place for the reception, confinement, training or treatment of persons liable to detention in custody" is forbidden unless the permission of the Commissioner of Police has been obtained in writing

The Star, in common with most publications, has innocently published many aerial views in the

past, without taking the law literally and seeking permission to publish

The photograph for which the Star is now the subject of a police investigation is an aerial view of Newtown, at the western edge of Johannesburg's central business district

The photograph was

taken from an aircraft by the Star and published to illustrate an investigation into the growth, and lack of integrated planning, of an area which is one of the fastest-developing metropolitan zones in South Africa

All the main features of the area were labelled in the picture — including John Vorster Square.

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Cape Tow



Planning a new life and a "second honeymoon" together after 20 years' separation . . . Mrs Elsie Nair and her husband Billy, just released from Robben Island where he was imprisoned for sabotage
Picture: M S ROY

A strange world for Robben Island man

AFTER 20 years' imprisonment, Billy Nair, 54, and his wife Elsie, 52, began a "second honeymoon" this week in a city which has become strange to him.

The couple walked through Durban's streets hand-in-hand, with warm recollections of their "blissful" two years of marriage before Mr Nair was convicted on charges of sabotage and sentenced to imprisonment, which he served on Robben Island, off Cape Town.

The city has changed almost beyond recognition for him in the last two decades — but the love between the couple has endured and his political beliefs have not altered drastically.

They met when Mr Nair recruited new members for a trade union at the clothing factory where Elsie worked. "Throughout my sentence Elsie was a constant source

By PRAVEEN NAIDOO

of inspiration to me," he said.

"The separation has cemented the bond between us. In many ways the wives of sentenced political prisoners have to carry just as big a burden as the prisoners themselves.

"Elsie has been wonderful."

Speaking of changes in the city since his imprisonment, Mr Nair said "As I was brought into Durban on the new freeway I was flabbergasted at what I saw.

"I managed to identify the market, and then I realised that we must have already passed the flat in which we lived without recognising it."

Staggering

He was referring to the flat they shared before his arrest in Himalaya House, Warwick Avenue, and to which he returned after his release this week.

Mrs Nair maintained the flat during his sentence by taking two jobs — as a factory worker by day and a take-away cafe cashier at night — so they could continue their marriage exactly where it left off.

Dressed in a new set of

clothes, Mr Nair sat at a table near a window, overlooking Durban, gazing out at the city as he spoke.

He showed signs of greying but said he was fit, despite a spinal problem.

"Durban is like another city altogether to me. The changes that have taken place are staggering.

Political

"I don't recognise many of the buildings and the many new roads. But I did recognise the jail — I've been there enough times."

He said he could not describe his release from prison in purely emotional terms.

"As the release date drew closer I knew that at last I was going to see my old friends and relatives again. It was a tremendous meeting them again.

"But I am a political animal."

"I cannot place anything which is purely emotional or social above that," he said.

"One of the first things I wanted to do when I got out of prison was to give vent to my feelings about the proposed new constitution. I feel it falls far short of the demands of the present situation."



A jubilant Mr Billy Nair and his wife Elsie after his release this week. Their only contact during the past two decades was through letters and a once-a-year-visit.

THE WIFE of former Umkhonto we Sizwe military leader Billy Nair waited for him for 20 long years while he served a jail sentence after being convicted of high treason.

Mrs Elsie Nair and her husband were married for just three years when the former leader of the Natal Regional Command of Umkhonto we Sizwe was jailed by the Pietermaritzburg Supreme Court on February 27 1964.

They met when Mr Nair, now 52, was signing up members for the now-exiled South African Congress of Trade

Ex-Islander's wife waited for 20 years

Unions at the clothing factory where she worked.

During her husband's imprisonment, Mrs Nair had to take up a number of jobs to keep the flat they shared before he was jailed.

But when Mr Nair was released last week, he and his wife soon discovered that nothing had changed since he was sent to jail. A large group of security and riot police were also

present when he was released from Durban Central Prison on Monday and video-taped his reunion with his wife and family.

Mrs Nair said she hoped the Government would not harass her husband or ban him. "Twenty years on Robben Island has been enough," she said.

"My Billy has paid the highest price for his beliefs."

C. Press 4/3/84

Mandela expected to reject freedom

By Phil Mtinkulu

The imprisoned leader of the African National Congress, Nelson Mandela, would not accept "restrictive freedom" in the Transkei, according to a family spokesman

The spokesman confirmed that Mrs Winnie Mandela had gone to the Transkei to see Chief Kaizer Matanzima about the proposition

He said Chief Matanzima had told Mrs Mandela her husband would be released from Pollsmoor Prison, where he is serving a life sentence, on condition he agreed to stay in the Transkei

However, the spokesman said, the ANC leader was known to be against confinement to any area in any manner.

The family, he said, did not think Mandela would agree to be confined to a homeland. He had refused two previous offers of release because they involved resettling in Transkei.

The chairman of the Release Mandela Committee, Mr Aubrey Mokoena, said it would urge Mandela to reject this offer.

Mr Mokoena said the committee called for Mandela to be released without any conditions.

move

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SA prisons overcrowded

Political Staff
HOUSE OF ASSEMBLY.
— Huge overpopulation in South African prisons — 352 percent at Fauresmith in the Free State and 236 percent at one of the Barberton prisons — was disclosed yesterday by Mr Kobie Coetsee, Minister of Justice

He said 74 378 prisoners could be accommodated in South African prisons at present but in December last year there was a daily average of 105 509,8 people in the prisons

He was replying to a question tabled by Mr David Dalling (PFP Sandton) who expressed "shock" at the figures

Mr Dalling called for an urgent stepping up of the prisons building programme but said the real problem was that too many were imprisoned "unnecessarily for technical offences such as the pass laws and curfew regulations"

Government plans to overcome shortages had not kept up with arrests and convictions

In his reply, Mr Coetsee said the norm for classification of overcrowding in prisons was "a broad one"

'Working group'

Overcrowding of prisons was a "world-wide phenomenon" and attention was given to the situation in South Africa on a continual basis

"In an effort to find solutions, a departmental working group is for example engaged in an in-depth investigation into the phenomenon of overcrowding

"Significant progress was made in this regard.

"Besides this, provision is made for the establishment of new prisons and modernizing and extension of existing prisons according to

a programme of priority and subject to the availability of funds

"Numerous new prisons appear on the major works services programme and/or modernizing programme for the next five years where the largest necessity exists"

The prisons

Those prisons with more than 100 percent overpopulation on December 31, 1983, were Knysna (182,1 percent), Ladysmith (170 percent), Mossel Bay (277,6 percent), Oudtshoorn (112,9 percent) Warmbokveld (100,3 percent) East London Male (145,8 percent), Port Elizabeth Male (131,2 percent), Queenstown Female (110,2 percent) St Albans Maximum (104,4 percent), Douglas Male (108,9 percent), Kimberley Male (133,6 percent), Kuruman (146,9 percent), Vanrhynsdorp (284,9 percent), Bloemfontein Male (206,5 percent), Fauresmith (352 percent), (in the Transvaal) Krugersdorp Male (149,3 percent), Krugersdorp Female (143,3 percent), Leeuwkop (112,1 percent), Barberton Medium Town (236,1 percent), Ermelo (161,7 percent), Middelburg (126,1 percent), Baviaanspoort Maximum (115,7 percent), Baviaanspoort Medium (102,2 percent), Pietersburg (275,2 percent), Bergville (131 percent), Durban Male (101,2 percent), Durban Point (219,7 percent), Empangeni Male (135,9 percent), Greytown (221,6 percent), Kokstad (129,7 percent), Port Shepstone (117,7 percent), Sevontein (121,7 percent), and Umzinto (188,9 percent)

● The Barberton Medium Town prison was being closed down, Mr Coetsee told Mr Dalling

The Iraqi commander described the scene as a "massacre" He claimed the Iranians had suffered 50 000 losses along the entire front, but Western sources believe this claim may be exaggerated

'Keys to Heaven'

Undaunted, the Iranians are said to have mobilized 500 000 men for another make-or-break offensive, although again Western sources suspect that only about half of this force will be an actual fighting force

The Iranian soldiers have been issued with "keys to Heaven" which they wear on chains around their necks Many accept martyrdom willingly.

The Daily Telegraph's defence correspondent, describing a visit to Iranian prisoners-of-war in an Iraqi camp, writes: "The most extraordinary thing about the prisoner-of-war camp was that the age-span of its Iranian occupants ranged from 10 (on arrival) to an old man of 83 — the same age as the Ayatollah Khomeini himself.

"One of several in Iraq, this prisoner-of-war camp, complete with watchtowers and surrounded by a minimum depth of 20 coils of barbed concertina wire, was contained within an existing Iraqi army barracks

"The 'children' prisoners, officially said to range from 10 to 15 years old — although they all add on a couple of years to their real age, are kept separate from the adult PoW soldiers and the

had employed lethal chemical weapons" in fighting during the past few days

Iran alleges that the chemical weapons have

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been supplied to Iraq by Britain — charges that have been denied by the Foreign Office

A 17-year-old Iranian soldier, one of five admitted to a Swedish hospital for treatment for suspected chemical-warfare wounds, has died of heart failure

'Suspicious'

The boy, suffering from 50 percent burns, arrived in Stockholm on Saturday and was admitted to the renowned Karolinska teaching and research hospital in Stockholm

According to Professor Bengt Karlof, his department "had strong suspicions" that the young man had received his wounds from some sort of chemical weapon, although this had not been proved.

Iran is continuing to press its claim that Britain supplied Iraq with chemical weapons which it alleges caused serious burns to 1 000 soldiers in the fighting on the southern front

Ambassadors and military attaches were summoned to the Foreign Ministry in Tehran to hear the minister, Mr Akbar Valayati, claim that Iran had documents

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There are all overseas.

Hart tipped to win

MONTPELIER, Vermont — For the first time in the 1984 race for the United States Democratic presidential nomination, Senator Gary Hart yesterday faced a test of voter strength from the position of front-runner

Mr Hart is tipped to beat Mr Walter Mondale in Vermont's primary, which does not affect delegates' chances at July's Democratic nominating convention, and which counts only as a measure of momentum

Aides in both Mr Hart's and Mr Mondale's campaigns said Mr Hart was likely to make Vermont a hat-trick after

Peace t: prepara

BEIRUT — Lebanon's warring factions prepared to resume national reconciliation talks yesterday after the government's cancellation of its controversial troop withdrawal agreement with Israel.

Monday's abrogation of the accord, widely applauded in Lebanon and the Arab world as an historic turning-point, cleared the way for the talks between Lebanon's Christian and Muslim factions to resume next week after a four-month interval

Government sources said invitations were being sent to the rival groups to meet at the Beau Rivage Hotel in Lausanne, Switzerland

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SOWETAN

WEDNESDAY, MARCH 7, 1984

Sowetan

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PURE NEW WOOL

Winnie to visit Mandela

MRS WINNIE Mandela, wife of the imprisoned nationalist leader Nelson Mandela, will visit her husband tomorrow to discuss the proposal that could possibly lead to his release.

Mrs Mandela's attorney, Mr Ismael Ayob, yesterday arranged for her to visit Mandela at Pollsmoor Prison in Cape Town tomorrow and on Friday.

After discussing the proposal with her husband, Mrs Mandela is expected to communicate her husband's views to Chief Kaiser Matanzima, who made the offer.

Although Mr Ayob and family friends have declined to comment on the details of the

By
ZWELAKHE SISULU

proposal, it is believed that one of its key elements would be that Mandela would be released only if he agreed to settle in Transkei

It is also now believed that the same approaches may have been made to the other leaders born in the Transkei who are held with Mandela, including Goyan Mbeki and Walter Sisulu.

The proposal was first made by Chief Matanzima when he met Mrs Mandela in Umtata on February 21.

Mrs Mandela was scheduled

to visit her husband during the past weekend, but the visit did not materialise because she could not get permission to leave Brandfort, where she is restricted to, on time.

Although the Prisons Department has said Mandela's release is not under consideration, speculation that the release of the imprisoned ANC leader is imminent, continues.

Two years ago, Chief Matanzima made a similar offer to Mandela, which he flatly turned down.

When some of the Rivonia trialists were transferred from Robben Island to Pollsmoor in 1982, there was also speculation that it was the first phase of a process that would lead to their release.

Starting tomorrow

A great new feature, "STAR BEAT" - your detailed horoscope, plus "STAR PARADE" - a look at a top personality with star analysis

Our "STAR PARADE" features Michael Jackson tomorrow, so find out why Michael is so successful - and what you have in common with him

Also don't miss the last instalment of our fabulous love story - Passion Ward



POLLSMOOR VISIT: Mrs Winnie Mandela.

USUTHU

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Prisons Services deny any assault on Toivo

PRETORIA — The South African Prison Services have denied any knowledge of allegations by Mr Herman Toiva Ja Toiva, released last week from Robben Island, that he was assaulted by warders on the island.

In a statement last night, a Prison Services spokesman said: "No trace of any complaint by Mr Toiva could be found."

The spokesman said such a complaint would have been drawn to the attention of a visiting judge, magistrate or the International Committee of the Red Cross.

"However, despite periodic visits by the above-mentioned, no such complaints were brought to the attention of the SA Prisons Services at any time," the statement said.

Mr Toiva said at a Press conference in Windhoek on Friday that he had been assaulted twice in jail by baton-wielding prison warders.

He said that on May 28, 1981, warders beat up 28 prisoners on Robben Island. "I think they wanted to tame us," he said.

On another occasion, he said, a young warder tried to beat him up in a cell. He said he hit back at the warder, who ran away crying: "Die kaffir het my geslaan (the kaffir hit me)". — Sapa

253
Winnie sees
Mandela on
release offer

8/3/84
By Jon Qwelane

Mrs Nomzamo Winnie Mandela left Bloemfontein last night to see her husband, jailed African National Congress leader Nelson Mandela, at Cape Town's Pollsmoor Prison.

Miss Zinzi Mandela, the imprisoned man's daughter, said last night she thought her mother would speak to her father about an offer to release him from jail. According to Mr Ismail Ayob, the family lawyer, Mrs Mandela will see her husband today and tomorrow.

Mrs Mandela is known to have travelled recently to confer with her husband's cousin, Chief Kaiser Matanzima, President of Transkei. The latter is understood to have told her that her husband would be released from jail if he agreed to be resettled in Transkei.

Also in Cape Town today is Mrs Albertina Sisulu, wife of Walter Sisulu, another ANC leader who is serving a life term after being convicted with Mandela. Sisulu is the former secretary-general of the ANC.

Yesterday a member of the Sisulu family said Mrs Sisulu's visit to her husband had nothing to do with any negotiations to release him.

over threat

late because he may have interest in the matter which was defeated by 20, centred on the financial the Johannesburg Municipality Fund and the sale by Mr factory to the fund. are now seeking legal ad asking the Supreme whether the pension fund part of the civic adminis-

SA Government squashes Mandela release rumours

253 Star 10/3/84

Political Staff

CAPE TOWN — The South African Government could not afford politically to release African National Congress leader Mr Nelson Mandela, a government source said

This squashes international and local speculation during the past few days that the symbol of black nationalism here could be released from Cape Town's Polsmoor Prison under certain restrictions in the Transkei

Also, the Minister of Justice, Mr Kobie Coetsee, said "It is not even under consideration."

The rumours were sparked by the release last week of the founder of the South West Africa People's Organisation, Mr Herman Toivo ja Toivo

However, the Govern-

ment source said there was no comparison between Mr Toivo and Mr Mandela.

Mr Toivo did not have the same reputation and his release was associated with movement towards a settlement in Namibia It followed the request of the multi-party conference representing most of the internal parties

Mr Mandela, on the other hand, could cause the Government enormous political problems as he would immediately unify black nationalism

Reports that Transkei president, Chief Kaiser Matanzima, had offered to arrange Mr Mandela's release have not been discounted here However, there has been no agreement between Transkei and South Africa

Rumours concerning

the imminent release of Nelson Rolihlahla Mandela from prison are not new

In April, 1976, a Sunday newspaper said the Transkei Government — awaiting independence — had requested the release of certain Xhosa political prisoners, Mr Mandela among them

The then Minister of Justice, Mr JJ Kruger, was quoted as saying "We are definitely considering it"

However, nothing came of the plan, and Mr Mandela remained in prison, where he has been since July 12, 1963

It was on that date that police raided a farmhouse in Rivonia and arrested Mr Mandela and other ANC members, including Walter Sisulu and Dennis Goldberg

The subsequent "Rivonia Trials", lasted

seven months and ended with a life-imprisonment sentence for Mr Mandela, when he was found guilty of terrorist activities

At the time, Mr Mandela (46) was a Johannesburg lawyer and ANC secretary general

Originally from Transkei, he had studied at the University College of Fort Hare and Witwatersrand University, before obtaining his degree through the University of South Africa

He then entered practice in partnership with fellow lawyer Oliver Tambo, who was also to join him in the ANC.

At the time of the "Rivonia Trials" he was already serving a five-year sentence having been found guilty of inciting workers to riot during the republican celebrations at the end of May, 1961

Komati locals prepare for the p

By Clyde Johnson, Lowveld Bureau

KOMATIPOORT — As final arrangements get under way for Mozambique and South Africa to sign the non-aggression pact next Friday, Lowvelders are gearing themselves up for visits to the seaside

The exact spot where the historic signing ceremony will take place is

unknown, but speculation is it will be somewhere on the border

Workers are clearing bushes and repairing roads near Lebombo in preparation for what has been called the Komati deliberation

Komatipoort is a tiny hamlet on the Eastern Transvaal border with Mozambique

The start of the top-level talks in January

threw the village into the limelight — and Komati-poort has been spoken about throughout the world

Anticipating an open border, local fishermen are already servicing boats and angling equipment for their Mozambique visit in 10 years

Among those planning their holiday is hotel and garage owner Mr Grant Lilly of Komati-poort

Mr Lilly, whose father lost a fortune in Mozambique when property at Bilene was nationalised, said he would initially travel to some fishing spots to get a general idea of conditions

"If I find everything in order you can get your bottom dollar I will be back — again and again"

Maputo, only one-and-a-half hours from Komati-poort, was a tourist paradise in its heyday.

SCIENCE OF MIND

THREE-IN-ONE SPIRITUALIST CHURCH, 59 Dorset Rd., Parkwood, Sunday 7pm 782-5811

THE CHRISTADELPHIANS

THE CHRISTADELPHIANS, 75 Somerset rd, Kensington Sunday School, 9-40 am Breaking of Bread Service, 10-30 am Wednesday Bible Class, 7-45 pm For literature, write to Box 5168, Jhb 2000

THE INVISIBLE CHURCH

THE THEOSOPHICAL SOCIETY 31 Streatley Ave, cnr Loughburg Rd, Auckland Park Speakers Dr A. M. Harthoorn Title Agricultural Radionics and the new renaissance (with slides) 7.45 All welcome

UNITARIAN

UNITARIAN FELLOWSHIP, Sharing in free religious growth Meet 2nd, 4th Sunday at 10.30 am. The Sanctuary, Wits University

y Prayer

day brings opportunities one's faith, and we be on the look out for they come to me my trust by letting less doubts and fears, can I practice this I'll engthens faith increas-

Mr Duma Gqubule (19) of Imball, the son support of the African National Congress. bouring of arms caches and activities in of two Supreme Court buildings, the har- and other charges relating to the bombings court yesterday on charges of high treason peared in the Matzburge magistrat's the son of a leading Methodist minister, ap- ball, Mr Sibabiso Edgar Mahlobo (25) of the Federal Theological Seminary at of the Reverend Simon Gqubule, pres-

own Correspondent

Three charged with cou

221

0

1



A close friend, Dr Ayesha Ahmed (left) meets Mrs Winnie Mandela at D F Malan Airport this week, when she came to visit her husband, jailed African National Congress leader, Mr Nelson Mandela.

Mandela rejects freedom offer

253 #A few 10/3/84

By Jon Qwelane

Nelson Mandela and other imprisoned leaders of the outlawed African National Congress have flatly rejected offers of release.

They are currently in Pollsmoor Prison in Cape Town serving life sentences for offences related to State security.

Others who turned down offers of release are Walter Sisulu and Govan Mbeki, according to Mrs Albertina Sisulu, wife of Mr Sisulu.

Mrs Sisulu saw her husband, who is a former secretary-general of the ANC, in Cape Town yesterday.

Mrs Sisulu said her husband told her he, Mandela and Mbeki were approached by a high ranking police officer who told them Transkei's President Kaizer Matanzima wished to visit them at Pollsmoor to discuss some matter.

The officer did not say what Chief Matanzima wanted to discuss, she said.

However, it has been reported that the chief offered to help them re-settle in Transkei, if they are released. The reports have been confirmed in Windhoek by Mr Herman Toivo, ja Toivo, who was recently released from prison.

"They will have nothing to do

with such kind of release. They feel everyone, and not just the so-called Xhosa prisoners, should be released. They will also not agree to be resettled anywhere because they believe they belong in South Africa as a whole," said Mrs Sisulu.

Mrs Nomzamo Winnie Mandela also left Cape Town yesterday afternoon after two visits to her husband, during which she is thought to have conveyed to him Chief Matanzima's offer.

Her two daughters, Mrs Zeni Dlamini and Miss Zinzi Mandela, did not know late yesterday what had happened.

Mrs Dlamini, who lives in Swaziland, said she would travel to Brandfort, where her mother is banished, tomorrow.

Miss Mandela said she had expected to hear from her mother yesterday.

"But the news (from Mrs Sisulu) that they did not accept any offers of release was not unexpected. We have known that they would never have agreed to release under those terms (of Chief Matanzima)," Miss Mandela said.

Chief Matanzima this week refused to talk about his role in the matter.

Why the Government will not release Mandela — see page 2.

Winnie's daughter 'visited'

By Jon Qwelane

Miss Zinzi Mandela, daughter of imprisoned African National Congress leader Nelson Mandela, said last night two incidents at her Orlando West, Soweto home this week were similar to incidents shortly before her mother was banned and then banished to Brandfort in 1977.

She said on Tuesday some white men claiming they were security policemen arrived at her home and asked questions about the furniture and what was in the bedrooms.

"On Wednesday some other whites, this time claiming to be from the West Rand Administration Board arrived and took down the names of everyone staying at my home," Miss Mandela said.

She said on both occasions the strangers had not said why they wanted the particulars.

**IT'S
D-DAY**

**-I-
P-I**

**A
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D**

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A

Time to decide on KD's offer

253
City Press
11/3/84

TODAY is D-day in the dramatic behind-the-scenes moves surrounding the release of African National Congress leader Nelson Mandela.

It may also be a day of shocks for his family and supporters — they fear the former head of Umkhonto we Sizwe, the ANC's military wing, will be released against his will and deported to the Transkei.

The wife of the jailed leader, Winnie Mandela, spent yesterday discussing the situation with her husband, and is due to meet him again today. She will probably report back to Transkei President Kaizer Matanzima at the weekend.

In a separate but closely-connected issue, the wife of another ANC leader, Albertina Sisulu, has also gone to Cape Town.

It is believed she is also discussing a deal for the release of her husband Walter.

Mrs Sisulu was recently convicted of furthering the ANC's aims and sentenced to four years, two of which were suspended.

She is out on R1 000 bail pending her appeal.

Mr Sisulu was the ANC's first full-time employee, and was sentenced to life on the same day as Mandela.

Like recently-released Swapo founder Herman Toivo ja Toivo, Mandela cannot refuse to be released. Once a release order has been signed by the Commissioner of Prisons, he is legally forced to leave prison.

By
PERCY QOBOZA

His deportation to the Transkei partly explains the deep involvement of Transkei President Kaizer Matanzima, Mandela's nephew. It is now certain that both the South African and Transkei Governments must have come to an agreement on the ANC leader's future.

A spokesman for the President's office again told City Press this week that Chief Matanzima would not comment on what was going on, and repeated that the "matters were very delicate and sensitive."

"Please stop speculating — you may jeopardise negotiations," he pleaded.

City Press was the first newspaper to predict the former lawyer's release, and disclosed details of the behind-the-scenes negotiations taking place over his future.

While the Mandela family is keeping silent on the proceedings, a friend said "Mrs Mandela is very tense at the moment. Something is happening — but nobody is prepared to say anything."

"The questions are too delicate."

City Press COMMENT

Inside-out talks —

Page 6

(253) Robben Island: Namibian citizens
16/3/84
Hansard Q. 61 650
*15 Mrs H SUZMAN asked the Minister
of Justice

(a) What are the names of the Namibian citizens who were in prisons on Robben Island as at the latest specified date for which figures are available and (b) when are they due to be released in each case?

†The MINISTER OF JUSTICE

It is not in the interest of prisoners in general, or of their families or other relatives that the names of prisoners should be released for general information. However it can be confirmed that on 15 March 1984 there were (35) thirty-five prisoners from SWA/Namibia serving sentences in Robben Island Prison. The sentences of these prisoners vary from (8) eight years imprisonment to imprisonment for life.

Without taking the possibility of remission of sentence, which is considered from time to time, into account prisoners serving determinate sentences will be released on the following dates:

1 August 1986	—	1
2 August 1986	—	1
8 February 1988	—	10
14 July 1989	—	1
21 August 1989	—	3
14 July 1992	—	1
14 November 1996	—	2

In addition to the above mentioned 35 prisoners there is another prisoner from SWA/Namibia who is at present incarcerated at Pretoria Prison. I am, however prepared to furnish the hon member for Houghton with the names in respect of each of these dates.

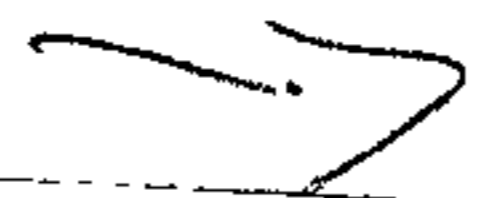
253 (15) ~~15~~ Howard
Venda: gallows
Q. 61. 662. 16/3/84
447 Mr K M ANDREW asked the Minister of Justice

Whether his Department has received any requests from the Republic of Venda to provide assistance to that country in the building of gallows, if so, (a) when in each case (b) what was the nature of the assistance provided and (c) what were the costs involved?

The MINISTER OF JUSTICE

The planning and erection of a prison in Venda as part of the required infrastructure with a view to independence was the result of the activities of various committees and work teams on which representatives from Venda and the Republic of South Africa (*inter alia* the South African Prisons Service) served

As the planning progressed principles were cleared with the Venda Cabinet on a continuous basis. This included the plan of



the prison concerned. This plan made provision for a gallows in order to effectuate sentences where the death sentence was imposed

- (a) Falls away
- (b) The South African Prisons Service has provided technical and other advice during the planning of the Central Prison in Venda and required equipment in this regard was manufactured in workshops of the South African Prisons Service at repayment
- (c) R1 578 00

X On Friday the Appeal Court dismissed the appeal by Rudolf Mbuyisele Bonakele against a double death sentence for the kidnap and rape of a Springs schoolgirl. On the same day, Rodney Steven Ax, who was sentenced to death last year for repeatedly raping a Berea woman, had his death sentence set aside and substituted with a sentence of 15 years' imprisonment. Below are the reasons for the judgments, given separately by two Acting Judges of Appeal.

Why rapist escaped hangman's noose

Staw
20/3/84

Convicted rapist and robber Rodney Steve Ax will not go to the gallows

The Appeal Court has changed his death sentence for repeatedly raping a woman in Berea, Johannesburg, between February 4 and 6 1983 to 15 years' jail

The court has also set aside his convictions and sentences on a charge of robbery and of robbery with aggravating circumstances

Ax, in effect, will now serve 44 years behind bars

He was convicted by Mr Justice W J Human in the Rand Supreme Court on June 9 1983 on three counts of rape, two of robbery, eight of robbery with aggravating circumstances, two of indecent assault, two of theft, and two of escaping from prison

On Friday, Mr Justice Howard (Acting Judge of Appeal), with Mr Justice Corbett, Mr Justice Cillie, Mr Justice Viljoen and Mr Justice Galgut (Acting Judge of Appeal) concurring, ordered that the 15 years' jail for rape should run concurrently with the other sentences

Mr Justice Howard said three experts who had testified on Ax's psychopathic condition were unanimous that he could benefit from intensive treatment in a highly disciplined environment, such as Sonderwater Prison Hospital

To arrive at this conclusion, a Professor Nelson had relied on Ax's youth, the fact that his psychopathic disorder was due largely to environmental factors, and the possibility of a gradual disappearance of the immaturity to which he had attributed Ax's cerebral disfunction

PROGNOSIS

A Dr Berman had emphasised that what was otherwise a poor prognosis was modified by Ax's youth, and that this made him "a little bit more optimistic" about the prospects of rehabilitation

The judge said that none of the expert witnesses was prepared to say that treatment at Sonderwater would reform Ax, or was likely to do so. But they were clearly convinced, on what appeared to be adequate grounds, that there was a real possibility of reform.

In his reasons for sentence, the trial judge summarised the evidence of the three experts and accepted their conclusion that Ax was a psychopath

He went on to describe Ax's criminal career from 1976 to February 1983 and, without indicating that he rejected the view of the experts, or giving any reason for disagreeing with them, he made various findings

Mr Justice Howard held that each of these findings constituted a material misdirection. The findings were

● Ax was a "criminal psychopath with no hope of benefiting by treatment"

● There was not the slightest hope that he could become a reformed character

● There was no evidence that Ax's early family environment and later peer group (thieves and troublemakers) could have contributed significantly to his anti-social behaviour

● There was no connection between his psychopathic condition and the commission of the present series of offences.

● He was a committed, unrehabilitated, remorseless, habitual criminal

● All methods to rehabilitate him had failed

Mr Justice Howard said the treatment of psychopathic disorders and prognosticating about the rehabilitation of psychopaths were matters peculiarly within the expertise of psychologists and psychiatrists, and the court would generally be guided by their opinions to arrive at conclusions on matters of this nature

There was no justification to ignore the unanimous and apparently well-founded opinion of experts, and to conclude in the teeth of their evidence that there was not the slightest hope of Ax benefiting from treatment or being rehabilitated

Mr Justice Howard said that, expert evidence aside, it seemed obvious to him that Ax's appalling childhood circumstances, with a brutal father forcing him to become a

thief, must have contributed significantly to the warping of his character

A look at the evidence left Mr Justice Howard in no doubt that Professor Nelson was correct to impute Ax's criminal conduct to his psychopathic condition.

While it may be correct to describe Ax as a remorseless habitual criminal, the implication that "all methods" to rehabilitate him have been attempted — but without success — was quite unfounded. There was no evidence that there had been any serious attempt to rehabilitate him

Sending a boy of 15 to prison for two years could hardly be regarded as an appropriate "method" to treat his psychopathic disorder, said Mr Justice Howard

The judge said these misdirections were undoubtedly material, because they had featured prominently among Mr Justice Human's reasons for sentencing Ax to death

Ax's conduct in raping, humiliating and terrorising a woman evoked feelings of anger and disgust

"He is a violent psychopath with a dreadful criminal record — a menace to society. But he was a mere 18-years-old at the time. His criminal behaviour was ascribable to his psychopathic personality. That, in turn, was largely due to early environmental factors," said the judgment

Mr Justice Howard did not think that in these circumstances the interests of society demanded that Ax be put to death

Kidnapper 'not compassionate'

The Appeal Court in Bloemfontein has upheld a double death sentence imposed last year on a man convicted of kidnapping and raping a schoolgirl.

Rudolf Mbuyisele Bonakele was originally sentenced to death by Mr Justice D J Curlewis in the Springs Circuit Court on June 7 1983. Sentence on a charge of indecent assault was held over by the trial judge

In an Appeal Court judgment last week, Mr Justice Galgut (Acting Judge of Appeal), with the concurrence of Mr Justice Corbett, Mr Justice Kotze, Mr Justice Cillie and Mr Justice Smuts (Acting Judge of Appeal), ruled that the trial judge had exercised due discretion in imposing the death sentence.

Mr Justice Galgut said it was clear from Mr Justice Curlewis's detailed reasons for imposing the sentences that he had taken into account all the mitigating and aggravating factors submitted by counsel for the defence and the State

He had then concluded that the crimes were so serious that the death penalty, and not a long term of imprisonment, should be imposed

The whole tenor of the judgment pointed to the fact that imprisonment as a possible alter-

native had definitely been in the mind of the trial judge, Mr Justice Galgut said.

It was clear from Bonakele's own story that he had hoped to make the complainant amenable to his wishes and that the gifts he had made her were for this purpose.

It was true that he had not physically assaulted her, but there had been no need to do so, as she had been too small to offer resistance.

Equally, it was true that in the sexual acts he had not shown undue violence. However, Bonakele's conduct in keeping the girl confined and chained, in repeatedly performing sexual acts, ignoring her weeping and requests to be allowed to go home, and in threatening to kill her if she sought to escape could not qualify as compassion.

All that could be said for Bonakele, the judge concluded, was that he had sought to make a terrible ordeal less dreadful.

It was evident from Bonakele's actions that he had laid careful plans for the kidnapping and that the purpose had been to have sexual intercourse

Despite the girl's supplications, he had continued to hold her captive in appalling and harrowing conditions

Dorothy (253)
Nyembe soon
free after 15
years in jail ^{20/3/84}

The longest-serving woman political prisoner in South Africa, Dorothy Nyembe, will be released this week after serving her full sentence.

Nyembe will be 54 this year. She was sentenced to 15 years in jail in 1969 after having been detained in 1968. She was charged along with 11 men, one of whom was acquitted.

All the accused were said to have conspired with 26 others between June 1962 and November 1968 to overthrow the existing order in South Africa by subversion, terrorism, violent revolution and warfare.

Among the alleged conspirators were the late Bram Fischer, Nelson Mandela, Walter Sisulu, Mr Oliver Tambo, Mr Joe Slovo and the late Mr Duma Nokwe.

Nyembe and her co-accused were said to have been in league with the outlawed South African Communist Party, the African National Congress and its military wing Umkhonto we Sizwe (Spear of the Nation).

DEFIANCE

Nyembe is a former vice-chairman of the banned ANC Women's League and leader of the Federation of South African Women.

She joined the ANC during the 1952 Defiance Campaign and was later arrested and charged with more than 150 leaders in the 1956 treason trial, but a year later charges against her were dropped.

In 1956 she, Mrs Helen Joseph, who is now a listed person, and the late Mrs Lillian Ngoyi led more than 20 000 women to the Union Buildings in Pretoria in a march to protest against the extension of the pass system to black women.

In 1963 Nyembe was sentenced to three years for furthering the aims of the ANC after its banning, and on her release in 1966 was placed under strict banning orders.

Nyembe is the second former high-ranking official of the banned ANC to be released in recent weeks. The other was Mr Billy Nair who was released from Robben Island two weeks ago after serving 20 years.

253 S. Times 25/3/84

Black prisoner dies in hospital

A BLACK long-term prisoner died in Groot Schuur Hospital, Cape Town on Friday night, the South African Prison Services has announced.

"The prisoner was initially transferred from the Rawsonville Prison to the Eben Donges Hospital in Worcester

"Shortly after admis-

sion, he was taken to Groot Schuur Hospital," the service said.

The cause of his death is not known. The name of the prisoner will be re-

leased once his relatives have been told.

His death is being investigated by the police and the Prison Services

— Sapa .

Huge welcome for Nyembe

253 City Press
25/3/74

A HUGE welcome is planned for former African National Congress leader Dorothy Nyembe, who is to be released from jail in Maritzburg tomorrow.

Ms Nyembe, 54, has served 15 years for harbouring members of the ANC's military wing, Umkhonto we Sizwe.

Busloads of well-wishers are due to travel from Durban to Maritzburg to greet her and bring her back to Durban, where she will stay with her daughter, Beatrice Mhlongo, and her family.

Tomorrow's welcome is being organised by the Natal Organisation of Women, who have also arranged a community reception for her in Durban next week.

One of South Africa's longest serving women prisoners, Ms Nyembe was jailed in

Cp Correspondent: DURBAN

March 1969, after being found guilty with 11 others of harbouring Umkhonto we Sizwe members.

Ms Nyembe was refused leave to appeal against her 15-year sentence.

Born in the Maritzburg area in 1930, Ms Nyembe's political life began in 1952 when she joined the ANC and immediately became involved in the Defiance Campaign.

In 1956 she became vice-chairperson of the Durban branch of the ANC Women's League.

In December 1956,

Ms Nyembe was one of 156 people charged with high treason. The charges against them were later dropped.

Ms Nyembe was sentenced to three years imprisonment in 1963 for furthering the aims of the ANC and banned on her release.

A spokesman for the prisons Service said it was not policy to release details of impending releases to the Press, adding that the information was of a personal and confidential nature, concerning Prisons Service said it makes

(253) imprisonment 61 762
669 Mrs H SUZMAN asked the Minister
of Justice

(a) What is the longest period in each case for which any two convicted prisoners have been in prison in South Africa for crimes against the security of the State, (b) what are the names of the prisoners concerned and (c) what was the (i) nature of the conviction and (ii) length of the sentence imposed in each case?

The MINISTER OF JUSTICE:

- (a) On 4 March 1984, 21 years, 3 months and 27 days and 21 years respectively
- (b) It is not in the interest of prisoners in general, or of their families, or other relatives that the names of prisoners should be released for general information.
- (c) (i) The prisoners concerned were respectively sentenced for the following crimes
- (1) Instigation to infringe existing laws



Sabotage

The furthering of the aims of a prohibited organization

Left the Republic without a passport

- (2) Instigation to infringe existing laws

Sabotage

The furthering of the aims of a prohibited organization

Member of a prohibited organization.

Public violence

- (ii) The prisoners were sentenced as follows

(1) Five years imprisonment and imprisonment for life

(2) Six years imprisonment and imprisonment for life.

253
Prisoners transferred to mental institutions
Hamard Q. Co 1 763 28/3/84
671 Mr A B WIDMAN asked the Minister of Justice

How many sentenced prisoners were transferred to mental institutions in 1983?

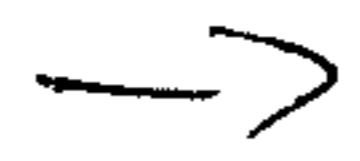
The MINISTER OF JUSTICE:

Twenty eight (28)

Eastern Cape/Border: psychiatric hospitals

708. Mr E K MOORCROFT asked the Minister of Health and Welfare.

- (a) How many psychiatric hospitals for Blacks are there in the Eastern Cape and Border areas and (b)(i) where are these hospitals situated, (ii) how many patients can each such hospital accommodate and (iii) what in each case is the present bed/



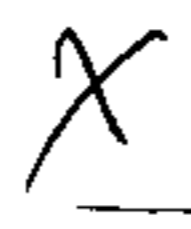
28 MARCH 1984

764

patient occupancy rate expressed as a percentage?

The MINISTER OF HEALTH AND WELFARE:

- (a) 4 Departmental hospitals and 1 private hospital
- (b) (i) Kowie hospital—Port Alfred
Tower hospital—Fort Beaufort
Fort England hospital—Grahamstown
Komani hospital—Queenstown
Kirkwood Sanatorium—Kirkwood
- (ii) Kowie hospital—320
Tower hospital—661.
Fort England hospital—475
Komani hospital—869
Kirkwood Sanatorium—400
- (iii) Kowie hospital—86%
Tower hospital—123%
Fort England hospital—85%
Komani hospital—106%
Kirkwood Sanatorium—99%



ject

253

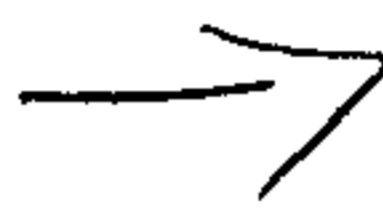
Hausard Q. 61 808

Allandale prison

30/3/84

Mr P H P GASTROW asked the Minister of Justice

- (1) Whether any prisoners at the Allandale prison died in or about March 1984, if so, (a) how many, (b) what were the circumstances surrounding the matter and (c) what was the cause of death in each case,
- (2) whether any steps have been or will be taken as a result, if not, why not, if so, (a) what steps and (b) when,
- (3) whether he will make a statement on the matter?



809

FRIDAY, 30

†The MINISTER OF JUSTICE

- (1) Yes (a) and (b) Two (2) prisoners who were part of a labour gang whose task it was to remove an earth mound on the farm of a hirer of prison labour, were fatally injured when the earth mound collapsed on them (c) The result of the inquest which was ordered in terms of the Inquests Act, 1959 (Act No 58 of 1959), is not yet known
- (2) Yes (a) and (b) The incident was, in terms of the Mines and Works Act, 1956 (Act No 27 of 1956), reported to the local inspector of mines as well as to the South African Police. A Departmental inquiry has already been ordered. The results of the relevant inquiries will determine any further steps in this regard
- (3) With further reference to the statement I have just made, I also wish to refer the hon member to the press statement which was issued by the liaison office of the South African Prisons Service immediately after the incident

Warder's trial: 'Did he know?'

By Sol Makgabutlane
NELSPRUIT — The trial of Lieutenant J W Niemand, a senior warder at Barberton Farm Prison who is facing charges over the assault of a group of 37 prisoners, resumed in the Nelspruit Circuit Court yesterday after being transferred from Witbank

Lieutenant Niemand has pleaded not guilty to a charge of assault with intent to do grievous bodily harm.

Yesterday was taken up with legal argument on whether Lieutenant Niemand (49) gave instructions to his colleagues to assault the prisoners at a dam construction site on December 29 1982

The prosecutor said evidence by State witnesses indicated that Lieutenant Niemand had knowledge of the beating

of the prisoners
"One warder witness said the lieutenant told him to 'Maak hulle warm' (warm them up)

"There is a possibility that instructions to the warders to assault the prisoners came from the top, in which case they came from Lieutenant Niemand," said the prosecutor "He gave instructions that the prisoners should work hard, and that they should be assaulted to show them who was the boss

"He knew what was going on at the dam. Yet he did nothing to stop the assault and to help those who lay injured in the heat"

Defence counsel Mr W Heath said the warders who assaulted the prisoners had not been commanded to do so by Lieutenant Niemand.

The hearing continues

253
3/4/84

Hogan brings action against prison chief

By Fiona Macleod

4/4/84
A civil case, brought by Barbara Hogan who was jailed for 10 years for high treason, against the head of the Johannesburg Prison and the Commissioner of Prisons, has been set down for trial in the Rand Supreme Court on August 20

It is believed that the case involves allegations of maltreatment and the withholding of certain

privileges by the prison authorities.

When the case was called before motion court judge Mr Justice P Schabert today, an application was made for a draft order defining areas in which oral evidence would be given

After consultation with the judge, the lawyers Mr D Kuny for Hogan and Mr R Kruger for the defendants — said the case had been postponed

Prison head found guilty of assault

By Sol Makgabutlane

NELSPRUIT — Johannes W Niemand, former acting head of Barberton Prison Farm, was convicted in the Nelspruit Circuit Court yesterday of issuing instructions that a group of prisoners be assaulted.

Niemand, who had pleaded not guilty, was convicted of assault and fined R900 (or 360 days) and sentenced to two years imprisonment, suspended for four years.

Evidence was that Niemand had instructed his fellow warders to assault a group of 37 prisoners

working on a dam site. Calling for a heavy sentence the prosecutor, Mr J Jonker, said Niemand should be convicted because the warders who had obeyed his instructions and assaulted the prisoners with rubber truncheons had been convicted of the offence.

It was fair that he should face the same consequences for his actions.

In mitigation, defence counsel Mr W Heath said Niemand would certainly lose his job — and his house — if he were imprisoned.

He had served the Department of Prisons from 1955 until the incident took place on December 29, 1982, and had been about to be promoted.

"The fact that Niemand did not physically assault the prisoners must also be considered," Mr Heath pointed out.

But the magistrate, Mr W de Vos, said that did not lessen the seriousness of the offence.

Former prison head fined

Own Correspondent

JOHANNESBURG — Lieutenant Johannes Niemand, the former acting head of the Barberton Prison Farm, was yesterday found guilty of common assault and fined R900 (or 360 days) by a Nelspruit magistrate.

Mr W De Vos sentenced Niemand, 48, to a further two years' imprisonment suspended for four years.

Passing sentence, Mr De Vos said that Niemand had not foreseen that the prisoners would be seriously injured when they went to do forced labour at the prison dam.

The lieutenant's trial was a sequel to the marathon "heat exhaustion" trial last year in which six warders under his command were given jail sentences ranging from one to eight years for their part in what a Supreme Court judge described as "an orgy of assaults".

During the Supreme Court trial in which eight warders faced charges of three counts of murder and 34 of assault for beating prisoners continuously with rubber truncheons as inmates pushed laden wheelbarrows in roasting temperatures of 35 deg. C, Mr Justice D O Vermooten laid the blame "squarely on the shoulders of Lieutenant Niemand" for ordering "a punitive expedition, which ended in a battlefield".

Niemand faced charges of assault with intent to do grievous bodily harm.

her, Tossie, are still 'un-
the wraps' of the Daily
and she is reported to be
fused and upset by the
andestine nature of the
cheque book journalism"
ation
Her story is being resold to

women athletes fearing their
Olympics places, as well as po-
litical organizations and news-
papers for the privileges she
is receiving, is feeling the
strain
One source in the operation
to "sell Zola" said "She is a

ercise is to get her running in
the Olympics
"There is no serious prob-
lem at all with Zola. She is a
very impressive and intelli-
gent person
"Of course she is missing
her cat, her friends and her

ing hard from her secret
address
Press agents handling her
interests are completely confi-
dent that she will receive Brit-
ish nationality in time for
next month's main British
Olympics trials



Heat caused power failure

Staff Reporter

THE power failure which yesterday hit central Cape Town, including Parliament, was partly due to the heatwave gripping the City, according to a City Council spokesman

And the power failure in Camps Bay, which lasted from 10 45pm on Tuesday till about 4 45pm yesterday was due to an entirely separate fault

According to the City Electrical Engineer, Mr D C Palser, neither of these power failures had anything to do with the fact that Koeberg's first generator began feeding power into the national grid yesterday

He said the electricity had been completely restored by yesterday evening and that everything was "back to normal" by about 5pm

Overload

One of the three cables serving the central City had been faulting, he said. The remaining two became overloaded because of the intense heat and were unable to take the strain

Parliament had been given priority and had been restored as quickly as possible, Mr Palser said

The problem in Camps Bay was caused by a fault in a cable box. There had been a delay in restoring power because council staff only received word of the failure yesterday morning

● Koeberg turns on the power, page 3

Man dies, 14 hurt in cell fight

By COLIN HOWELL
Crime Reporter

A PRISONER was killed and 14 others were injured, one critically, when a violent fight erupted in a communal cell at the Voorberg Prison near Porterville yesterday

An assortment of home-made weapons — including sharpened brass window fittings and broken-off legs from a games table — had later been seized by warders, a spokesman for the Prison Services said from Pretoria last night.

The dead prisoner had been serving a three-year sentence for assault. His family had not yet been notified of his death, the spokesman said

Asked what the cause of the violence was and if it had been sparked by inter-gang rivalry, the spokesman said that this would form part of an investigation by the police and the Prison Services

The 14 injured prisoners were taken to the Paarl East, Paarl and Groote Schuur hospitals and seven had been discharged while the remainder, one of whom was critically injured, were still receiving treatment, he said

One of them had a fractured arm while the others had sustained head and facial cuts and bruising

The spokesman said the wounded prisoners had received emergency medical treatment after the fight, which started about 6 15am

"Additional personnel were mobilized but the prisoners in the cell had stopped fighting when the warders arrived and no force had to be used," the spokesman said

Past criminological studies have found that South African prison gangs are organized in a "hierarchically ordered quasi-military structure".

Gang members, or "men of the number", boasted they had "brothers in every prison", a University of Cape Town study found "In essence, this means that no prisoner is beyond their reach"

Forced homosexuality and robbery were common practices in communal cells

"Ultimately, once the cell door is shut and locked, the fact that a warder may not enter unless accompanied by a colleague, means that there is sufficient time for a group to kill a fellow inmate before the murderers are interrupted," the study says

Two of the most powerful prison gangs are the rival 28s and the 26s

The 28s pampered, protected and organized catamites or "wyfies", while the 26s stole and robbed

Among other gangs were The Airforce, which organized mass escapes, and The Big Five, which collaborated with the authorities in order to maximize their privileges, the study found

by a novice when 78-year-old Cape
ing of the Polish barquentine Pogoria
the fore'sl yard is 15-year-old Kargul
with the Pogoria to Kiel. ● Report,

Confessions of an 'albino terrorist'

253 By Carina le Grange 5/4/84

More than eight years after the event, after two sensational court cases in which he was charged under the Terrorism Act, after serving seven of a nine-year sentence, the Afrikaans master poet Breyten Breytenbach has set down, for all to read, how it all happened, and why, and how he survived — and still survives.

"The Truth: Confessions of an Albino Terrorist" is a literary political document, recounting the events leading up to Breytenbach's arrest during his clandestine visit to South Africa in 1975, his experiences during detention, his views of prison life — and life thereafter.

It is also an intensely personal account. It does not claim to be objective or complete, but in a note at the end of the book Breytenbach says he has not invented or transposed any event. In some cases the real names of people involved were used, but in many cases these were modified — most notably those of security officials.

Almost more than anything else, the confessions of this "albino terrorist" proves that truth is indeed stranger than fiction.

What does one make of this

● A detainee (Breytenbach) being taken on a "social visit" for a meal and a walk in the garden of a colonel?

● Christian Galaska (Breytenbach) nervously trying to depart from Jan Smuts, certain that he is already being trailed, while a plane lands from South America carrying his elder brother — part of the entourage of former Prime Minister Mr John Vorster (Big Chief Sitting Bull in Breytenese)

"I had rather bad luck there was a large number of security officials at the airport the place was literally crawling with lice," he writes wryly

● The fact that Breytenbach was initially accused of being "successively (unsuccessfully) a KGB, French, British and Israeli agent" and would end up being accused of working for the CIA

The story Breytenbach tells unfolds through his telling it to a "Mr Investigator", and early on in his telling he reaffirms the ideals which brought him to court

"What ended up in court started with an appreciation of the political situation which I still subscribe to"

Writing about Okhela and how it came into existence, he says he felt a need to become involved with the freedom struggle, but that he could not do

so within existing political organisations. Those included the ANC, which he saw as being in the hands of the South African Communist Party

Okhela nevertheless was formed to give a base to white anti-apartheid militants and Breytenbach was involved in recruiting both a white and a black in South Africa when he was arrested. The black man he had planned to recruit — but was foiled due to security surveillance — was none other than Black Consciousness leader Steve Biko who later died in detention

Where — and what — Okhela is today, is not clear. Its manifesto appears in the book, and Breytenbach himself says he is shunned and avoided by those that got him involved in the first place. "They avoid me now like the plague, because I am that of course I am the plague"

He writes in a note at the end of his confessions "Still, if what I had to describe is of any documentary value, it can only be because I tried, as a white African who has had the privilege to enter a world known only too well to the majority of South Africans, to paint as fully as possible my view of that society as it exists now."

The book can be ordered from Taurus, PO Box 85218, Emmentia 2029

253
C. Times
6/4/84

Contradiction in SA's policy on urban blacks

AT the heart of the black-white struggle in South Africa lies a fundamental contradiction in government policy — that between "excorporating" blacks as political citizens but incorporating them as industrial citizens

This is a relatively new development in the struggle of more than 200 years.

By the early 1970s the exclusion of blacks from the political system by granting them independence in designated homelands was merely a vague ideological goal. As far as black labourers were concerned, there was a common resolve among whites to deny them participation in the normal industrial relations machinery and to refuse recognition of black trade unions.

By the end of the 1960s there was also a tendency among some Nationalists to regard black labourers as temporary, almost immaterial fixtures on the industrial scene.

The crudest expression of this policy was given in the late 1960s by Mr Sampie Froneman who stated "Blacks are only supplying a commodity, the com-



The Pattern of Politics

By HERMANN GILIOMEÉ

modity of labour. It is labour we are importing and not labourers as individuals."

Over the last eight years this policy has changed dramatically. After Transkei received independence in 1976, the political exclusion of blacks from citizenship of South Africa has become a legal fact.

Formally, the one-third of the blacks who have already been de-nationalized — and their descendants — can no longer make any claims upon the South African state.

Contrast

In stark contrast, 1979 saw the acceptance of the black labour force as a permanent and integral part of the South African economy. Thus we have the widening exclusion of blacks from political citizenship and other political rights at the same time as we have the acceptance of

blacks as people with growing industrial civil rights — the right to form trade unions, to strike, etc.

As if this conflict is not stark enough, it is being compounded by the state's attempt to keep urbanization of blacks down to a minimum at a time of high unemployment and an acute struggle to survive for many in the homelands.

At a conference of the Legal Resources Centre recently held near Grabouw several speakers addressed this theme. Under the committed and inspiring leadership of Mr Arthur Chaskalson, the Legal Resources Centre has played a crucial role in the court cases leading to the Komani and Rikhoto decisions.

These judgments have been widely interpreted as an important extension of permanent urban residence rights to blacks (the so-called Section 10 rights).

The judgments have also fitted in with the vision of a steadily expanding pool of urban insiders who would increasingly identify with South Africa's political and economic system and who would be available for co-optation as a stabilizing element in the urban black population.

The Grabouw conference made it quite clear that this vision does not take into account the dynamic of political exclusion as more homelands take independence, and the number of people with permanent urban residence rights decreases.

Although the government will not take away Section 10 rights there are some measures in place which will have the effect that the proportion of people with South African citizenship and vested urban residence rights — the so-called insiders — will not grow but shrink.

In a compelling analysis, Mr Geoff Budlender explained that there are currently three categories of blacks relative to

bargaining that is now taking place on an increasing scale is the closest thing South Africa yet has to multi-racial decision-making."

The Industrial Court has gone further than anyone expected in establishing progressive case law in the field of labour relations.

In a series of far-reaching judgments the notion of fair employment practices has been introduced as a key concept. Whereas common law grants no rights to workers, the Industrial Court has gone the other way and recognized workers' rights.

In the Precision Tools judgment the court has even gone as far as decreeing that workers have a right to security of employment unless good reasons exist to terminate it.

Put simply, a migrant cannot be fired simply because he is a migrant. The entire emphasis in this field is one of black rights and participation in a common system.

Clearly this emerging and widening notion of common industrial civil rights for blacks is in contradiction to their exclusion as political citizens.

With thriving homelands and negligible unemployment this contradiction need not be as explosive as it is set to become especially when the citizenship laws start to bite. But the homelands cannot support much more than 10 percent of its inhabitants and the drought will accelerate the massive exodus (forced or voluntary) of blacks from the white farms.

The eyes of the two to three million blacks who are currently unemployed are turned to the cities for employment opportunities. But they have not been able to go there. As a result of rigid influx control measures over the last 25 years, South Africa is about 10 percent under-urbanized — about three million people have been stopped from urbanizing.

Workplace

The workplace is the arena where an unresolved conflict between incorporation and ex-corporation will be played out.

A strategy of effectively co-opting only the urban blacks...





Black commuters on their way to work . . . industrial citizens

residence rights — the so-called insiders — will not grow but shrink.

In a compelling analysis, Mr Geoff Budlender explained that there are currently three categories of blacks relative to the citizenship issue:

(i) One for people like the Zulus whose homelands have not yet taken independence — they are considered South African citizens, like whites or coloureds,

(ii) One for people like the Tswanas and Xhosas whose homelands are independent — they are considered new foreigners; and,

(iii) One for people who have never been South African citizens, like Mozambicans

Any black child born after his designated homeland has taken independence can never become a South African citizen or acquire permanent urban residence rights

Xhosa child

Theoretically a Xhosa child born after 1976 and living with his Transkeian "insider" parents in Cape Town or Johannesburg has no right to be in the city.

In practical terms this must now be settled as they go to school, become eligible for employment, housing etc

If their theoretical status is enforced they will have to resign themselves to taking last place in the jobs and housing queue

The government has not implemented this and is unlikely to do so. But neither has the law been changed

The pool of blacks with Section 10 rights has also been shrunk by the policy of diverting, as far as possible, all new township development to the homelands

Living in homelands, blacks cannot build up a right to Section 10 rights. And blacks without these rights are people subject to arbitrary discretion who can be endorsed out without any recourse to law

Diametrically opposed to the excorporation tendency are the developments in the field of industrial relations after the 1979 watershed of recognizing black trade union rights. Here blacks are encouraged to become part of the labour dispensation of South Africa

As John Kane-Berman put it "The collective

arena where an unresolved conflict between incorporation and excorporation will be played out.

A strategy of effectively co-opting only the urban black insiders may stand a chance if the trade unions see the interests of the insiders as being separable from those of the outsiders and try to protect only insider interests

However, all the evidence from the field indicates that the trade union leadership is united in its resolve to resist the division between insiders and outsiders, to prevent the retrenchment of outsiders during economic slumps, to fight influx control and political excorporation.

Given the survival struggle in the homelands, the stakes will be raised enormously in the workplace in the years to come. A man without Section 10 rights who is dismissed faces the prospect of becoming destitute in the homelands

One of their hopes lies in their membership of a union and clearly union leaders will increasingly be prepared to go to great lengths not to let them down

The other hope lies in illegal squatting on the perimeters of the cities. The survival struggle in the homelands is already leading to influx control breaking down irrevocably as desperate men and women, bypassing the Orwellian structures of labour control, converge upon the cities

Let there be no illusion: The real issue facing South Africa is the conflict between political excorporation and industrial incorporation of blacks, between political non-citizenship and industrial citizenship

It is for this reason that the third of the so-called Koornhof Bills which will deal with influx control — and still is to come before parliament — is of vital significance

Fortunately there are signs of a serious government rethink on the entire issue of urban black political rights which goes outside the bounds of current policy. The country's future stability depends on the contradictions in government policy being resolved in a satisfactory way

(253)
6/4/74 D. Dispatch

Hogan in protest on prison rights

Barbara Hogan, serving a 10-year sentence for treason, this week brought an application before the Rand Supreme Court in an attempt to ensure certain requirements of her imprisonment are met

The respondents in the application, which has been postponed to August 20 for evidence, are the officer commanding the Johannesburg Prison and the Commissioner of Prisons

The application includes queries on whether

- Prisons Act regulations have been complied with regarding exercise,
- She has been misinformed of her rights,
- She has been given proper medical treatment,
- She has been classified according to the terms of the Prisons Act, and
- She has been segregated from other prisoners

In her affidavit, Hogan said she was often denied exercise and was told it was a privilege not a right. In February last year she became hysterical and had to be kept under sedation for a week after being told she could not exercise at all

She said she was kept alone in a cell surrounded by empty cells which had

affected her emotionally, and her classification was changed from "B" to "D" without explanation and she had not been told what to do to have her status elevated

She said a cracked tooth was only treated after eight months, she had had letters removed from her cell and had problems continuing her Unisa studies as she had little co-operation getting books

"It is my contention that I am being subjected to cruel and inhuman treatment. I am totally in the hands of the prison authorities in respect of every facet of my life," she said, and unless her position was clarified, she might not survive the nine years she had left in jail.

In a replying affidavit, Brigadier C. G. Matthee, commanding officer of Johannesburg Prison, said Hogan became hysterical when it was alleged that she was attempting to create dissatisfaction among other prisoners

He denied she was refused an hour's exercise outside every day, she said had been a "D" group prisoner from the start and said there was no such thing as a maximum security prisoner in the prison's female section — DDC

Hogan tells court

(253) (BAAA)

Prison treatment is cruel and inhuman,

'I WON'T SURRENDER'

Tribune Correspondent

JOHANNESBURG: Political prisoner Barbara Hogan suffered two hysterical breakdowns last year and said she would not survive the remainder of her term, it was alleged in papers before the Rand Supreme Court this week.

"It is my contention that I am being subjected to cruel and inhuman treatment," said Hogan in an application brought in an attempt to ensure that certain requirements of her imprisonment are met.

Hogan, who is serving a 10-year sentence for high treason, has brought the action against the officer commanding the new Johannesburg Prison and the Commissioner of Prisons.

"I make this application because of the very vital nature of the matters to the preservation of my mental and physical well-being," she says in an affidavit made last year.

At the time, Hogan was the only female political prisoner in the jail.

She has since been joined by former teacher Johanna Lourens, who was sentenced to four years' imprisonment after she and her fiance Carl Niehaus were convicted of high treason.

Hogan claimed she was not receiving adequate exercise and medical treatment, had been segregated from other prisoners, and was not informed of her rights.

A listed person, Hogan

— whose case made legal history when it was found that her membership of the banned African National Congress constituted high treason — may be quoted only because of special dispensation allowed by the Minister of Justice in the reporting of court cases.

"Although I have on occasion been permitted to tend to certain plants I do not do outdoor work," she says in reference to her alleged lack of exercise.

Hysterical

"Sometimes days would pass and I would not be allowed to exercise outdoors at all."

"On some occasions I would be permitted to exercise for half an hour and on other occasions for only 10 minutes."

"At some time during

February I was told I was not permitted to go outside. Regrettably I became hysterical."

The following day she was taken to the prison hospital where she spent a week under sedation before being returned to the prison and continuing with the usual exercise period until April.

"On one weekend I was not taken out of my cell at all, not even to wash."

In July two unidentified people tried to abduct her from the Johannesburg General Hospital and for that month, she alleges, she was permitted no exercise in the open air.

"The place where I was permitted to exercise was in an enclosed passage, about six by 20 paces."

"During this time I was on no occasion allowed outside and never once was I exposed to or

did I experience the sun."

A second issue which she raises involves that of her alleged segregation from other prisoners.

"I have been kept isolated from the other prisoners I have been diagnosed as having suicidal tendencies and ought not to be kept on my own."

"Isolating me served only to starve me of stimulation of contact with others that is cardinal to my mental well-being."

Hogan also claims she "Had not received adequate dental treatment;

"Had been demoted from a B group prisoner to a D group prisoner with fewer privileges and received only fragmentary and contradictory information concerning her rights in that category."

"Had experienced problems in obtaining permission to purchase books required for her

studies through Unisa.

"Except for a short period early in the year I have been, until recently, completely denied any recreational facilities."

"Until July onwards I was allowed the occasional use of a pack of cards and a ball."

Hogan was later offered the choice of a third game "the names of which I do not know and the rules of which I do not know" — a table tennis set, and the use of an exercise bicycle.

"It is vital for my mental health that work of some nature be given to me as I cannot continue indefinitely to be both isolated and idle."

"Unless my position is clarified and my treatment put on a proper basis consistent with the provisions of the Prison's Act and regulations thereto, I fear I may not survive mentally and physically."

In a replying affidavit,

Brigadier C G Mathee, commanding officer at the Johannesburg Prison, denied the bulk of Hogan's allegations.

Pointing out that the Johannesburg Prison was a new complex first used in January last year, he said he had conducted a full investigation into Hogan's allegations.

He said she had received the required exercise periods and on some occasions had received more than the regulation one hour.

The attempt to free her from the Johannesburg Hospital last year resulted in her only being allowed to exercise near her cell for a certain period, but this had changed.

The first attack of hysteria, said Brigadier Mathee, had come when she was confronted with allegations that she was attempting to create dissatisfaction among prisoners.

The brigadier denied Hogan had spent an entire weekend in her cell and said that, with the exception of one bona fide error, Hogan had not been misinformed of her rights.

Her treatment as a B group prisoner had also been a mistake, as she had been a D group prisoner from the start.

He said she had received adequate medical care, had not required medical care, and had not made any suicide attempts.

Her difficulties in obtaining books for her Unisa studies was because they were unavailable from bookstores.

The lack of recreational facilities stemmed from the prison being a new complex.

A second affidavit submitted by Hogan and dated February 22 this year rejected many of Brigadier Mathee's re-

plies and repeated her earlier claims.

"The suggestion that there is no indication that the conditions of my detention are having any detrimental effect on me is clearly wrong."

"Furthermore, the respondents have continued to aggravate my conditions of detention by means calculated to detrimentally affect my health," she said.

The case was postponed until August 20 following a hearing in the chambers of Mr Justice P J Schabert on Wednesday.

Areas in which oral evidence could be given were defined in a draft order granted by the judge.

NOUWINS



He bus disaster victims

Sherville victims

one roof
Soweto Mayor Ephraim Tshabalala said poignantly: "I'm here to cry with the whole of Soweto." He shared the platform with representatives from Cosas and Azasm as well DET regional director Phillip Engelbrecht who delivered the message of sympathy.

Traffic came to a standstill in

the vicinity of Eyethu as hundreds of children lined the streets to form a guard of honour. The wailing of bereaved parents punctuated the solemn atmosphere as a fleet of hearses arrived with the coffins.

The children were buried at Avalon Cemetery

Jail boss Niemand fined R900

253
City Press
8/4/84

THE man City Press demanded be charged for his part in the Barberton prison "heat exhaustion" case was found guilty of common assault in the Nelspruit Regional Court this week.

Lieutenant J Niemand was fined R900 or 360 days and given two years' imprisonment suspended for four years for his involvement in the incident which left three prisoners dead.

Magistrate H de Vos rejected Niemand's evidence that he didn't know the assault would take place and hadn't seen any assaults when he visited the dam site where the prisoners were working.

Niemand had said he only visited the site once.

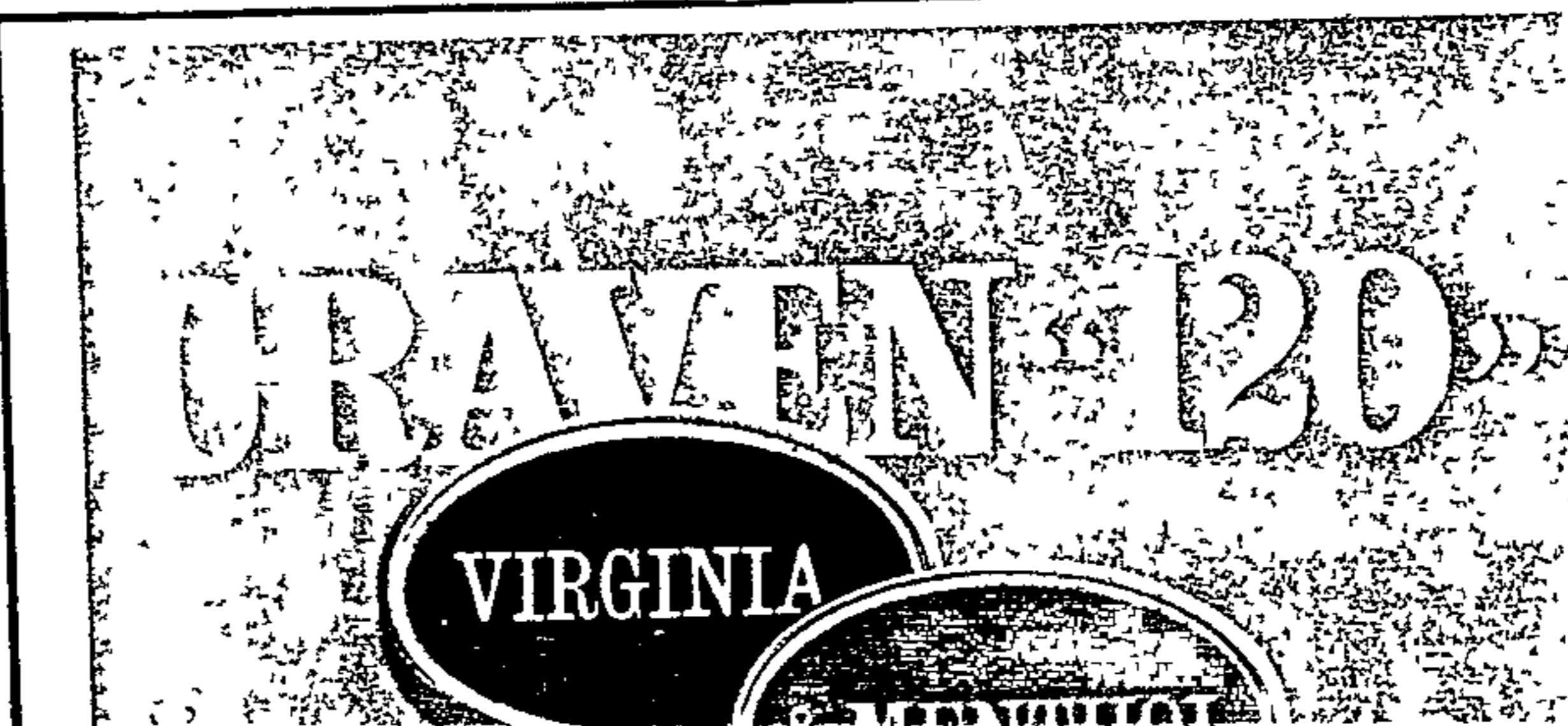
Mr De Vos agreed that Niemand had visited the site twice and seen the warders under his command assault prisoners.

He also accepted that Niemand had told one of the warders not to hit the prisoners on the head or in the kidneys — something Niemand had denied.

Mr De Vos said Niemand had asked the warders to draw batons with the purpose of "helping them along".

However, discharging Niemand on the more serious crime of assault with the intention of doing grievous bodily harm, Mr De Vos said the State had not proved beyond reasonable doubt that Niemand wanted the prisoners to be seriously assaulted.

Cops assault



was the (i) nature and (ii) outcome of the discussions?

The MINISTER OF CO-OPERATION AND DEVELOPMENT (Reply laid upon the Table with leave of House)

- (1) Yes
- (a) On various dates in 1983
- (b) From many persons and bodies
- (c) (i) Some expressed their appreciation for the fact that arrangements were made for sites to be granted to some of the people of the K T C They were however concerned about the position of the illegal squatters and requested that they also be granted sites as well
- Others requested that members of the Black community of Langa, Nyanga and Guguletu should not be moved to Khayelitsha
- Some enquired whether all the Crossroads residents were to be moved to Khayelitsha and suggested that residents of the existing townships wanting to be housed should be permitted to build their own houses in Khayelitsha and that the Black persons concerned should be given the opportunity to decide for themselves whether they would move to Khayelitsha or not
- (ii) To these questions were replied that those members of the Black community who lawfully qualified for residence in the Cape Town Metropolitan Area would be allowed to move to Khayelitsha, but that those without such qualifications would have to return to their place of origin

They were also informed that Khayelitsha will serve the long term residence needs of members of the Black community legally resident in the Cape Metropolitan Area and that all members of the said Black community should eventually be resident in one town, in order to ensure that they may be provided with the highest quality of infrastructure at reasonable cost and to ensure a satisfactory quality of community life, but that there was no intention to compel the residents of the existing township to move

They were also informed of the intention of the Department of Co-operation and Development to make Khayelitsha as attractive a proposition as possible in order to induce the people to settle there, and that they would be involved in the housing scheme as far as possible

(2) Yes

(a) The Community Council

(b) 15 August 1983

(c) (i) The removal of the unhygienic squatter situation at Crossroads

(ii) The Community Council was fully informed about the Government's points of view regarding the squatter situation at Crossroads

253 Howland
Barborton Prison Farm. former acting head
*23 Mrs H SUZMAN asked the Minister of Justice

(1) Whether a former acting head of a prison on the Barborton Prison Farm whose name has been furnished to the Minister's Department for the purpose of his reply, is still employed by the Prisons Service, if not, (a) when and (b) why did he leave the Service, if so, in what capacity,

(2) whether any action has been or is to be taken against this person, if not, why not, if so, (a) when and (b) what action,

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

The MINISTER OF JUSTICE

(1) Yes The officer is employed in an administrative capacity where he has no direct contact with prisoners
(a) and (b) fall away

(2) (a) and (b) The matter is being dealt with in accordance with section 55 of The Prisons Act, 1959, as amended

(3) I have nothing to add to what I have just announced

24 Mr P C CRONJE asked the Minister of Transport Affairs

(1) Whether there has been a change in the system in terms of which commuter rail fares are determined, if so, (a) why, (b) when was it effected and (c) what is the nature of the change,

(2) whether the public was informed of the change in the system, if not, why not, if so, (a) when, (b) by whom and (c) in what manner,

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

The MINISTER OF TRANSPORT AFFAIRS

(1) Yes

(a), (b) and (c) As previously announced, it is envisaged to provide automatic electronic fare collection equipment at all major centres In order to comply with the design requirements of this equipment, the grouping of suburban fares in five kilometre zones had to be changed with effect from 1 April 1984 to a fare structure based on actual distance travelled

(2) (a), (b) and (c) The proposed intro-

duction of the above-mentioned new system of fare collection has on various occasions been made public in the press, on television and by myself In this connection I wish to refer also to my reply to question No *17 put to me by the hon member for Amanzimtoti on 9 February 1983

(3) Yes As already indicated in the reply to part (1) of the question, the introduction of the new system of fare collection has necessitated a change in the method of fare determination In some instances this has resulted in decreased fares, while in other cases the fares have remained unchanged and in still other instances an increase in fares has been unavoidable

On the whole, commuter services are rendered at very reasonable fares For example, third class passengers travelling between Cape Town and Mitchell's Plan today do not pay any more for a single journey than they did before 1 April Weekly tickets between these two stations increased from R2,60 to R2,90 but passengers still only pay 0,65 cents per kilometre Monthly tickets on this section increased by R1,00 to R11,50 and these passengers still travel at 0,60 cents per kilometre

In the case of the Cape Town/Claremont section where increases were relatively large, holders of third class weekly and monthly tickets are still being conveyed at only 1,1 cent per kilometre

The hon member is apparently very concerned about third-class passengers If they, that is to say, the third-class passengers, do not have any objection—I think they will have—the hon member may also travel third-class

Coloured/Indian persons registered as voters

*25 Mr S S VAN DER MERWE asked the Minister of Internal Affairs

How many (a) Coloured and (b) Indian persons had registered as voters since 1

Breytenbach ⁽²⁵³⁾ dealt with KGB ^{Star} suspect ^{11/4/84} — claim

By James Tomlins,
The Star's Foreign
News Service

PARIS — Mr Henri Curiel, a suspected KGB organiser of international terrorism who was assassinated in Paris in 1978, looked on South African poet Breyten Breytenbach as a "spiritual son", a new book claims.

Mr Breytenbach used to meet Mr Curiel once a week over two years, according to "Un Homme a Part" (A Different Kind of Man).

They discussed the aims of the Third World movement, Solidarite, which Mr Curiel founded, and he provided Mr Breytenbach with the false French passport which he used to return to South Africa in August 1975.

His arrest struck Solidarite leaders like lightning, because they thought he was in Mozambique setting up a base there for his organisation, Okhela.

"Nobody understood his suicidal mission to South Africa," claims the book's author, Mr Gilles Perrault.

After Mr Breytenbach's arrest, Mr Curiel organised a Europe-wide campaign to support him, and told friends that at his trial Mr Breytenbach would put apartheid in the dock and "his attack on racism will echo around the world".

But Mr Breytenbach's conduct at both his trials "greatly

disillusioned" Mr Curiel, who put an end to all campaigns to aid him.

Mr Curiel had misunderstood Mr Breytenbach — he had seen only a political militant, never the poet and painter.

But other Solidarite leaders, like Mr Andre Haberman, were uneasy over Mr Breytenbach. He told Mr Perrault "I asked Henri (Curiel) 10 times to go and see Breytenbach's paintings. He always refused.

"Breyten's paintings are like those of Francis Bacon. nothing but torture, blood and guts. an obsession with death. Breyten is a man who has been drawn and quartered, a tormented being, somebody who doubts I saw some of his paintings which showed him as Christ. That made me think."

Mr Breytenbach was introduced to Solidarite by the ANC representative in Algiers and later Paris, Mr Johnny Makatini.

Mr Breytenbach was given away, but not deliberately, by his close associate, Mr Barend Schuitema, according to Mr Perrault — despite Mr Schuitema's own admission to the Sunday Times, Johannesburg, that he worked for BOSS from 1978.

Mr Schuitema telephoned twice to South Africa to announce Mr Breytenbach's arrival, and his calls were monitored, Mr Perrault claims.

A stark, sordid underworld behind bars

"GENERAL" James D Petersen, Cape "leader" of The 26s — one of South Africa's two most-powerful and feared prison gangs — has given an at-times bizarre and brutal inside account of organised gangsterism behind bars

Struggling off "in the name of God," the opinion of a University of Cape Town criminologist that by divulging "secret" gang policy, he was "virtually signing his own death warrant," Mr Petersen — who was released from Worcester's Brandvlei Prison in February — told the story this week.

Mr Petersen still the recognised leader of The 26s and my word is respected inside every jail in the Cape," the 41-year-old former convict said "Gang fights have got to stop — no one is benefiting from them, I would like to help achieve this now that I have given myself over to the Lord."

Six stars and a "9aw book" tattooed on each of his shoulders are his present-day weapons. They mark the status he achieved while serving a 13-year jail sentence at Brandvlei. He said his fellow inmates knew him simply as "Ketings" (Chans).

Mr Petersen has a thorough knowledge of the structure and policies of many South African prison gangs. His observations tally closely with the findings of a UCT criminologist, Mr Nicholas Hayson, whose study on prison gangs was published in 1981. His tattoos are consistent with those of a "General" of The 26s.

As a 15-year-old, he had been introduced to prison gang lifestyle in 1969. "I was sentenced to 30 days at the old Roeland Street jail in Cape Town. A lot of my friends were in with The 26s there," he said "They knew I was a rough bloke who was afraid of nothing and invited me to join the gang."

"But I didn't like the way The 26s continually practised homosexuality or their favourite method of killing other prisoners — by using poison."

It was the established practice of The 26s to force young convicts to act as "moffies," he said "These boys have got very little choice. Gang rapes still take place in every prison in South Africa — the authorities will never be able to stamp this out."

Mr Petersen decided to join The 26s, who he said "concentrated entirely on money matters."

"The 26s believe they are the only people in prison who are allowed to have 'that'." The money was used to buy drugs, tobacco and toiletries "through the back door," he said Weapons were seldom bought or smuggled in — knives were fashioned from brass window fittings or sharpened cutlery.

Mr Petersen said he had been transferred to Polismoor Prison while serving a 90-day period at Roeland Street received shortly after his initial 30 day-sentence.

"While at Polismoor I was caught with dagga and sentenced to a further 18 months," he said "They transferred me to Hawequa Prison near Wellington."

The "unwritten laws" he later formulated in an effort to rebuild The 26s' depleted ranks at Hawequa had required him to "prove his capability as a leader."

What he did brought him a further 10-month jail sentence — and put a prison warder and two inmates in hospital.

Armed with a knife smuggled into the prison, I assaulted and stabbed a member of the Big 5s," Mr Petersen said "Another prisoner tried to stop me and got hurt. Then the warder came at me. I blocked his baton charge and stabbed him till he collapsed."

Within weeks, he had been transferred to Victor Verster Prison near Paarl. "But my reputation went with me."

Mr Petersen said he had been declared an habitual criminal in 1971 after a series of fraud convictions. "I was sent to Bellville Prison for 9-15 years."

"I joined the Roman Dutch Church there and tried to rehabilitate myself," he said "But in 1974, Bellville Prison was closed and we were transferred to Brandvlei, where pressure was put on me to lead The 26s again."

At that stage, The 26s' ranks had swelled to about 500. Mr Petersen said "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 said "He lost his sight and was later given a medical discharge."

"But after that, I came to my senses. I confessed all my sins to the Lord and asked for forgiveness. On February 24 this year I was discharged for good behaviour."

Prisons replies . . .

Mr Petersen was not tolerated in South African prisons and his steps were continually taken to combat their formation and functioning. Brigadier H J Botha, chief liaison officer for the SA Prisons Service, said this week.

Brig Botha said it was a long-standing policy of the SA Prisons Service not to furnish information regarding individual prisoners or circumstances surrounding imprisonment.

"This was 'in the interest of the prisoners or ex-prisoners and their families'," he said "However, after receiving the report of Mr Petersen's account of prison gangsterism, the Prisons Service felt it necessary to comment on the tactical situation for the sake of perspective and in the light of prevailing policy."

Brig Botha said "Gangs as a social phenomenon of society all over the world are also found in prisons to a certain extent," he said "South African prisons however, are not operated and steps are continually taken to combat their formation and functioning."

Apart from the various preventive and controlling measures which the SA Prisons Service has been applying successfully in this field, it has also approached the Human Sciences Research Council to undertake extensive research on the subject and a better understanding of its nature and methods with the view to further refining the measures for prevention and control," Brig Botha said.

The HSHC report was expected "in the near future."

placed in South African prisons on an orderly prison community," Brig Botha said.

"This promotes the cultivation of those characteristics that are necessary for a prisoner's successful reintegration into society as a law-abiding citizen."

A "prison milieu" of this nature was created and preserved by maintaining strict but fair discipline on the one hand, while individual prisoners and their problems were, on the other hand, always "handled with patience and empathy."

"This manner of dealing with prisoners ensures that heads of prisons and their personnel can maintain effective control over relatively contented prison communities," Brig Botha said.

"Strict measures are taken in prisons to prevent and control possession of any unlawful articles by prisoners, such as weapons and drugs."

The same applied to any form of unacceptable social behaviour by prisoners.

"Prisoners who are found to misbehave in these or any other fields are dealt with in accordance with prison regulations," he said "Serious infractions, such as assault, are handed to the South African Police for investigation and further criminal action as may be necessary."

"Prisoners may not carry money. They do, however, earn gratification under certain circumstances and may receive money from family and friends which is deposited in accounts to their credit, while purchases by them are debited to these accounts."

"The statement to the effect that prison gangs are a favourite

CAP Tink 13/4/84

Inside
.253
prison
gangs

Crime Reporter

TWO violent gangs with conflicting goals wield a powerful influence over the lives of inmates in South African prisons

Both gangs — The 28s and The 26s — are formally structured

The leaders of the gangs, from all accounts, are men of considerable power

One of this breed, "General" James D Petersen, was recently released from Brandvlei Prison in Worcester after serving a 13-year sentence

In an interview this week, Mr Petersen gave an insight into the activities of prison gangs

Earlier this year, accounts of homosexual acts being forced on prisoners and planned executions in communal cells were heard at a murder trial

● Violence a status symbol, page 15

KAM 14/4/84 (253)

Four not guilty of attack on warder

NELSPRUIT — Four maximum security prisoners accused of trying to murder a Prison Service major were acquitted yesterday after a Nelspruit Regional Court magistrate said he was not convinced they were the ones who actually carried out the assault.

Major C D H Visser, who was assaulted after he had lobbed a tear-smoke grenade among fighting prisoners at the maximum security section of the Barberton Prison, regained consciousness only 11 days after being attacked with hammers on April 19 last year.

The four accused were Mphipeni Xaba, Johannes Zwane, Nolene Shandu and Masiza Madkizela. All had pleaded not guilty.

Maximum security prison-

er Ricardo dos Santos, a State witness, told the court a gang in the maximum security section had met on April 18 and decided which warders were to be killed.

The court heard a fight developed between prisoners the next day and Major Visser ordered the prisoners to put down their weapons so the injured could be removed.

Major Visser was assaulted after throwing a tear-smoke grenade among the fighting prisoners.

The magistrate, Mr Wouter de Vos, said in judgment the court was not convinced the accused were guilty, but it was plain the major had been assaulted.

He said prisoners had almost succeeded in their aim of killing a warder — Sapa.

WARDERS STAGED

Another Barberton bombshell!

253

City Press

15/4/84

GO DOWN TO BATTLE

STARTLING allegations that Barberton warders armed two enemy prison gangs with four-pound hammers and put them together in a locked enclosure to "solve their problems" were made in the Nelspruit Regional Court this week.

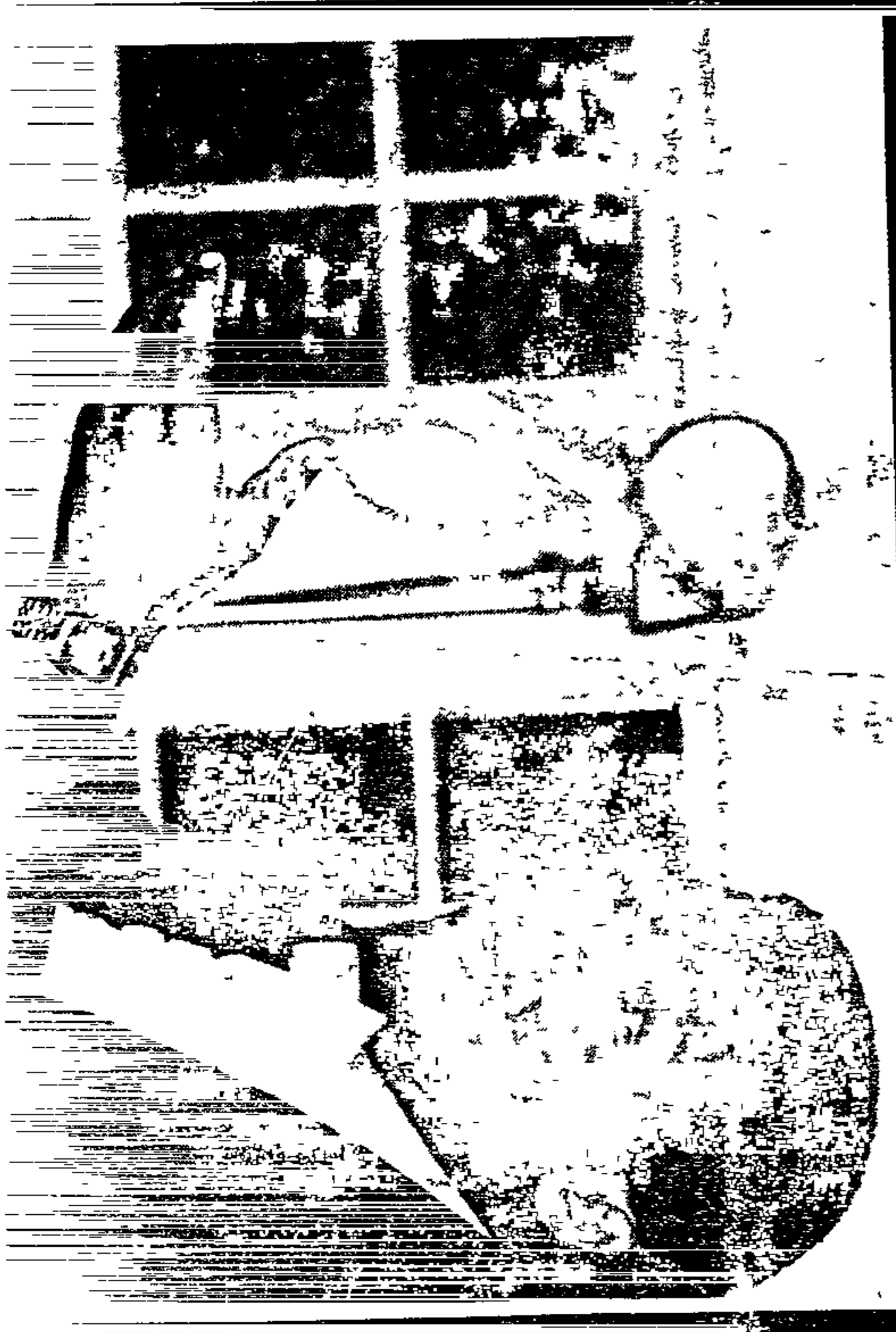
While warders stood outside the fenced-in "camp" where the fighting took place, injured members of the 26 Gang clawed their way under or over a three-metre high fence to escape being beaten to death by members of the 28 Gang, the court heard.

And when the man in charge of Barberton ultra-maximum security prison, Major Cornelius Dirk Hendrik Visser, went into the camp to help the injured, he was badly assaulted with hammers.

This week four leaders of 28 Gang appeared before Magistrate W de Vos charged with attempting to murder Major

BY DESMOND BLOW

Gang, hit him with a stone which prisoners knew



neither live in Ciskei with Ciskei Security Dumbaza 1w Last year outlawed government the launch tsame bus b Ciskei union was national se blic peace. Mr Whit court vic SAAWU b habits men union, pos cuments o cards - anc T-shirts. He was custody un Labour

TOP I

HAVE BEEN

The C

WARDERS



253

City Press

CONVICT

15/4/84

STARTLING allegations that Barberton warders armed two enemy prison gangs with four-pound hammers and put them together in a locked enclosure to "solve their problems" were made in the Nelspruit Regional Court this week.

While warders stood outside the fenced-in "camp" where the fighting took place, injured members of the 26 Gang clawed their way under or over a three-metre high fence to escape being beaten to death by members of the 28 Gang, the court heard.

And when the man in charge of Barberton ultra-maximum security prison, Major Cornelius Dirk Hendrik Visser, went into the camp to help the injured, he was badly assaulted with hammers

This week four leaders of 28 Gang appeared before Magistrate W de Vos charged with attempting to murder Major Visser on April 19, last year.

The court heard that prisoner Mahipeni Xaba, 35 — who admitted he was a "fighting general" of 28 Gang — knocked Major Visser down from behind with a hammer.

As he lay there, Ndeni Shandu, 41 — a colonel with the gang — hit him on the head three times with a hammer.

Then Johannes Zwane, 33 — a lieutenant with 28 Gang — struck the major once on the head with a hammer before finally Masiza Madikizela, 40 an inspector with the 28

By DESMOND BLOW

Gang, hit him with a stone

Major Visser denied that the two gangs had been put together with hammers "to sort out their differences". He said it was a normal working party and they were given hammers to crush stones — and that members of different gangs always worked together.

The following facts, which were common cause, emerged at the trial:

● The two gangs had been fighting bitterly for a week, and the day before the hammer fight 26 Gang members had assaulted a 28 Gang member

● The warders knew which prisoners belonged to which gang, who the leaders were and what rank they held

● The top leaders in Gang 28 normally worked in isolation, but on April 19 they went to work with their gang and members of 26 Gang

● The camp they were sent to, Camp Four, had not been used for some time

● Thirty-nine prisoners were locked in the fenced-in camp and given hammers, while the warders stayed outside

Major Visser said when he arrived at Camp Four there were



★ **MICHAEL Masof** in a moment of

It was a red-letter Orchestra last Sunday Handel's Messiah in ever done.

It took him almost the Holy Cross Church with a standing ovation

'Hammer fight in jail'

From Page 1

four injured prisoners lying inside the fence and five outside. He ordered the prisoners to hand over the hammers, but they refused.

He threw teargas at them and about six prisoners handed their hammers through the fence, he said.

He unlocked the gate and entered the camp with two warders, but remembered nothing further.

Major Visser denied that he had placed the two gangs together in a cell the previous night with the intention of making them fight, and denied that he had visited them later and asked: "Haven't you started fighting yet?"

Mahipeni Xaba admitted he was a fighting general with 28 Gang and that there could be no fighting without his orders.

He denied he had assaulted Major Visser and said he had not seen the major injured, as he was washing teargas out of his eyes at the time.

Phineas Mofokeng told the court none of the accused had assaulted the major.

'Watch Section trap' 206

JOINT Rent Action Committee chairman says he's not impressed with this that residents of townships faced KwaZulu won't lose their Section 10 rights.

The announcement was made by Co-Minister Piet Koorinhof, who said the Section 10 rights of Hambanathi, Lamontville and any other area to be included into KwaZulu would not be jeopardised.

Mr Gumede said he didn't understand why the two Durban townships should be given special treatment "all of a sudden" — particularly since residents of every other area incorporated into a homeland forfeited their Section 10 rights.

He said he feared it might be "bait" to lead people, unsuspectingly, into a trap, and called for the people of Lamontville and Hambanathi to remain as they are.

GUMEDE Not

★ **Lamontville anger grows Page 4.**

Cosas for Wentworth

★ THE CONGRESS of South African Students is to launch a branch in Wentworth on Sunday at 2 p.m. at Alan Taylor Road.

Members of the organising committee hoped Cosas would be able to help curb gang violence in the area by assisting Wentworth youths with school projects. Cosas will launch an evening school and would urge SRC's to be established in the local schools, he said.

Detainee in hospital — again (329/105)

15/4/84 City Press
DETAINED Ciskei lawyer, Mr Malcolm Xabaka, has been admitted to hospital for the second time since he was arrested after the funeral of an East London Youth Congress member last month.

His admission to Mdantsane's Cecilia Makhiwane Hospital has been confirmed by Colonel Avery Ngaki of the Ciskei Police, who refused to divulge the reasons for Mr Xabaka's admission.

Mr Xabaka was previously admitted to hospital after going on a hunger strike after complaining about the poor quality of food served to him in prison.

Care Trials 19/4/84

'Prison assault' — four freed

253

Own Correspondent
JOHANNESBURG —
Four long-term prisoners have been acquitted of attempting to murder the head of Barberton ultra-maximum security

prison by hitting him on the head with rock-breaking hammers when he tried to intervene in a fight — allegedly staged by him — between 39 prisoners. In a four-day trial in

the Nelspruit Regional Court last week, prisoners told how members of two prison gangs were locked up in an enclosure with hammers and told "Kill each other to solve your problems"

The court heard that four prison warders — Sergeant Barend, Lieutenant Du Toit, Sergeant Nkosi and Sergeant Mavimbela — had locked prisoners from Group C and Group D in cell 12 to "sleep"

At eight that evening the head of the prison, Major Cornelius Visser, peeped through the cell window and asked "Why are you not fighting?" He switched on the light in the cell and left it burning overnight

The next day, April 19, 1983, this group and another gang, which included prisoners of different sections and classifications, were locked in a disused camp called Camp Four

After lunch, powerful leaders of prison gangs, including accused Mphipeni Xaba, Johannes Xwane and State witness Ricardo Dos Santos, were also taken to the "working camp"

Prison warders stood outside the camp while the two gangs, code-named "vark span", started clubbing each other with hammers

A defence witness, Mr Phineas Mafokeng, told the court the prisoners were told to "kill each other"

Major Visser said he entered the camp "to help the injured" after he had received a report that a fight had broken out

When he arrived, he noticed that a number of people were injured and he called on the prisoners to hand over the hammers

Only four or five responded Major Visser then threw a teargas canister at the "vark span" and entered the camp

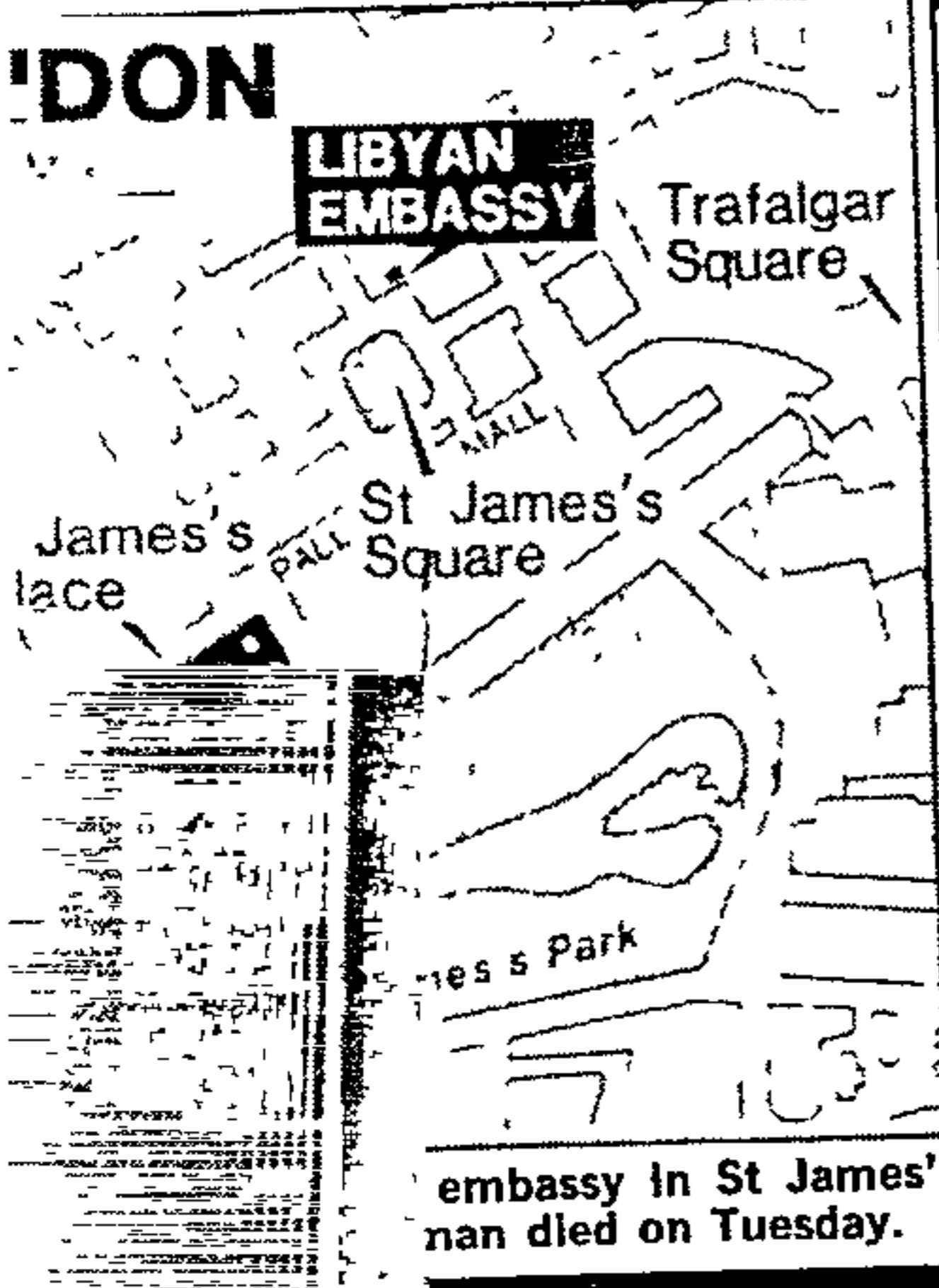
He said he did not know what happened after that. All he knew was that he was assaulted. He was unconscious for 11 days

Major Visser denied that he was ever involved in staging the gang fight

Evidence was that Major Visser rushed at Xaba and knocked him down with a baton. As he turned his back, Xaba jumped up and hit him on the back of the head with a hammer

Major Visser collapsed and it was alleged that Ndeni Shandu smashed him on the head three times, Johannes Zwane hit him once and Masiza Madikizela hit him with a stone

Acquitting the four accused the magistrate, Mr Wouter de Vos, said there were "too many inconsistencies" in the evidence of State witnesses, and some warders who could have given evidence were not called



lum
Correspondent
NE — The Swazi... would find it difficult to give any ANC refugees "the unprovoked and activities" which... the lives and of its citizens, the... Prince Bhe... today
Prime Minister was... to recent developments in which the ANC senior police officer... others who went... them for several... including possession
Press statement, Bhekampzi reiterated... government's commitment... settling disputes by... negotiation
the police confiscated 86 revolvers, 4364 of ammunition, 80 grenades, 52 mines, 292 devices and 141...
See Page 2

RAM 19/4/84 (253)

Prison head beaten: inmates found not guilty

By CHRIS STEYN
FOUR long-term prisoners have been acquitted of attempting to murder the head of Barberton Security Prison by hitting him on the head with four-pound hammers when he tried to intervene in a fight last April. Prisoners at the Nelspruit Regional Court trial told how 39 members of two prison gangs were locked in an enclosure with rock-breaking hammers and told "Kill each other to solve your problems".
The court heard last week that four prison warders, a Sergeant Barend, a Lieutenant Du Toit, a Sergeant Nkosi and a Sergeant Mavimbela, had locked prisoners from two groups in a cell to sleep.
That evening, the head of the prison, Major Cornelius Dirk Hendrik Visser, peeped through the cell window and asked "Why are you not yet fighting?"
He switched on the cell light and left it burning for the rest of the night.
The next day, this group and another gang were locked in the disused Camp Four.
After lunch, leaders of prison gangs, including accused Mphupeni Zaba, Johannes Xwane and state witness, Ricardo dos Santos, were also taken to the "working camp".
Prison warders stood outside the camp while the two gangs, code-named "vark span" (pig team), started clubbing each other with hammers.
The court heard how members of the 26 Gang clawed their way under and over a three-metre fence to escape being beaten to death by the 28 Gang.
Accused Mphupeni Xaba, 35, said he asked warders why they were "doing this" but no-one replied.
A defence witness and gang soldier, Phineas Mafokeng, told the court the prisoners were told to "kill each other".
Maj Visser said he entered the camp "to help the injured" after he heard a fight had broken out.
When he arrived, he noticed a number of injured people — some inside the camp and others outside — and called on the prisoners from outside to hand over the hammers.
Only four or five responded. Maj Visser then threw a tear gas canister at the "vark span" and entered the camp.
He said he was assaulted and laid unconscious for 11 days, but denied staging the gang fight.
The court was told Maj Visser rushed at Xaba and knocked him down with a baton. As he turned his back, Xaba jumped up and hit him on the back of the head with a hammer.
Acquitting the four accused, Magistrate Wouter de Vos said there were "too many inconsistencies in the evidence of State witnesses, and some warders who could have given evidence were not called".
● The Prisons Department confirmed yesterday that Maj Visser has been transferred to Baviaanspoort Prison. They declined to give reasons, saying the matter was "internal".

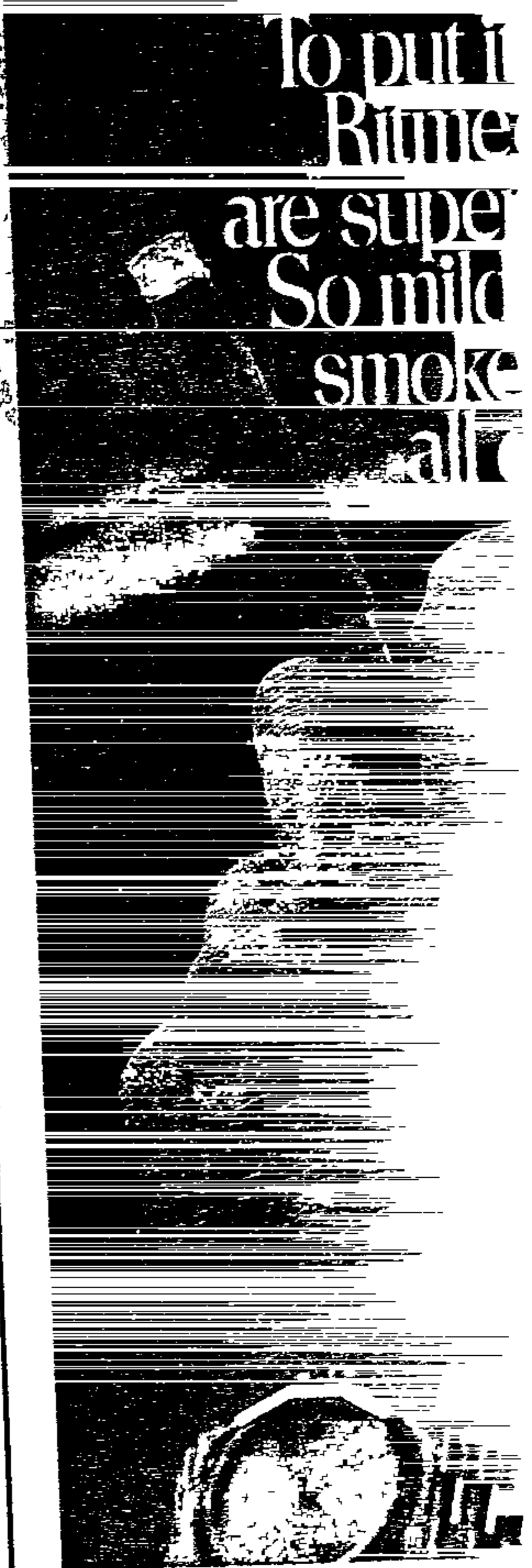
Zola pulls out of UK race
LONDON — Track wonder-girl Zola Budd was yesterday forced to pull out of an athletics meeting, scheduled to take place in Crawley on Saturday, because of veiled threats from the Labour-controlled local council.
She was was to have run in the 1500 metres.
But she decided to withdraw after the Crawley Council had expressed "concern" about her scheduled appearance.
● See Back Page

Rugby stamp has fans in a stew

Mall Correspondent
TOWN — Rugby fans, particularly Western Province fans, are... for joy over last year's... issue commemorating the... centenary. The WP-jerseyed... reaching for the ball is former... Lions captain Bill Beaumont, it...
stamp, issued in July 1983, shows... yers in Northern Transvaal... being out-jumped by the single... Province player

The latest edition of SA Philatelist claims that the photo is from the Free State/British Lions match on May 24 1980 in Bloemfontein, and that the five "Blue Bulls" are Free Staters Rudi Visagie, Dawie Pretorius, Martiens le Roux and Eben Jansen, and Welsh International Gareth Williams. The article, written by Arrie Joubert, quotes Pretoria rugby writer Quintus van Rooyen as his authority.
The designer of the stamp, Cape Town commercial artist Mrs S Nowers, said

yesterday that the stamp was montage of different pictures, and that she had used figures from at least four line-out pictures for the stamp.
"I took them from a book of rugby pictures," she said from her Newlands home. "I was just asked to produce two teams in a line-out, and the jerseys were changed because the Western Province/Northern Transvaal game is the needle match of the season each year."
"They were not supposed to represent genuine WP or Northern players"



RITMEESTER HAVE FINE CIGAR

Four acquitted of murder attempt

19/4/84
D. Dispatch
253

JOHANNESBURG — Four long-term prisoners have been acquitted of attempting to murder the head of Barberton maximum security prison by bashing him on the head with hammers when he tried to intervene in a fight — allegedly staged by him — between 39 prisoners

In a four-day trial in the Nelspruit Regional Court, prisoners alleged that members of two prison gangs were locked up in an enclosure with rock-breaking hammers and told "Kill each other to solve your problems"

The court heard that four prison warders had locked prisoners from Group C and Group D in Cell 12

At 8 o'clock that evening the head of the prison, Major Cornelius Dirk Hendrik Visser, allegedly peeped through the cell window and asked "Why are you not yet fighting?" He switched on the light in the cell and it was left burning overnight

The next day, April 19, 1983, the group and another gang, which included prisoners of different sections and classifications were locked in a disused camp, called Camp 4, the court was told

Evidence was given that members of the 26 gang clawed their way under and over a three-metre fence to escape

being beaten to death by members of the 28 gang

A defence witness, Phineas Mafokeng (a soldier in the gang), told the court the prisoners were told to "kill each other"

Major Visser said he entered the camp "to help the injured" after he had received a report that a fight had broken out

He called on the prisoners from outside to hand over the hammers. Only four or five responded. He then threw in a tear-gas canister and entered the camp

He said he did not know what happened after that. All he remembered was that he had been assaulted. He was unconscious for 11 days

Major Visser denied that he was involved in staging the gang fight

Evidence was that Major Visser rushed at Mphipeni Xaba and knocked him down with a baton. As he turned his

back, Xaba jumped up and hit him on the back of the head with a hammer

Major Visser collapsed and it was alleged that Ndeni Shandu (a gang captain) went forward and smashed him on the head three times as he lay on the ground

Johannes Zwane and Masiza Madikizela (an inspector in the gang) then also allegedly hit the major on the head

Acquitting the four accused, the magistrate, Mr Wouter de Vos, said there were "too many inconsistencies in the evidence of state witnesses, and some warders who could have given evidence were not called"

The Prisons Department confirmed yesterday that Major Visser had been transferred to Baviaanspoort prison. They declined to give reasons, saying the matter was "internal" — DDC

- 4 for 14 days
- 3 for 16 days
- 2 for 17 days
- 1 for 18 days
- 1 for 19 days
- 1 for 20 days
- 1 for 21 days
- 2 for 22 days
- 1 for 25 days
- 1 for 31 days
- 1 for 33 days
- 1 for 75 days
- 3 for 87 days
- 1 for 109 days

(2) Yes

(a) 25.

(b) 7 The trials of 11 persons have not yet been concluded.

(3) No

Hansard Q. 61 1011 X
 Internal Security Act
 824 Mrs H SUZMAN asked the Minister of Law and Order.

How many persons were being detained in terms of section 31(1) of the Internal Security Act, No 74 of 1982, as at 31 December 1983?

The MINISTER OF LAW AND ORDER.

5 persons

Internal Security Act

826 Mrs H SUZMAN asked the Minister of Law and Order.

(a) How many persons were detained in 1983 in terms of section 50 of the Internal Security Act, No 74 of 1982, and (b) for what period was each detained before being released?

The MINISTER OF LAW AND ORDER.

(a) 38 persons

- (b) 21 for 1 day
- 5 for 8 days
- 2 for 9 days
- 2 for 11 days
- 3 for 12 days
- 2 for 13 days
- 3 for 14 days

Internal Security Act

831 Mrs H SUZMAN asked the Minister of Law and Order.

(1) Whether any notices in terms of section 5(1)(e) of the Internal Security Act, No 74 of 1982, (a) were issued, (b) were withdrawn and (c) expired in 1983, if so, (i) how many in each case and (ii) how many such notices were of effect as at 31 December 1983;

(2) whether any notices which expired were renewed, if so, how many?

The MINISTER OF LAW AND ORDER.

(1) (a), (b) and (c) No

(2) Falls away

Hansard Q. 61 1011 X
 Curfew regulations
 833 Mrs H SUZMAN asked the Minister of Law and Order

How many persons in the Republic were arrested in 1983 for offences in terms of curfew regulations?

The MINISTER OF LAW AND ORDER.

10 757 persons

Assault on infants

842 Mr A B WIDMAN asked the Minister of Law and Order

(1) How many cases of assault on infants by parents were reported in respect of each race group in each province

during the period 1 July 1982 to 30 June 1983,

(2) in how many cases in respect of each race group did the infant (a) die and (b) suffer serious injury as a result of the assault?

The MINISTER OF LAW AND ORDER.

Although statistics as required by the hon member are not normally kept, the particulars furnished were specially collected

	(1)	(2)(a)	(b)
Cape Province	10	3	2
White	42	4	11
Coloured	22	5	2
Black	8	—	—
Natal	12	—	—
White	1	—	—
Asian	51	1	30
Coloured	13	—	6
Black	2	1	1
Orange Free State	2	—	2
White	44	1	10
Coloured	2	1	—
Black	22	—	6
Transvaal	51	9	16
White			
Asian			
Coloured			
Black			

FRIDAY, 27 APRIL 1984

†Indicates translated version

For oral reply, Hansard Q. 61, Robben Island 1013 253 27/4/84
 *1. Mrs H SUZMAN asked the Minister of Justice:

(1) Whether any applications were made in 1983 by prisoners on Robben Island to consult with lawyers, if so, (a) how many, (b) what are the names of

the prisoners concerned and (c) what were the reasons for the applications in each case,

(2) whether these applications were granted; if not, why not, in each case?

†The MINISTER OF JUSTICE:

(1) Yes

(a) 132 Applications which were made by 91 prisoners.

(b) It is not in the interest of prisoners in general, or of their families, or other relatives that the names of prisoners or other aspects, which may be of personal interest to them, should be released for general information

(c) Falls away in view of the reply given at (b)

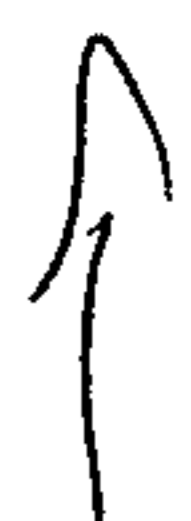
(2) Yes Prison Regulation 123 stipulates that a prisoner who is a party to civil proceedings or intends to institute such proceedings, or is an accused in a criminal action, may consult his legal representative in connection with such proceedings or action.

Where an application to consult a legal representative is not considered to be in terms of Prison Regulation 123, the visit is considered to be a normal visit which is part of the allotted quota applicable to the visiting privileges of different categories of prisoners

A total of 243 visits by legal representatives, including follow-up visits, were received by prisoners on Robben Island during 1983

Hansard Q. 61 1014 27/4/84
 *2. Mrs H SUZMAN asked the Minister of Law and Order

How many policemen, excluding policemen killed or injured in vehicle accidents or outside the Republic, were (a) killed



SA torture is commonplace, Breytenbach claims in book

Post Correspondent
JOHANNESBURG — Astonishing accusations of torture in South African cells and interrogation rooms have gone on sale in South Africa in Breyten Breytenbach's latest book, *The True Confessions of an Albino Terrorist*

It is the first time — except for court reports — that such an account has escaped censorship or banning and been made freely available to the public.

The police have dismissed his accusations as fantasy.

Last week he rejected the Hertzog Prize for Afrikaans literature. He has also refused to come to South Africa to accept the CNA Literary Award. Both prizes were awarded for his 1983 volume of poetry, *Yk*.

Unlike Yk, his *True Confessions* is in English, which assures it of a wide international circulation.

It is bound to provide ammunition to the Anti-Apartheid Movement abroad.

Written in France after his release from prison in December, 1982, it purports to be based on his own experiences after his arrest while on a clandestine visit to South Africa in 1975 to promote the anti-apartheid

organisation, Okhela.

He was convicted of terrorism and served seven years of a nine-year prison sentence for terrorism.

In a chapter entitled "A Note about Torture in South African Cells and Interrogation Rooms", Breytenbach writes that torture in South Africa is spreading. He says it involves the criminal and security police and the defence force.

It is also used with "enthusiastic abandon" by some of the independent homelands, he says.

It is used, he says, to extract information, to obtain false confessions and for "fun".

"By now it is sadly no longer necessary to prove that torture is practised by South Africa's police and security agents. There have been too many deaths they could not camouflage, or did not want to hide," he

writes.

"The methods employed (as they have been described repeatedly) will be anything from sheer brutality and bestiality — hitting with fists and batons and anything that will concuss, but not burst the skin, kicking, stomping, burning with cigarettes, pushing down stairs or out of windows — to the more 'refined' ones employed elsewhere in the world, too."

These, he says, "are strangulation by pulling a wet sack or a plastic bag over the subject's head, holding the subject's head under water until he drowns or loses consciousness (the 'submarine'), beating the subject while he is being twirled handcuffed from a stick in the fold of his elbows or his knees (the 'aeroplane ride'), beating the soles of his feet with batons and with canes, applying repeated electrical

shocks by electrodes attached to the subject's extremities or his nipples ('telephoning' or 'playing radio') — to the more patient and slower forms — depriving him of sleep and/or other physical relief, having him stand in a certain posture for hours on end, having him squat on his haunches or sit with legs outstretched for days and nights."

Breytenbach adds to this list various forms of "mental coercion — isolation, calculated confusion, false confessions, etc."

"More horrifying reports," he writes, "were filtering down from 'the border' (Namibia, Angola and other neighbouring countries subject to incursions from the South African Defence Force) of military intelligence interrogators, aided by .medics, using drugs or in some cases, the withholding of painkillers

from the wounded, 'to break' their captives."

The "brutality, police assault and torture" which, he says, are used "more widely and freely than we ever thought", is "standard procedure" among murder and robbery squads.

In particular he mentions those in Brixton in Johannesburg and Woodstock and Athlone in the Cape.

"Time and again I met prisoners who were beaten, shocked, half-smothered, half-drowned — sometimes in a nearly off-hand fashion, sometimes because the police wanted information quickly," he writes.

He cites an example of the "casual horror" in which he was told by an ex-sergeant in the SAP, "now a prisoner", how he assisted in torturing a black detainee one Sunday afternoon.

"Not because they

wanted any information from him, but because the men on duty were bored, maybe also because the kaffir had to be kept in his place.

"They had the prisoner undress completely, they then emptied the cell of everything except a blanket, the cell was hosed down, the blanket soaked in water too. The naked prisoner was then locked in the wet cell and the blanket, through and the bars of the door, connected to an electric current. The fun was to see the man trying to climb up the electrified walls."

According to Breytenbach, there is nothing, "no ethics, no moral or religious code" restraining political or criminal police in their "absolute power to do with and to the detainees what they want to".

Booksellers report that *True Confessions* is selling "quite well".



BREYTEN BREYTENBACH

P.T.O.

'Fantastic, malicious' allegations anger SAP

Post Correspondent

JOHANNESBURG — The South African Police has dismissed in scathing terms the allegations of torture made in Breyten Breytenbach's newest book

"The South African Police will not dignify Breytenbach's allegations, derived from an obvious background of fantasy, with answers to any of his far-fetched, malicious and unsubstantiated allegations," an SA Police public relations spokesman said

He said Breytenbach's book, *The True Confessions of an Albino Terrorist*, "reminds one of the comments made by the New York Times writer, John Leonard, on one of Breytenbach's previous literary productions, *A Season In Paradise*, which he described as '... a hodge-podge of poems, theory, dreams, parables, puns, neologisms, self-interviews, travelogue, nature-writing, childhood reminiscences, politics and vapours'

"Breytenbach has, since the 1960s, been closely identified by his own admission, as well as by evidence in court, with ultra-leftwing terrorist groups and individuals, including the late KGB agent, Henri Curiel, the ANC and various other ultra-left elements

"He has been involved during his terrorist career in planning a missile attack on a Rhodesian airliner, an attack on Beit Bridge and the freeing of Nelson Mandela from Robben Island by

submarine

"In 1975 he was convicted in the Cape Supreme Court for, among other things, planning to smuggle arms into South Africa for the use of terrorists. During this time Breytenbach apologised sincerely to the then Prime Minister, the late Honourable Mr B J Vorster, and offered his services to South Africa as a secret agent. The court record also shows that he praised the security authorities and denounced his revolutionary comrades.

"We must reiterate that the police are totally opposed to any illegal, cruel or inhuman treatment of prisoners. Torture and abuse in any form is forbidden, and stringent measures are taken, not only to prevent acts of this nature, but also to punish possible perpetrators thereof. The convictions of persons for just such offences in the courts of the land, proves this point

"The SA Police cannot comment on allegations concerning alleged malpractices which may or may not have occurred in any prison as this falls within the jurisdiction of the Department of Prisons"

A spokesman for the SA Prison Service commented that it was unaware of a particular case mentioned by Breytenbach, adding "Generally irregular conduct of any nature against prisoners is not tolerated by the Prison Service"

253 Steyn 30/4/84

Fate of convicted officers in doubt

Pretoria Bureau
The future of a prison official and three policemen, who were given suspended sentences in Eastern Transvaal Courts recently after the deaths of prisoners in their care still appears to be in the balance.

Police and prisons spokesmen will say only that the men's cases are the subject of internal departmental investigations and that it is not policy to comment on such investigations.
The former acting head of the Barberton Prison Farm, Lieutenant J W Niemand, was convicted by a Nelson Spruit Circuit Court early this month of ordering warders to assault a group of prisoners

Three inmates subsequently died and six warders who served under Lieutenant Niemand were jailed for assault.
For his part, Lieutenant Niemand was fined R900 (or 360 days) and sentenced to two years imprisonment, suspended for four years.

In a reply to a question in Parliament recently, the Minister of Justice, Mr Kobie Coetzee, said Lieutenant Niemand was still employed by the Department of Prisons but had been transferred to an administrative position.

This week a Prison Service spokesman said Lieutenant Niemand's case was still being investigated.

On receiving a recommendation, the Minister may reprimand, caution or fine the official concerned or may refer the case to the State President who can opt to discharge or demote the person.

Warrant Officer Gert Johannes Coetzee, of Ermelo, Warrant Officer Christo Hattingh, of Krugersdorp, and Constable Dirk Kruger, of Klerksdorp, were convicted in the Volksrust Circuit Court of assault and given suspended sentences after the death of Mr Themba Knana in the Dirkesdorp police cells.

Warrant Officer Coetzee and Warrant Officer Hattingh were each sentenced to three years imprisonment,

suspended for five years, and fined R1 000 (or one year).

Constable Kruger was sentenced to three years imprisonment, suspended for five years, and fined R500 (or six months).

Police spokesmen have confirmed that a board of inquiry will investigate the matter.

The Minister of Law and Order, Mr Louis le Grange, told Parliament last week that the three policemen had been suspended pending the outcome of the investigation.

It is believed that the Commissioner of Police generally takes a tough stand on such matters, usually opting to discharge offenders

(b) Blacks 7
 (bb) From 1984.01.01 to 1984 04 27
 Coloureds 1
 Blacks 22
 Blacks 7

Hans and Q. 61. 1095
 Sales tax 2/5/84

840. Mr B B GOODALL asked the Minister of Finance:
 What amount in general sales tax was derived from (a) individuals, (b) companies

ies, (c) the (i) building and construction, (ii) retail, (iii) wholesale, (iv) manufacturing and (v) services sectors and (d) any other specified sources in the (i) 1982-83 and (ii) 1983-84 financial year?

The MINISTER OF FINANCE.

Reply:

Statistics which distinguish between payments of sales tax by individuals and companies are not maintained. For statistical purposes collections of sales tax are analysed under nine main groups. The analysis for the relevant financial years was as follows:—

Main Group	Financial Year 1982-83	Financial Year 1983-84
(1) Agriculture and Fisheries	R 12 241 843	R 9 761 184
(2) Mining and Quarrying	14 940 933	14 307 415
(3) Manufacturing	545 122 645	458 200 980
(4) Wholesale sales and services	569 110 284	470 091 575
(5) Retail sales and services	1 723 914 735	1 564 183 495
(6) Personal services (See note (5) below)	18 184 077	17 258 070
(7) Catering and Accommodation services	126 301 824	106 915 519
(8) Business services	172 240 799	197 593 673
(9) Unclassified (See note (6) below)	1 296 207	1 396 143
Total	3 183 453 347	2 839 708 054

Notes:

- (1) Includes an amount of R116 065 589 in respect of construction and building materials.
- (2) Includes an amount of R63 506 379 in respect of construction and building materials.
- (3) Includes an amount of R70 976 079 in respect of building materials
- (4) Includes an amount of R70 850 744 in respect of building materials.
- (5) Personal services comprise dry cleaners, beauty salons, etc, as well as

medical practitioners, dentists, para-medical services, private hospitals and clinics in respect of the sale of goods.

(6) Business services cover renting and financial leases in respect of movable goods.

253 Q. 61. 1097
 Corporal punishment 2/5/84
 841. Mr P H P GASTROW asked the Minister of Justice

(1) How many males (a) under the age of 18 years, (b) between the ages of 18 and 21 years and (c) aged 21 years and over in each race group were sentenced to corporal punishment in 1983;

(2) how many strokes were inflicted in respect of each category of persons?

The MINISTER OF JUSTICE

(1) The required information is unfortunately not readily available. The following information is however supplied for the period 1 July 1982 to 30 June 1983.

(i) During the period mentioned 40 004 persons were sentenced to corporal punishment, without a combination of other sentences of whom—

- (a) 1 824 were Whites;
- (b) 13 300 were Coloureds,
- (c) 588 were Asians; and
- (d) 24 292 were Blacks.

(ii) In addition 654 persons were sentenced to corporal punishment, coupled with imprisonment which was not suspended, of whom—

- (a) 9 were Whites;
- (b) 178 were Coloureds;

(c) 8 were Asians; and
 (d) 459 were Blacks.

(iii) Furthermore 795 persons were sentenced to corporal punishment coupled with imprisonment which was suspended, of whom—

- (a) 50 were Whites;
- (b) 189 were Coloureds, and
- (c) 556 were Blacks

(2) The required information is unfortunately not readily available

Hans and Q. 61. 1098
 Adoption 2/5/84

845. Mr A B WIDMAN asked the Minister of Health and Welfare:

How many White children were placed in adoption in terms of the Children's Act in 1983?

The MINISTER OF HEALTH AND WELFARE.

2618
Hans and Q. 61. 1098
 Lebowa Development Corporation 2/5/84
 850 Dr W J SNYMAN asked the Minister of Co-operation and Development.†

(1) (a) What amount was written off as bad debt by the Lebowa Development Corporation in each of the latest specified four financial years for which figures are available, (b) how many industrialists were recruited abroad by this corporation in each of these years and (c) how many industrial undertakings were established in Lebowa by means of foreign capital in each such financial year,

(2) whether the Lebowa Development Corporation made any financial grants in the above-mentioned financial years, if so, (a) to whom, (b) when and (c) what was the amount of each grant?

253 D. Prinsloo
**21 prison deaths
in three years**

PRETORIA — Twenty-one prisoners have died from unnatural causes at prisons in the Barberton area in the past three years, the prisons department said here yesterday.

According to statistics released by the Prisons Department, 11 prisoners died at prisons in the area last year.

Of these five died after being assaulted by fellow prisoners, four died from wounds sustained during a mass escape attempt, one was fatally wounded while allegedly assaulting a member of the prison staff and another was shot dead while trying to escape.

Six prisoners died of unnatural causes in 1982, while four unnatural deaths were reported in 1980. So far this year, there have been no deaths at the five Barberton prisons. There were also no deaths in

1981 4/5/84
A Prisons Department spokesman said yesterday all the deaths had been investigated by the police at the department's request and the investigations had, in each case, resulted in post-mortems or criminal proceedings.

This was in accordance with the department's policy to oppose all forms of unlawful violence, whether by prisoners or warders, and to take steps to punish offenders, he said.

Events at the Barberton prisons were "still under the magnifying glass," he added.

Several members of the Prisons Department were currently serving jail sentences as the result of criminal offences and criminal proceedings involving an alleged assault on an officer was still pending — SAPA

NR605 5/3/84 (252)

SUPREME COURT

Guilty or innocent, the judge decides

By DAVID BLEAZARD, Supreme Court Reporter

MOST important to the process of administering justice in the Supreme Court is the judge

It is the judge who decides on the guilt or innocence of the accused in a criminal trial and imposes a sentence on the guilty

There are 17 judges in the Cape Provincial Division of the Supreme Court, which sits in Cape Town

The two people who sit on either side of the judge in many criminal cases are assessors, appointed by the judge in

THE Supreme Court can be the scene of high drama, particularly in criminal trials which catch the public imagination — like the "Scissors murder" of 1975 or the trial of Mr John Verity, accused of murdering his former wife and seven-year-old daughter.

However, to members of the public who might be interested in such cases, the role of the dramatis personae may not always be clear.

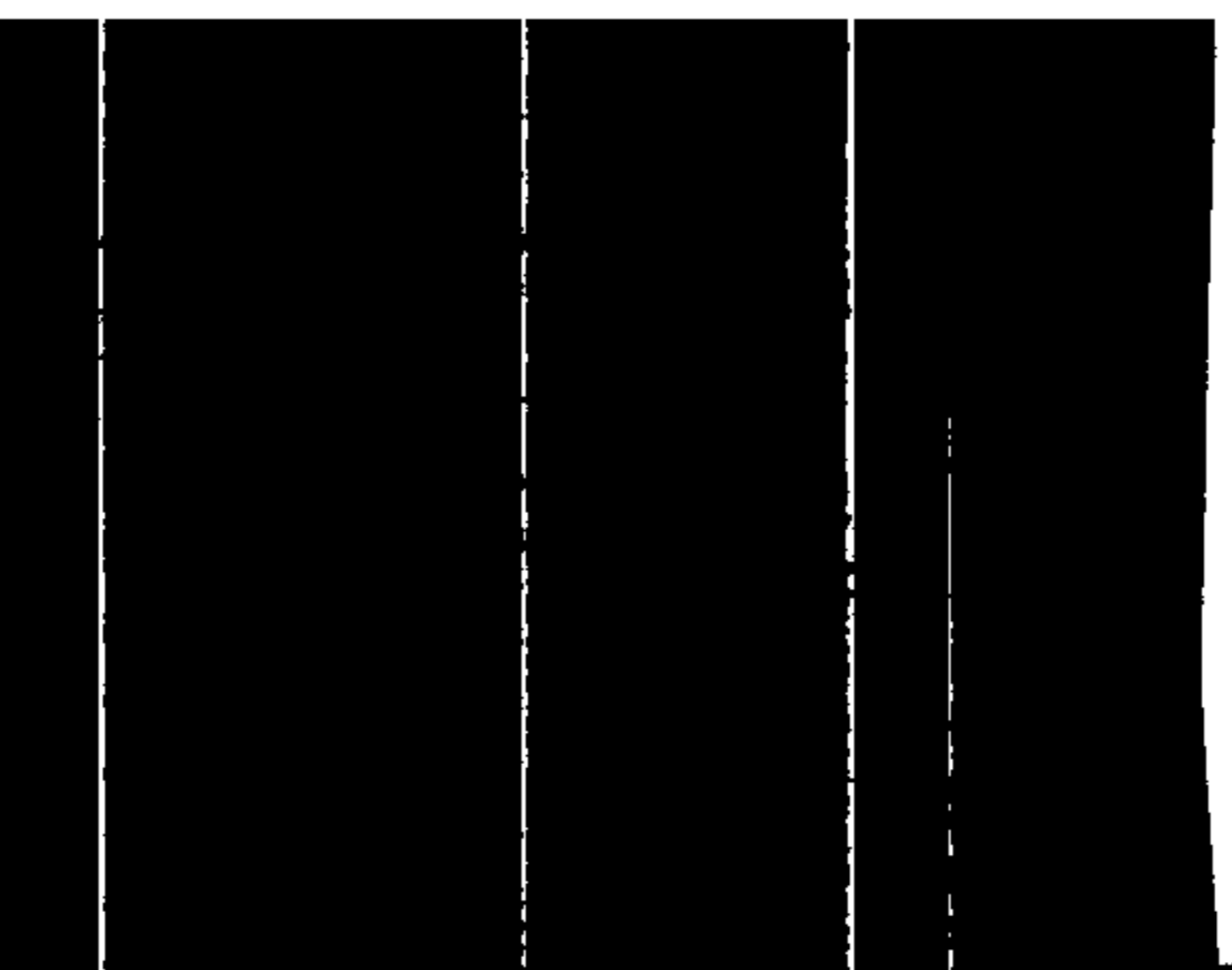
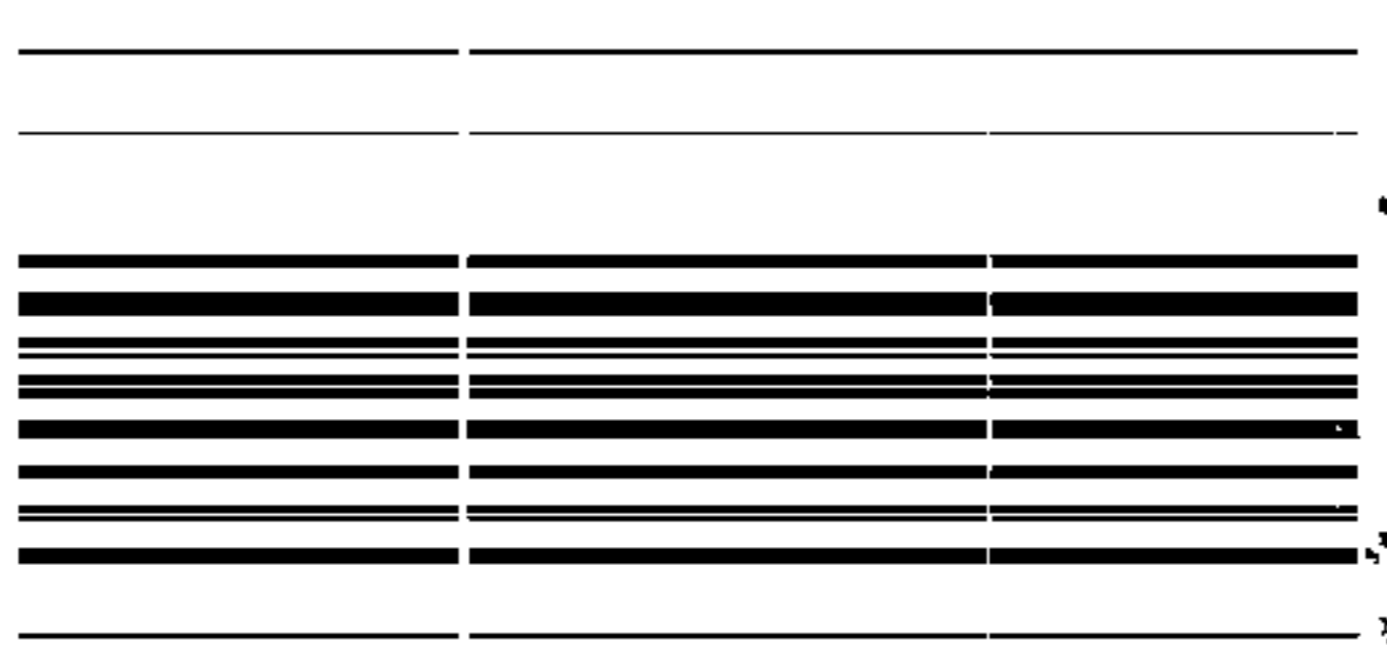
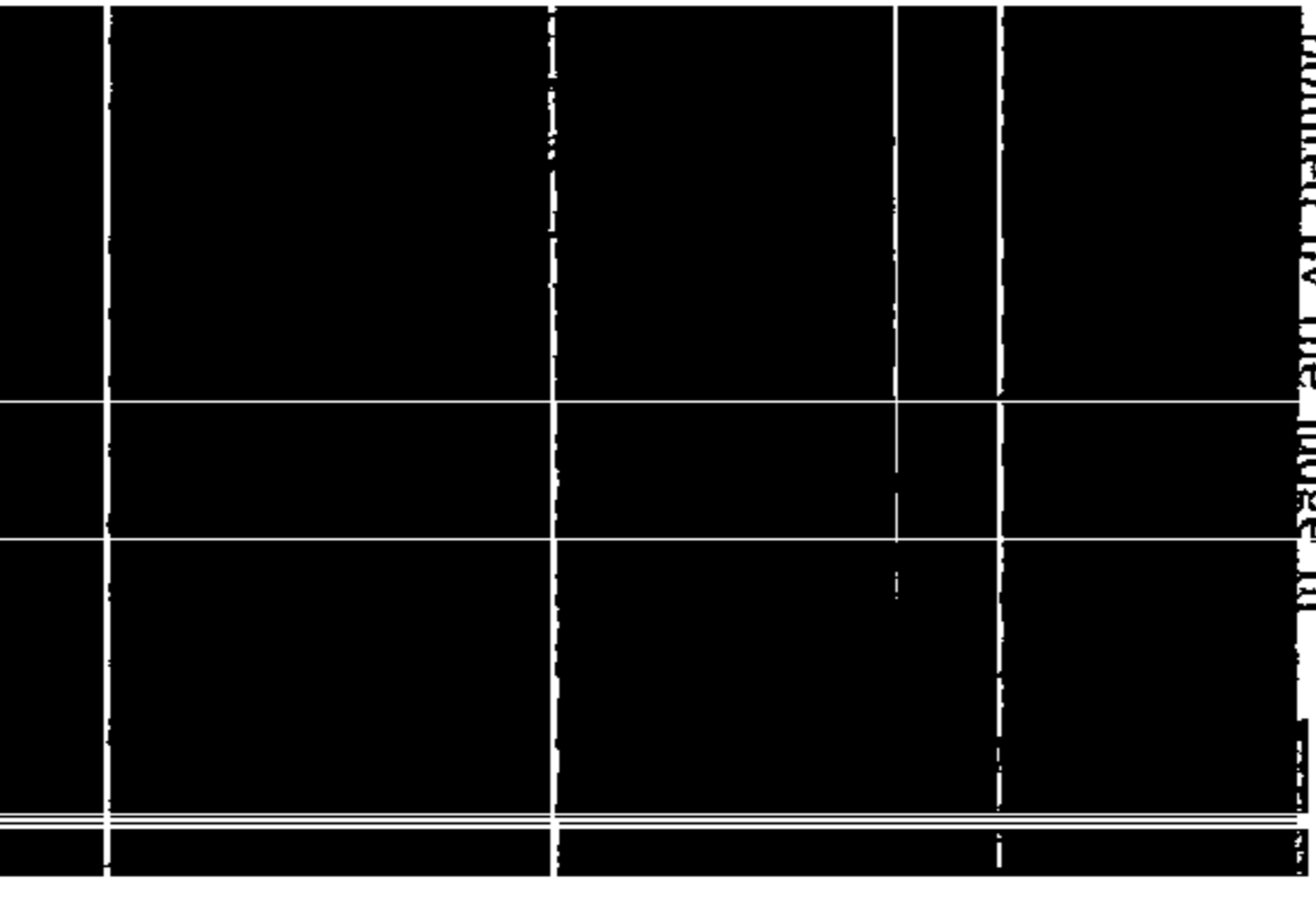
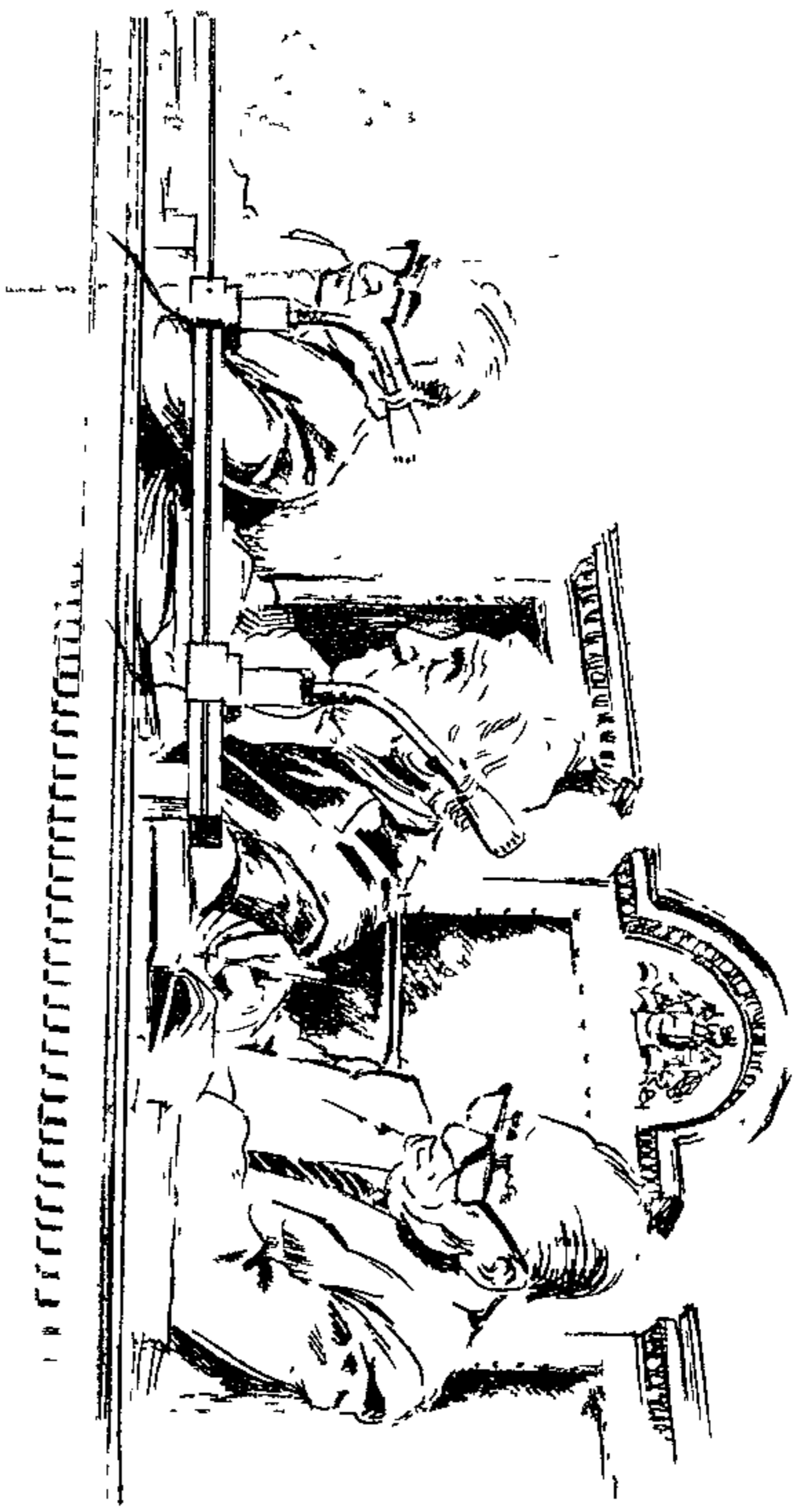
From the public gallery in a

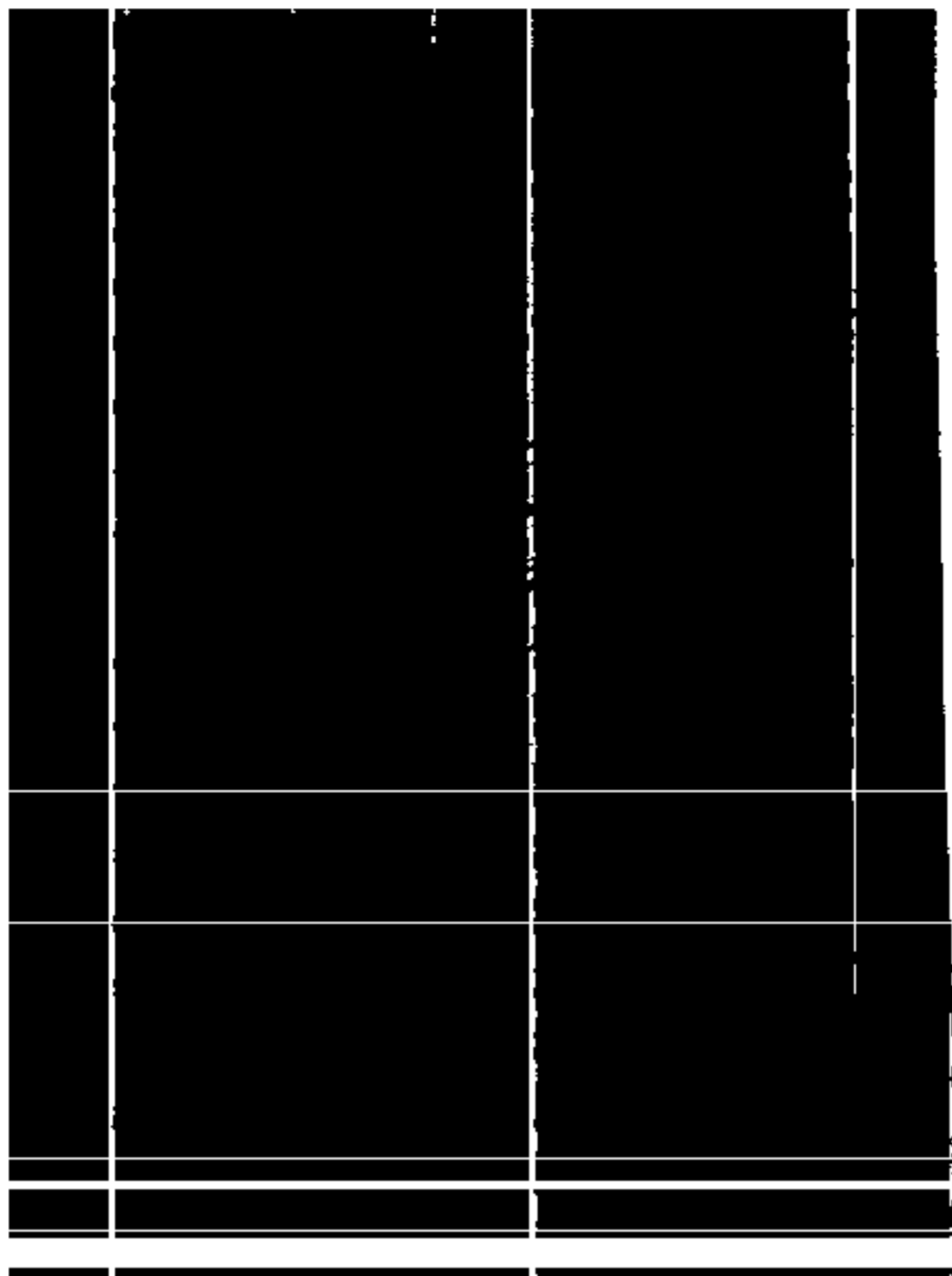
criminal trial at the Supreme Court one is likely to see a red-robed judge facing the court, flanked by two people in everyday clothes.

With their backs to the gallery will be two or more figures dressed in black robes, addressing the court.

Who are these people and what role do they play in the administration of justice?

This is the first in a three part series.





229 8/3/84

terms of the Criminal Procedure Act in trials which carry a potential death sentence on conviction

They are people experienced in the administration of justice, often retired magistrates, advocates or attorneys

They may be specialists in certain areas such as accountancy or medicine if the case requires it

Equal say

Assessors have an equal say with judges on all matters of fact, and two assessors can overrule the judge

But on questions of law, or how the various Acts concerned are to be interpreted, the assessors have no say

The matter of sentence is solely the judge's prerogative, although he or she may discuss it with the assessors

The role of judges is much more varied than deciding on the fate of criminal accused

Inside Court No 9 a lone judge, dressed in black robes, presides over a court filled with rows of advocates waiting to address the court

This is the motion court, or Third Division as it is known in Cape Town

In this court, unopposed motions are heard involving such matters as divorces, sequestrations and liquidations

Affidavits

All the evidence is contained in affidavits and the motion court does not hear oral evidence except in divorce cases

As each case is called, one or more advocates will address the court briefly and the judge will decide the matter on the papers, read beforehand

If there is a conflict of facts on the affidavits the matter will be referred to the Fourth Division, where civil trials and opposed motions are heard

In civil trials, where one party seeks relief against another, a brief statement of each party's case is put in writing in the pleadings and the court hears oral evidence

to decide the issues

There is no provision in the law for the appointment of assessors in civil trials, although both parties may agree to refer technical matters to a referee for an inquiry and report

Civil trials

Civil trials are heard by one judge This is normally the case with motion proceedings as well, but here the Judge-President may appoint more than one

The Special Income Tax Court, which sits four times a year at the offices of the Receiver of Revenue, is presided over by a Supreme Court judge sitting as president of the court and two assessors

The hearings, in camera, are less formal than other court proceedings

The Circuit Court, presided over by one judge, periodically visits outlying areas to hear Supreme Court matters

This saves the witnesses in criminal cases, or the litigants in civil cases, the expense of travelling to Cape Town

Leave to appeal

A recent amendment to the Supreme Court Act has changed the rights of would-be appellants in civil cases in the Supreme Court and the role of judges in hearing appeals

Previously every litigant had the right of appeal to a higher court

Now the litigant cannot appeal without permission of the court from which he wants to appeal If he is refused permission, he can petition the Chief Justice in Bloemfontein

If the judge grants leave to appeal he will decide whether the matter merits the attention of the Appellate Division or whether it should be considered by a full bench of three judges of the Provincial Division

Lower courts

People who appear in the Magistrate's Court or Regional Court in criminal or civil proceedings still have an automatic

right of appeal to the Supreme Court

These appeals, which take place on Mondays, are heard by two judges, sitting together

If the judges do not agree in their decision the appeal will be heard by three judges, where a majority decision will decide the matter

Where someone who was not represented in a lower court is sentenced to imprisonment, he can apply to the Supreme Court for a "jail appeal"

A judge reads the case and, if there is merit in the application, the prisoner is brought to court and given an opportunity to argue the appeal himself

All cases in the Magistrate's Court which result in sentences of more than six months' imprisonment or a fine of more than R500 automatically come to the Supreme Court for review, as do all sentences of corporal punishment of adults

Reviewed

Where the magistrate has less than seven years' experience cases with sentences of more than three months or fines of R250 are reviewed

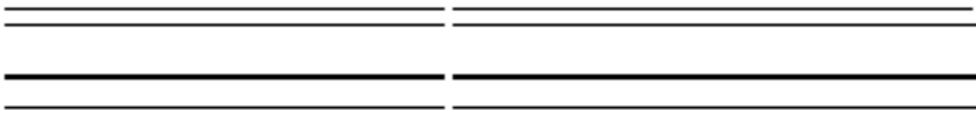
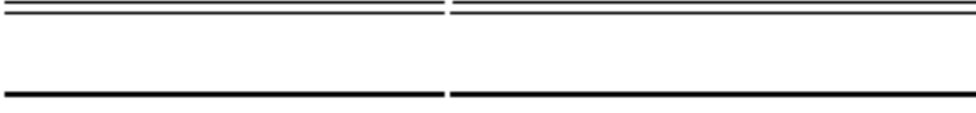
A judge will read the trial record to satisfy himself that the conviction and sentence are in accordance with justice

If the judge is not satisfied, he can call on the magistrate for a written explanation If still not satisfied, the judge can set aside the magistrate's judgment

Such decisions are considered by a group of judges, signed by two of them and handed down in the motion court at the Supreme Court on behalf of the judge who wrote it

The Supreme Court is in session for a much shorter part of the year than the lower courts and goes into recess four times a year for a total of about four months

At all times during the term or the recess there is a "duty judge" appointed on a weekly basis



ARGUS 9/5/84

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It's a long road to the trial

WHILE the judge is the person who decides cases it is the prosecutor in criminal cases who decides whether a case comes to court.

Criminal trials in the Supreme Court are prosecuted by staff of the Attorney-General's office. In Cape Town the office has a complement of 20 advocates.

When police have arrested a suspect in connection with a crime they submit a docket to a prosecutor in the magistrate's court, or to the Attorney-General's office in the case of more serious crimes.

Justified

The prosecutor who re-

"The prosecutor is not the traditional gladiator set against the accused..."

South Africa used to follow the traditional English accusatorial system, but is now leaning more towards the European inquisitorial system of criminal court prosecution...

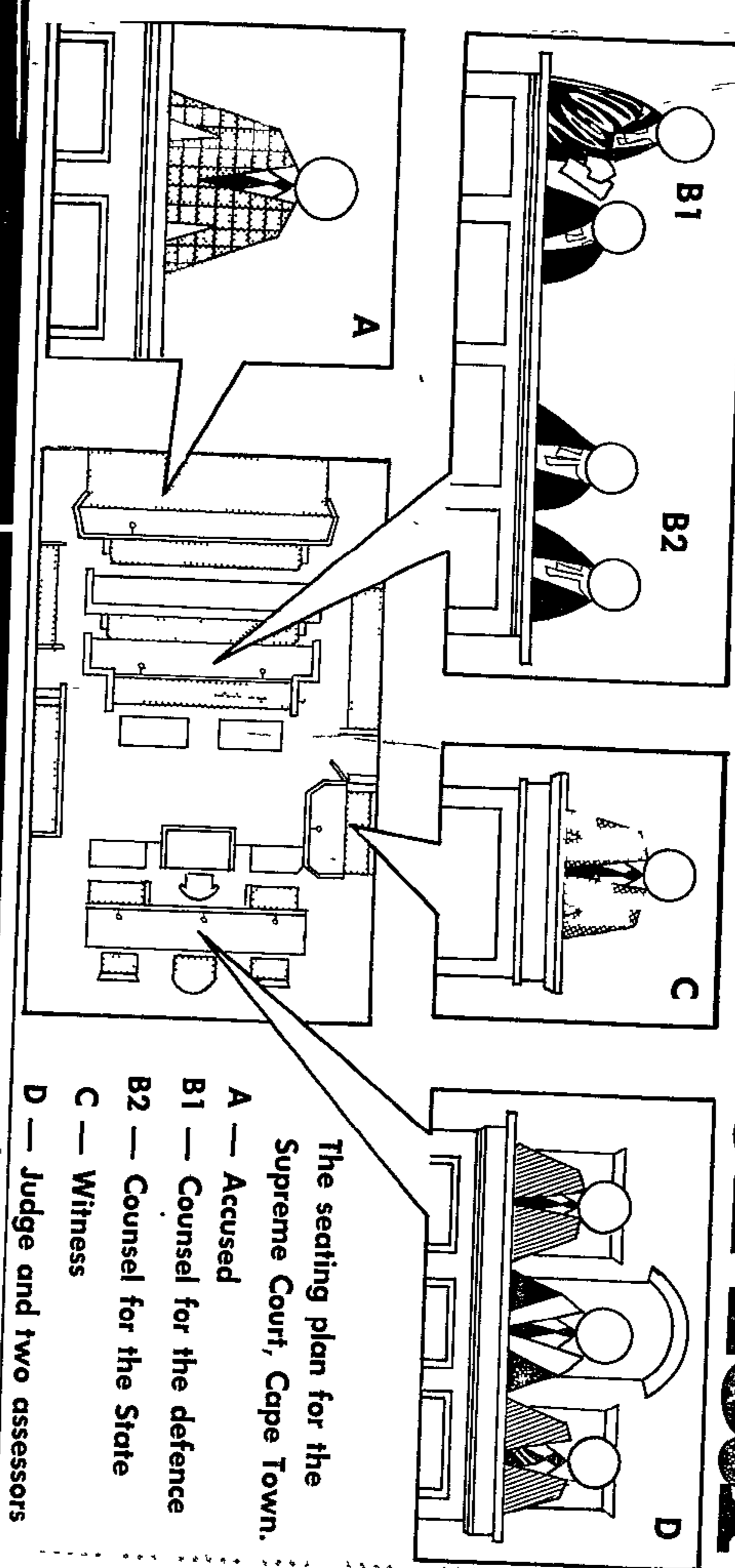
In the second of a three-part series on South Africa's judicial system, Argus Supreme Court reporter DAVID BLEAZARD examines the role of the prosecutor, or State counsel.

He can accept the plea of the accused, even in the case of a plea of not guilty.

Favourable

In practice, the prosecutor is responsible not only for bringing before the court the evidence which

In this process of transition, the role of the prosecutor in South Africa has become a more objective one. The interests of the accused, as well as those of the community, become his concern.



... responsible with the police for the investigation

He or she will take the case to court only if satisfied that the investigation has been completed and prosecution justified

In coming to this quasi-judicial decision the prosecutor must have seen or heard the accused's side of the story, unless the accused refuses to say anything.

In court the black-robed prosecutor becomes the *dominus litis*, or master of the litigation.

Evidence

He puts the charge to the accused and leads the evidence against him, if the accused pleads not guilty

At the end of the State's case and the case for the defence, the prosecutor addresses the court, asking for a particular finding

In the case of a conviction, the prosecutor presents evidence relevant to the sentence

The prosecutor is empowered to withdraw the case against an accused before he pleads, in which case the accused can again be charged with the same crime, or to stop the prosecution at any time, which entitles the accused to an acquittal

the accused - e s t o u t also bring to the attention of the defence any evidence which might be favourable

"The prosecutor is not the traditional gladiator set against the accused," an advocate in the AG's office said

South Africa used to follow the traditional English accusatorial system, but is now leaning more towards the European inquisitorial system of criminal court prosecution

"In the accusatorial system, you have counsel for the State and counsel for the defence competing against each other

"Counsel for the State's function is to obtain a conviction That of

the defence is to obtain an acquittal

"The court acts as a kind of 'referee' The judge does not take part in the process of leading evidence

"Although South Africa still officially follows the accusatorial system, we are now moving away from it

Transition

"This is reflected in Sections 112 and 115 of the Criminal Procedure Act, which allow the judge or magistrate to question the accused without the accused having to go into the witness box

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"We have a vast number of undefended cases in South Africa, especially in the lower courts

"The accused is often unsophisticated, making a strict application of the accusatorial system ludicrous You would have a learned prosecutor as gladiator against the unsophisticated accused

"The practice has developed of the prosecutor making any evidence favourable to the accused available either to the accused or the court

Ombudsman

"The prosecutor now plays a kind of ombudsman role, especially in the lower courts

"If it should appear on appeal that the prosecutor had some information favourable to the accused and failed to make it available, this could be ruled an irregularity

which could lead to the setting aside of the conviction

"In practice, some prosecutors will still follow an active adversory role in presenting a case, but this is a natural spillover from the days of the accusatorial system"

Discretion

Where criminal appeals are heard in the Supreme Court, the advocate of the Attorney-General's office represent the State, normally arguing in support of the magistrate's or judge's decision

"But we have a wide discretion as to whether to support the conviction or not," the advocate said

"If we feel it can't be supported, we will concede this to the court"

While a convicted person can appeal against conviction or sentence,

and against findings of fact or points of law, the State's right of appeal is limited to points of law It has no right of appeal against a magistrate's factual findings

"Serious consideration should be given to the State having a right of appeal on the facts

"An accused could be acquitted on the basis of an erroneous assessment of the facts, through human error

Chamber work

"The community has a real interest in a guilty person being punished And an accused incorrectly acquitted is as unjust as one incorrectly convicted"

When not appearing in court, advocates in the AG's office are engaged in chamber work, most of which consists of deciding whether or not to prosecute cases

They are also called on to write opinions, often for other departments of the public service Judges may ask for an opinion before interfering with a magistrate's judgment on review

Although there are no statutory educational requirements for a prosecutor, the AG's staff have LLB degrees and are admitted as advocates of the Cape Supreme Court

● TOMORROW: The advocates.

Call Times 9/5/84
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Ban On
Hearing:
Lawyer
hopeful

From TONY WEAVER
WINDHOEK — Lawyers

acting on behalf of 37
internees held at the
stop-secret Mariental
camp say that a certifi-
cate issued by the Min-
ister of Justice "ban-
ning" an application for
the release of the 37 was
not authorized.
They will contest the
certificate, issued by Mr
Kobie Coetsee two
weeks ago, in the Wind-
hoek Supreme Court,
and will attempt to have
the hearing reinstated
on the roll.
This emerged yester-
day when Mr David
Smuts of Lorenz and
Bone, the firm acting for
the internees, was ap-
proached for comment
on the case.

'No power'

He said: "We have
considered the certifi-
cate issued, and have
reached the conclusion
that the Minister of Jus-
tice has no power to is-
sue such a certificate in
the circumstances of
this case."

Asked whether he had
been given access to the
37 internees held at
Mariental for more than
six years, Mr Smuts said
he had applied for per-
mission to see them but
this had been refused.
The Mariental hearing
hit national and inter-
national sharp reaction
from influential over-
seas bodies when Mr
Coetsee effectively
"banned" it from pro-
ceeding.

Defence Act

He issued a certificate
in terms of Section 103
of the Defence Act,
which stated the pro-
ceedings could not pro-
ceed "in the national in-
terest".

The certificate may
not be challenged in a
court of law, according
to the Act.

Subsequent to Mr
Coetsee's "banning" of
the case, the Adminis-
trator-General of SWA/
Namibia, Dr Wille van
Niekerk, confirmed that
54 of the internees
would be released soon.

And last weekend, the
Joint Angolan and
South African Monitor-
ing Commission visited
the top-secret camp,
258km south of Wind-
hoek, to see about 30
Angolan soldiers held
there.

in respect of any of these recommendations; if so, (a) in respect of which recommendations and (b) why in each case;

- (3) whether any steps are being taken to implement the recommendations that have been accepted, if so, what steps in respect of each such recommendation;
- (4) whether any investigations have been instituted pursuant to this report, if so, what investigations;
- (5) whether any legislation pursuant to this report will be introduced during the current session of Parliament?

†The MINISTER OF JUSTICE:

I will deal with the whole matter during the debate on my vote which commences on the 17th instant and will then furnish the hon member with conclusive replies to his questions

- (1) to (5) Fall away.

Lynnwood Ridge: post office

*3. Dr T G ALANT asked the Minister of Posts and Telecommunications †

Whether his department intends erecting a new post office in Lynnwood Ridge, Pretoria; if so, (a) on what site, (b) what is the (i) time schedule and (ii) expected total cost of the project planned and (c) what postal services will be rendered by this new post office?

†The MINISTER OF POSTS AND TELECOMMUNICATIONS

Yes, the designation LYNMAR has been allocated to the office;

- (a) erf 287, Lynnwood Ridge;
- (b) (i) the tender invitation closes on 13 June 1984 and if matters progress favourably, the building will be completed by September/October 1985, and

(ii) R360 000, and

(c) all services except door to door postal delivery

253 *Hansard 9/5/84*
 Q. 601-1132
 Greytown Prison
 Mr P C CRONJE asked the Minister of Justice.

What (a) is the capacity of the Greytown Prison and (b) was the average daily occupancy of this prison over the latest specified period of 12 months for which figures are available?

The MINISTER OF JUSTICE (Reply laid upon the Table with leave of House).

- (a) Non-White males. 66 (sixty-six) Non-White females: 6 (six).
- (b) The daily average for the period April 1983 to 31 March 1984 was: 136,2 regarding non-White males and 9,3 regarding non-White females

A total of 101 prisoners were incarcerated at Greytown Prison on 30 April 1984, presenting an overpopulation figure of 40,27%

A new prison for Greytown appears on the major works services programme of the South African Prisons Service

Hansard
 Kadotsloot squatter camp
 Q. 601-1132 9/5/84
 *5 Mrs H SUZMAN asked the Minister of Law and Order.

(1) Whether any members of the South African Police took any action at the Kadotsloot squatter camp in Hout Bay on or about 27 April 1984, if so, (a) why, (b) at what time and (c) what (i) was the nature of the action taken and (ii) were the circumstances surrounding the matter;

- (2) whether any (a) shots were fired and (b) tear-smoke was used on this occasion; if so, why;

stones and bottles from the surrounding bushes.

In order to protect themselves and to restore order batons and one teargas canister were used

- (2) (a) No

(b) Yes, to restrain the rioters and restore order

- (3) Yes

- (a) 10

(b) A member of the Force and an official of the Administration Board sustained burns while another member of the Force sustained an open wound to his right hand caused by a panga

It is not known how many squatters were injured during the incident, but on 1 May 1984 two Coloured females and five black men alleged in statements to the police that they had been injured in the action taken on 27 April 1984. One black man alleged that he sustained a bullet wound while the others showed a variety of bruises and swellings. One also showed an open wound above his left eye

- (4) Yes

- (a) 21

(b) 20 for illegal squatting and no identity documents, 1 for obstructing a policeman in the execution of his duties, riotous behaviour and resisting arrest.

- (5) Yes

- (a) On 1 May 1984

(b) 1 of attempted murder
 3 of serious assault
 3 of common assault

- (6) Yes

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People's lives can hinge on this man

HOWEVER objective the role of the prosecutor may become, it is likely that an accused person will always see his own advocate, or defence counsel, as his best friend

The advocate's aim is to secure the acquittal of the accused in a criminal case or a favourable judgment for his or her client in a civil case

There are at present about 130 advocates attached to the Cape Bar, the local society of advocates

Mr E L King, SC, chairman of its governing body, the Cape Bar Council, said the role of the advocate was to present the case of the accused in the most favourable light

With integrity

"But he must do so in a way which is consistent with his position as an officer of the court. He must act with integrity and openness as far as the court is concerned

"He must do nothing which would mislead the court or the prosecution"

The advocate must handle his brief according to the instructions his client has given him

If the accused has confessed his guilt to the advocate, the advocate cannot advance a case inconsistent with this

For instance, if the client admits shooting someone but says he was drunk or provoked, the advocate can't put up a story that the accused was never at the scene of the crime

Has the right

The advocate has the opportunity to cross-examine State witnesses, attacking their evidence in order to argue that the case against the accused has not been proven beyond reasonable doubt.

He will make a professional judgment on whether or not to place the accused in the witness box, where he faces

"People's lives, their financial security or their domestic arrangements hinge very much from time to time on the showing the advocate makes in litigation ..."

In this third and final article in his series on South Africa's higher courts, Argus Supreme Court Reporter DAVID BLEAZARD examines the role of advocates.

the hazards of cross-examination by the prosecution

But if the client insists on giving evidence, he has the right to enter the witness box even though his counsel may think he will convict himself by doing so

On the other hand, the court is entitled in some circumstances to draw an adverse inference from the fact that a person chooses not to give evidence

Discussions between an advocate and his client are privileged and there is no procedure for forcing disclosure of what the client has confided to him

"It is vital to the relationship between an advocate and his client that there should be openness and freedom of speech

In confidence

"The accused person must know that he can confide the truth to his legal representative without it being thrown up against him if he decides not to disclose it in court"

In any trial where there is a possibility of a death sentence on conviction, the Bar Council will provide pro Deo counsel if the accused cannot afford legal representation

Counsel are appointed from a roster of advocates available to take the defence at "a fairly nominal fee", which is paid by the State

"The fee is more realistic than it used to be, but it is appreciably less than most junior members of the Bar would or-



dinarily earn for a day in court," Mr King said

"I would like to see the Legal Aid system extended to cover pro Deo cases so that the accused would have the benefit of an attorney as well"

The bulk of the criminal work in the Supreme Court involves crimes like murder, serious rape cases and robbery with aggravating circumstances and it is normally in such cases that pro Deo counsel are appointed

Although criminal cases usually attract more attention from the Press than civil cases, the bulk of the work keeping advocates employed is probably provided by civil matters

Such work, unlike the pro Deo criminal work, comes through attorneys. Attorneys have a right of audience in the Magistrate's Court, but not the Supreme Court

To take a client's case to the Supreme Court, therefore, the attorney has to brief an advocate

In doing so, the attorney has complete freedom to brief any advocate he chooses

"Attorneys tend to have a 'stable' of counsel they brief regularly at various levels, with whom they have built up a working relationship"

Attorneys are responsible to advocates for the payment of their fees, for which minimum rates are laid down

"The fee differs according to the complexity of the case and the seniority of the counsel. What you pay a senior man might sound like a lot, but you are paying for a lifetime's experience"

Many of the more senior members of the Bar are entitled to carry the letters SC, for Senior Counsel, after their names

The process of becoming an SC, also referred to as "taking silk", is not one which is lightly embarked on

-under minimum

"If he is satisfied that you can successfully continue your practice as a Senior Counsel, your application goes to the Judge President

"If he is satisfied, your application with the endorsement of the Judge President and the leader of the Bar goes to the Minister of Justice

"The Minister in due course will raise it with the Cabinet and the decision is taken by the State President in Council, effectively the Cabinet

"If you are granted silk, you are given letters patent and are entitled to describe yourself as Senior Counsel"

A similar procedure applies to applications by senior advocates in the Attorney-General's office, but the application would go in the first place to the Attorney-General rather than the leader of the Bar.

Senior Counsel normally appear in court with a junior as assistant, the work being more complex, and the fees go up accordingly

No articles

Judges are almost invariably appointed from the ranks of Senior Counsel from the local Bar

"So it is important that they should do the more important work and that there should be a continuing progression to Senior Counsel to replace those who become judges"

To practise as an advocate at all one must be admitted by the Supreme Court. This requires an LLB degree, but no period of articles is required of attorneys

Admission as an advocate gives one the right of attendance in the Supreme Court, but does not automatically make one a member of the Bar

To join the local Bar one must do a pupillage, which involves spending four months in chambers

There is no minimum number of years that you must have been in practice before you are entitled to apply to become an SC, but advocates of fewer than 15 years' experience would not usually apply.

"You apply when your practice has reached the stage in quantity and quality where you feel you can take this decisive step, which will confine you to doing the most important type of work."

"Senior Counsel seldom appear in criminal court or motion court. They hardly ever appear in matrimonial cases or civil cases involving small sums of money."

"To apply for silk, you make known your intention to the leader of the Bar, whose blessing you must obtain

with a pupil master, and pass the national Bar examination."

There is no fixed number of advocates that may be admitted, but the Bar Council requires them all to be under one roof. In Cape Town the members all have offices at Huguenot Chambers.

Esprit de corps

"Young people who start at the Bar always find that their older and more experienced colleagues are ready to help in any matter. There is a good esprit de corps."

Mr King said the work of an advocate was important and carried great responsibility.

"People's lives, their financial security, or their domestic arrangements hinge from time to time on the showing the advocate makes in litigation."

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CARE Times 10/15/84

Commissioners' courts: 'What a picture of white justice!'

IN A speech in the debate on the Co-operation and Development vote in the House of Assembly, Mr Dalling gave his impressions of a visit to the Johannesburg Commissioners' Courts and concluded "This is not justice. It is administrative racial persecution."

Mr Dalling prefaced his remarks by quoting from the report of the Hoexter Commission, which was appointed to

inquire into the structure and functioning of the courts

□ "In principle the Republic should have a single hierarchy of courts for all without reference to race or person."

□ "The judicial officers who preside in the commissioners' courts are not only functionar-

ies of the executive but in addition are public servants with a special responsibility for carrying out the policy of the State as it is interpreted and proclaimed by the department of co-operation and development."

□ "The average standard of criminal justice administered in the commissioners' courts compares unfavourably with that of the magistrates' courts. When an unrepresented accused is charged in the commissioner's court with an alleged contravention of an influx control measure the proceedings are generally characterized by undue haste and a disregard for procedural rules. Such tendencies are entirely subversive of proper justice."



By DAVE DALLING

Progressive Federal Party MP for Sandton

On April 18, 1984, I attended the Johannesburg courts for several hours. On the front door of each court was affixed brand-new legal aid notices, rather strangely rubber stamped with the date February 24, 1978. The court orderly told me that these notices had

been put up about a month previously (some days after the question on legal aid was answered in parliament) and that prior to that, no such notices had been displayed.

Ironically, these signs can only be seen by court spectators and not by accused persons, who come up from the cells.

Though I observed all the courts operating, time does not allow me to relate the entire ex-

perience. I will limit myself to what I saw in F Court (Court No 6).

During February, 1984 this court handled 1755 cases relating to curfew and trespass at the average rate of 84 per day.

The presiding officer was relatively young. He lolled on the bench, often

pointing at the accused. He wore a legal gown without a jacket underneath and a short sleeved shirt. His collar was loose and his tie skew. His hair had not seen a barber for many months and his whole appearance was sloppy in the extreme.

What a picture of white man's justice for all to see! His attitude towards accused people was, to say the least, grossly unsympathetic.

The charges were put to the accused rapidly and in an almost unintelligible fashion, and the accused were required without any further explanation to plead immediately.

On a plea of guilty, no evidence was heard and the conviction confirmed. Sometimes evidence in mitigation was asked for, other times it was not. The general level of sentences handed down was R20 or 40 days.

On a plea of not guilty, the inevitable result was a two-week postponement. Sometimes the prisoner was asked whether he wanted bail.

Of those that were asked, all did. Those who were not asked were just sent back to the cells for a further two weeks.

□ "While the vast majority of persons convicted in our criminal courts are non-white, the number of non-whites seeking legal aid in criminal cases is remarkably small."

The Centre for Applied Studies of the University of the Witwatersrand recently produced a study of the Johannesburg Commissioners' Courts. A few quotations follow.

● "Only about 0,21 percent of the number of people charged were legally represented."

● "Where an accused is unrepresented, the judicial officers should be more than usually vigilant to ensure that the accused person receives a fair trial. In the case of the commissioner's court the heavy court work-load makes such vigilance impossible."

● "Such a high number of postponements should be a cause for concern, particularly because the accused persons are unrepresented and their right to bail is neither explained nor respected. Usually the cases are postponed for a period of about two weeks and in most instances the accused are returned to custody and not released on bail at all."

In replies given to three questions recently the minister said

1. That legal aid was available in these courts, that notices to this effect were posted at the courts, and that no one had applied for legal aid.

2) That prosecutors in these courts required no specific qualification, nor any specific practical experience.

3) That presiding commissioners had to have passed the Lowest Civil Service Law Examination, though no practical experience was laid down. Further, that fully one quarter of the commissioners acting had not achieved even this minimal qualification.

Those who asked for bail were invariably granted bail of R50, more than double the amount of the probable fine.

They, too, just went back to the cells. Of those sent back to the cells on postponement, I have ascertained that a large proportion upon returning two weeks later for trial, are set free as the arresting officer very often fails to turn up.

And we wonder about the crowded state of our prisons! If the presiding officer wanted any information from the accused he told the interpreter to ask "the man" what he had to say.

No accused person complained at his treatment, but then no one was represented or even seemed to know or properly understand what was going on. But the judicial conveyor belt never stopped to help him.

What I witnessed confirmed the very worst of all that I have read these past weeks. This is not justice, — it is administrative racial persecution.

And I have only two questions for the minister:

Are you not ashamed? Can you sleep easily in your ministerial bed, knowing that this is what is happening in your department?

And secondly — forgetting about the eventual transference of these courts — what are you going to do about it now? This week? This month?

Or are you going to leave it and permit injustice to reign supreme? And allow massive ill-will between the races to continue to build up? Those are the questions that demand answers.

Despatch 10/5/84 (252)

Ciskei appeals move to Bisho

BISHO — Ciskei will have its own appellate division to hear appeals in terms of the Supreme Court Bill introduced in the National Assembly yesterday.

The Minister of Justice, Mr Macebo Takane, said the bill had been drafted to separate the Ciskeian jurisdiction in its entirety from the South African system. Ciskeian Supreme Court decisions would not be subject to appeal to the Appellate Division in Bloemfontein.

The seat of the Ciskei Appellate division will be at Bisho.

Piloting the bill, Mr Takane said that, at the time of independence, a Supreme Court was established in Ciskei. On account of the shortage of judges and also on the grounds of expense, it was decided at the time of independence to continue to use the South African appellate division as the final court of appeal.

"This position cannot be allowed to persist and this bill has accordingly been drafted to separate the Ciskeian jurisdiction in its entirety from the South African system," he said.

The constitution of the appellate required that a quorum be three judges of appeal.

There can be no appeal against the decision of the Supreme Court, unless that court has given leave to appeal, or, if it refuses such leave, unless the Chief Justice, or a judge of appeal or the court of the appellate division has given leave to appeal. This meant that there was no appeal, as of right, to the Appellate division.

Mr Takane said an extraordinary provision was made empowering the chief justice to allow an attorney to appear in the Supreme Court, where no advocate was available.

The bill was welcomed by the MPs and was read a second time without any amendments — DDR

Breyten Breytenbach: ^{12/5/84} ²⁵³

A prisoner's vision of SA

A COUNTRY may best be judged, said Churchill, by the conditions of its prisons. This presupposes, of course, that the country concerned will allow its prison conditions to become a matter of public knowledge. Since the end of the 1960s that has not been the case in South Africa.

Prisons never were much in the public eye in South Africa. From time to time there would be an outcry about farm prisons and traditional practices of forced labour in places like Bethal or Barberton. But on the whole we have preferred not to inquire too closely into what was really happening in our prisons.

The one major exception was the Rand Daily Mail's campaign to expose prison conditions in the 1960s. In a courageous exercise of investigative journalism the Mail, then edited by Laurence Gandar, published a series of articles by Benjamin Pogrund drawing a very disturbing picture of prison conditions based on sworn statements obtained from ex-prisoners and warders. Not unexpectedly this brought down the full wrath of the authorities on the Mail.

In a long and costly series of trials, first against the informants and then against the journalists and the newspaper, the prosecution did everything possible to discredit the Mail's motives and sources of information. Gandar was fined and Pogrund given a suspended sentence, and subsequently few, if any, journalists or writers have been willing to



Breyten Breytenbach

challenge the extremely restrictive constraints imposed by the Prisons Act on virtually every aspect of reporting about prisons.

Since then it is only the deaths in detention of political prisoners which have brought about some measure of public information and concern. Deaths in detention and allegations of torture, particularly of political prisoners, are highly charged and intensely controversial issues, the more so since we lack any proper understanding or perspective on prison conditions in general.

Even as it became more important for us to get at the truth of what was happening in our prisons, we were in less and less of a position to have an informed opinion. By Churchill's criterion we simply could not judge the nature of our own society.

This situation has now been changed, and from a rather unexpected quarter. With the publication of Breyten Breytenbach's "True Confessions of an Albino Terrorist" we now have a worthy successor to such fine works as Albie Sachs's "Jail Diary" or Hugh Lewin's "Ban-diet".

Unlike these works it is available in the country itself. It provides both a comprehensive account of prison life and a compelling political vision of South African society as a whole.

POLITICAL PERSPECTIVE

By ANDRÉ DU TOIT



man drama of his "forbidden" marriage to a Vietnamese and the absurd tragi-comedy of his involvement in exile politics and ill-conceived underground activities in South Africa itself, culminating in two political show trials and a long prison sentence for "terrorism", have made him into a public figure cherished or hated by many who have scarcely read a word of his poetry.

It is ironical that the same authorities, who have clamped down so severely on all information about our prisons, should also sentence as perceptive and articulate a writer as Breytenbach to experience and witness it all from the inside.

At the time there was some concern for Breyten himself despite the cultural and ideological chasm which separated most Afrikaners from this Parisian exile and fellow-traveller of the ANC: there was a genuine concern that the long years in prison might destroy Breyten's precious poetic gift.

Release

That fear proved groundless. When he was released from prison at the end of 1982 Breytenbach brought with him an abundance of poetic material which is appearing in a whole series of volumes, all published by Taurus. And if there was any doubt about the quality of his new work, this was settled by the publication of "Yk", an austere and inaccessible body of poetry, but one demonstrating an unrivalled mastery of every nuance and inflection of the language. Little wonder that the Hertzog prize for literature, Afrikanerdom's supreme literary honour, was awarded to this same "terrorist" who had only recently completed eight long years in prison.

For the first thing to be said about the book is that it is both a penetrating and a very accessible work. As complex and inaccessible as his mature Afrikaans poetry could be, so apparently simple and limpidly clear is the language and style of his book. (Though it soon appears that Breyten can make the English language take poetic flight too.)

"True Confessions" is also an utterly engrossing book. Breytenbach has a very special and dramatic story to tell, and at times his account of his adventures, attempted flight and capture reads as tensely as the very best thrillers. It is a very moving story, as well. Breytenbach's renderings of hearing his first sentence pronounced, the separation from his wife, the death of his mother and his release must powerfully affect the reader.

But it is much more than a personal story. "I was plunged," Breytenbach writes, "into the complete prison universe, populated both by black and white." And it is this entire universe which he assiduously sets out to recreate: the physical conditions, the food, the routines and bureaucratic regulations, the human world of warders and inmates, the power of the gangs, the rumours, language and lore of prison, and the visiting chaplains, magistrates and psychologists.

Given the powerful evocation of this whole world, the rights and wrongs of his personal case become of lesser importance. In fact, the weakest sections are probably those in which he attempts to explain the political reasoning which led to his abortive underground activities or to offer some justification for the ill-judged schemes and actions which led up to his two trials.

But these are incident-

happened and to probe the realities underlying surface appearances. The literal facts are often more far-fetched than any fiction.

Thus Breytenbach recounts how the security police questioned him in all seriousness about the "ideological orientation" of Panus, an obviously fictional character in his early writings, absurdly, he is taken by them on a sight-seeing visit — his first — to the Voortrekker monument, inexplicably the senior security officer in charge of his case takes Breyten to his home, proudly shows him around his garden, invites him to join a family meal — and when he returns to prison there, without any warning, is his wife, Yolande, on a visit from France!

But the underlying realities are stranger and more disturbing still, and can only be grasped by intuitive understanding and a leap of the imagination. Warders and inmates are seen to fashion each other, brutally and more subtly, in their own likenesses. And what is this strange bond linking the security officers with political detainees in some sort of moral struggle? Breyten understands, and does not allow us to forget, that these men doing such terrible things to others are human beings like ourselves.

Vision

When he warns us, "But listen, they are killers down to the last man" this is an imaginative as much as a literal truth. Breyten knows that we need to be warned about this awful truth, for we would all too easily trust these men. He also understands that the terrible things they do may arise from all too human frustrations, that some of the killings may even have had some element of an "awkward expression of love and sympathy for a fellow human being".

Always at the centre of the vision of the prison universe is the final horror, the ritual of capital punishment. Many years before Breyten had already explored — in his writing — the powerful image of how

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This situation has now been changed, and from a rather unexpected quarter. With the publication of Breyten Breytenbach's "True Confessions of an Albino Terrorist" * we now have a worthy successor to such fine works as Albie Sachs's "Jail Diary" or Hugh Lewin's "Bandiet".

Unlike these works it is available in the country itself. It provides both a comprehensive account of prison life and a compelling political vision of South African society as a whole.

Breytenbach has, of course, long been known as the foremost Afrikaans poet of his generation. As such his work has a special significance to Afrikaner culture: symbolically he is the carrier of the flame handed down by Eugene Marais, Van Wyk Louw and Opperman. Moreover the hu-

perceptive and articulate a writer as Breytenbach to experience and witness it all from the inside.

At the time there was some concern for Breyten himself despite the cultural and ideological chasm which separated most Afrikaners from this Parisian exile and fellow-traveller of the ANC: there was a genuine concern that the long years in prison might destroy Breyten's precious poetic gift.

Release

That fear proved groundless. When he was released from prison at the end of 1982 Breytenbach brought with him an abundance of poetic material which is appearing in a whole series of volumes, all published by Taurus. And if there was any doubt about the quality of his new work, this was settled by the publication of "Yk", an austere and inaccessible body of poetry, but one demonstrating an unrivalled mastery of every nuance and inflection of the language. Little wonder that the Hertzog prize for literature, Afrikanerdom's supreme literary honour, was awarded to this same "terrorist" who had only recently completed eight long years in prison.

Even more obviously Breyten could not possibly accept the Hertzog prize. To him, as he said on his release, the experience of prison had brought about a final break with Afrikanerdom. "To be an Afrikaner," he repeats in his new book, "is a political definition. It is a blight and a provocation to humanity."

"True confessions" is written in English and is not directed to an Afrikaner audience at all. In his prison experience Breytenbach has found a subject of substantial significance, and he is writing for a wider South African and international audience. The result is both impressive and of importance well beyond literary circles. Breytenbach has opened a window on to an important but carefully hidden part of South African reality which it will not be so easy to close again.

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Given the powerful evocation of this whole world, the rights and wrongs of his personal case become of lesser importance. In fact, the weakest sections are probably those in which he attempts to explain the political reasoning which led to his abortive underground activities or to offer some justification for the ill-judged schemes and actions which led up to his two trials.

But these are incidental to his major achievement which, as a general account of prison life, must rank with the best of its kind.

Breytenbach's evocation of the loss of the sustaining sense of the natural world in prison, his description of the dual effect of solitary confinement, both personally devastating and in some ways also a liberation, and his moving testimony to his own creative vocation even in these desperate circumstances ("I am the writer.") must surely become classic in prison literature.

The point is that Breytenbach brings to his account of such things as his interrogation by the security police and his stay in solitary confinement not only the stamp of personal experience, but also the searing vision and imaginative understanding of the poet. He uses language both to describe what actually

grasped by intuitive understanding and a leap of the imagination. Warders and inmates are seen to fashion each other, brutally and more subtly, in their own likenesses. And what is this strange bond linking the security officers with political detainees in some sort of moral struggle? Breyten understands, and does not allow us to forget, that these men doing such terrible things to others are human beings like ourselves.

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Always at the centre of the vision of the prison universe is the final horror, the ritual of capital punishment. Many years before Breyten had already explored in his writing the powerful image of how black prisoners would accompany the condemned man throughout his last days and hours of awaiting execution by ceaseless singing and chanting. Now he was to experience it at first hand — and found it unbearable. "I wrote one day a desperate plea ... going in my words down on my knees, asking to be removed elsewhere because I couldn't stand this stench of death. But it was probably as effective as praying to a god."

Yet this is by no means a bleak or grim book only. Surprisingly Breyten's story is crowded with a rich variety of persons and incidents, always set down with a wry sense of humour and the poet's intense care for nuance and detail.

"You must discipline yourself intellectually,"

● Continued on page 13

he writes about his life in prison, "by stealing with ears and with eyes, attempting in all possible ways to feed the mind" This, together with the compelling urge to tell everything, and thereby perhaps to purge himself of it, makes for an astonishingly full and vivid account.

At times it seems as if a whole cross-section of South Africa had in one way or another become involved in Breyten's case. There they all are, sometimes under their own names, more often slightly disguised, set down in perceptive and other devastating characterizations: General Coetzee, Mr Louis le Grange, Dr Chris Barnard, Tsafendas, Dr Percy Yutar, André Brink, Helen Suzman, Van Zyl Slabbert.

And beyond these public figures there are the major events of our recent history, but now seen from the unusual perspective of their reverberations in the nether-world of prison life: the Angolan invasion, the Soweto rising, the demolition of squatter camps on the Cape Flats.

What emerges, in short, is an alternative vision of South African society. Breyten's own explicit judgments of this society are harsh: it is a wholly irredeemable "system", it amounts to a denial of humanity and of all humane ideals, it is totally corrupted and corrupting, for the oppressed as much as the oppressor. It follows that no one is exempt from its debilitating effects, and that it cannot be reformed or changed from within. It can only be done away with, even if there is no clarity about what is to come in its place.

Yet in a strange way the texture and thrust of much of the book suggests a different kind of judgment as well. Breyten's tone in his account of this inhuman world is surprisingly relaxed and humane: there is many a wry anecdote, told with sympathy and good humour.

That is the voice of a liberated man. With genuine appreciation he also relates how some courageous individuals risked much in generous and sincere struggles for justice on his part and that of others. His account of Helen Suzman's reputation and influence as seen from the prisoner's point of view must surely stand as a fitting vindication of a long and controversial career. And when he comes to compile his list of the three just men who might save the corrupt city from destruction, one of these is the commanding officer of Pollsmoor prison! It seems that even for those born and bred from this abominable system itself humanity and justice somehow remain a real possibility.

We are in need of such small comforts, for we will have to live with this disturbing addition to our knowledge of South African society. It is going to be difficult for the authorities to ban this work of the man just recognized as worthy of the Hertzog prize. And even if the book is banned in South Africa itself, its international impact will remain (and probably be enhanced!).

All the signs are that with "True Confessions" Breytenbach will join Athol Fugard, Nadine Gordimer, André Brink and John Coetzee as writers who enjoy almost disproportionate international attention, an indication of the extent to which the South African dilemma speaks to the imagination (or the conscience?) of the Western world. Whether we like it or not, the rest of the world is going to judge in future also by its picture in this book.

[* Breyten Breytenbach True Confessions of an Albino Terrorist Published by Taurus (Box 85218, Emmarentia 2029) 1983 R16,80]

(André du Toit is associate professor in the Department of Political Philosophy at the University of Stellenbosch.)

Argus 14/5/84 (256)

Arrested pupils in court today

Underwear workers to meet management today on dispute

Labour Reporter
REPRESENTATIVES of striking Cape Underwear workers and officials from the recently-formed Clothing Workers' Union (CLOWU), say they will meet the management of the company today to discuss the dispute.

This will be the second meeting between CLOWU, which is trying to wrest support from the giant Garment Workers' Union, and the management of Cape Underwear.

Managing director of Cape Underwear, Mr Cecil Beekman, said today he could not comment on the matter.

About 110 workers walked out of the factory two weeks ago in support of a demand for a R10-a-week increase.

Commenting on increases of about 7 per cent, negotiated by the Garment Workers' Union (GWU), which is protected by a closed shop agreement in most clothing factories in the West-

ern Cape, a CLOWU spokesman said there was still a feeling of "dissatisfaction" among the workers.

The clothing industry last week agreed to bring forward and increase wage rises previously negotiated by the GWU.

A R4 minimum across-the-board increase, which will come into effect on May 18, has been agreed upon.

Qualified machinists at present earn R54 a week.

The CLOWU spokesman said the rise in general sales tax to 10 per cent and the possibility of an increase in bus-fares "would eat up most of the increase".

REPORT-BACK

Mr Cedric Petersen, assistant general secretary of the GWU, was not available for comment today.

The GWU held a report-back meeting with the workers on Saturday in Salt River.

However, reporters were barred from the meeting and no details have yet been released.

The CLOWU spokesman said most Cape Underwear workers, who originally went on strike, had not yet returned to work.

He said the workers were being paid about R30 a week, which is being donated by sympathisers.

Argus Correspondent

PRETORIA. — The three Atteridgeville High School pupils who were arrested on Friday during a clash with the police resulting from the school unrest in the township are to appear in court today.

Lieutenant T F Jefferson, Police liaison officer, said the three pupils will face charges of public violence and damaging state property.

Meanwhile the Minister of Education and Training, Mr Barend du Plessis, has given the more than 6 000 boycotting pupils until tomorrow to return to classes and continue with normal tuition, failing which the schools would be closed until next year.

Early this morning the students were seen going to school but they did not have their books with them.

No change

The ultimatum was today confirmed by the regional director for the Northern Transvaal schools, Mr P G H Felstead.

He said as far as he was concerned "the decision to close the schools if the boycotts continued until tomorrow has not been changed."

However, a delegation from the Atteridgeville Town Council appealed to Mr du Plessis during their meeting in Cape Town last Wednesday, that the schools should not be closed.

Mr du Plessis also repeated his desire "for an effective education to take place" and he joined the delegation in its appeal to all concerned parties to help prevent the closing the schools.

Mr du Plessis's deadline coincides with the appearance in court of five other pupils arrested a fortnight ago.

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figures for Soweto and Diepmeadow are not available
In respect of (1)(b) separate figures for Kagiso and Munsieville are not available

The reason for the non-availability of separate figures is that the Development Board keeps its records where its regional offices are situated
The Johannesburg office deals with Soweto, Diepkloof and Meadowlands as a unit and the Krugersdorp office deals with Kagiso and Munsieville as a unit

The figures in respect of (1)(a)(i) are based on the payment of a deposit and the signing of an agreement to purchase by the parties. Consequently the figures given may not correspond with the number of registrations of leasehold

Handwritten: 2006 Q. 6.1.1235
782 Mr P G SOAL asked the Minister of Co-operation and Development

- (1) How many persons were (a) tried for and (b) convicted of offences relating to influx control and identity documents falling under the jurisdiction of the Southern Orange Free State Administration Board in the 1983 calendar year;

- (2) (a) what was the average daily number of such cases heard in the said courts in that year and (b) what amount accrued to the State in 1983 from fines imposed for these offences?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) (a) 8 105
- (b) 7 537.
- (2) (a) 35.
- (b) R28 948 accrued to the State
- R93 129 accrued to the Southern

Orange Free State Development Board

Influx control/identity documents

783 Mr P G SOAL asked the Minister of Co-operation and Development:

- (1) How many persons were (a) tried for and (b) convicted of offences relating to influx control and identity documents at the commissioners' courts falling under the jurisdiction of the Orange Vaal Administration Board in the 1983 calendar year,

- (2) (a) what was the average daily number of such cases heard in the said courts in that year and (b) what amount accrued to the State in 1983 from fines imposed for these offences?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

- (1) (a) 13 267
- (b) 13 045
- (2) (a) 60
- (b) R9 968 accrued to the State
- R75 690 accrued to the Orange-Vaal Development Board

Handwritten: 2006 Q. 6.1.1236
809 Mr R A F SWART asked the Minister of Co-operation and Development

- (1) How many persons in KwaNdebele received (a) old-age pensions, (b) disability grants, (c) pensions for the blind and (d) war veterans' pensions as at the latest specified date for which figures are available,

- (2) whether there are any facilities in KwaNdebele for (a) aged persons, (b) disabled persons and (c) children in need of care, if not why not, if so, what is the nature of these facilities in each case,

- (3) whether there are any institutions in KwaNdebele for (a) aged persons and (b) children in need of care, if not, why not, if so, what types of institutions in each case?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

- (1) (a) 7 962
- (b) 868
- (c) 75 and
- (d) 7

As at 31 March 1984

- (2) (a) No
- (b) No

- (c) No Persons are still being cared for in the extended family system

- (3) (a) No

- (b) No Persons are still being cared for in the extended family system In cases where no other care exists use is made of existing institutions elsewhere A White social worker has been seconded to the KwaNdebele Department of Health and Welfare, with effect from 1 May 1984

Handwritten: 2006 Q. 6.1.1237
Prisoners: unit cost 14/15/84
828 Mrs H SUZMAN asked the Minister of Justice

What was the unit cost per prisoner per day in 1983 for Blacks, Whites, Coloureds and Indians, respectively?

The MINISTER OF JUSTICE

The estimate of expenditure is done per responsibility and objective and therefore it is not possible to calculate the average unit cost for the different race groups,

separately The average daily unit cost amounts to R8,05 35 (805,35 cents)

Awaiting-trial prisoners

829 Mrs H SUZMAN asked the Minister of Justice

What was the average number of awaiting-trial prisoners in custody on the last day of each month of 1983?

The MINISTER OF JUSTICE

The figures concerning awaiting-trial prisoners who were incarcerated in South African prisons on the last day of each month during 1983, were as follows

31 January	20 428
28 February	20 371
31 March	18 852
30 April	19 422
31 May	19 354
30 June	18 199
31 July	18 187
31 August	17 673
30 September	17 402
31 October	18 308
30 November	17 494
31 December	18 162

Handwritten: 2006 Q. 6.1.1238
Adoption 14/15/84
846 Mr A B WIDMAN asked the Minister of Co-operation and Development

How many Black children were placed in adoption in terms of the Children's Act in 1983?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

331

Children's homes

888 Mr A B WIDMAN asked the Minister of Internal Affairs

- (1) How many (a) State and (b) privately administered children's homes were there for (i) Indian and (ii) Coloured children in the Republic as at the

CAC Times 14/5/84
253

Suzman asks for flexibility from Coetsee

Own Correspondent

JOHANNESBURG — The Minister of Justice, Mr Kobus Coetsee, needs to be more flexible about granting parole or the emission of sentence to long-term prisoners, Mrs Helen Suzman, PFP MP for Houghton, said yesterday.

Mrs Suzman, the PFP spokesman on Law and Order, intends raising the matter in Parliament this week.

She was concerned about prisoners who had already served extremely long sentences. These included Dennis Goldberg, Nelson Mandela and Walter Sisulu.

On Friday Mrs Suzman visited Pretoria Central prison where she had a contact visit with the men and women political prisoners.

"The conditions are very satisfactory. The food is good and so is the medical and dental attention. I met the three white women political prisoners — Barbara Hogan, Mrs Ruth Gerhardt and Jansie

Lourens — in a sunny courtyard where there was a table-tennis table and an exercise bicycle," she said.

There had been no restrictions on the questions asked and both the women and men political prisoners had no complaints about their treatment from the authorities, she said.

● Sapa reports that at the weekend the Commissioner of Prisons, Lieutenant-General W H Willemse, announced that Category A security prisoners would be considered for greater contact with their families.

These are prisoners, security or otherwise, who have earned their status through good behaviour while serving sentence.

A statement issued on behalf of General Willemse by the liaison office of the SA Prison Services said heads of prisons could consider granting of contact visits to members of the immediate family of security prisoners in A category.

CAP Tink 16/5/84
 (256) HA 278

Govt closes six black schools

Own Correspondent
JOHANNESBURG — The government has closed — at least until the end of the academic year — the six Atteridgeville and Saulsville schools which have been hit by boycotts and pupil unrest over the past few months

This was announced last night by the Minister of Education and Training, Mr Barend du Plessis

Last Friday, the minister gave the 6 000 pupils until yesterday to return peacefully to their classrooms

Pupils boycotted schools chiefly because they wanted the introduction of student representative councils at schools and the release of detained colleagues

The affected schools are Hofmeyer, Saulridge, D H Peta, Saulsville, Flavious Mareka and Dr W F Nkomo high

schools, Mr Du Plessis said in a statement.

A Department of Education and Training spokesman said the schools would be closed until at least the end of the year

The minister blamed the "forces of subversion" and their "intimidation and manipulation of pupils" for the closures. He said he made the announcement with "sincere regret"

Meanwhile, the Black Sash's Pretoria branch said yesterday that Bantu Education and the attitude of pupils towards their teachers were two of the factors which contributed to the school crisis

These views are contained in a memorandum that the Black Sash has sent to Mr Du Plessis in what it termed "a desperate effort of providing a just solution" to

the school problem

According to the memorandum pupils were unhappy about Bantu Education because they felt "cheated by its inadequacy and inferiority"

The pupils suspected their educational system because more money was pumped into white than into black education

Turning to teachers, the memorandum said some had displayed some integrity and had the pupils' interests at heart.

"The boycott is not against them as individuals but against the system that they sustain"

It said pupils scorned teachers for the part they played in Bantu Education, and looked upon them as stooges or sell-outs

Teachers who were not well trained were despised by pupils, and the rate of failures undermined the pupils' confidence in both teachers and the educational system.

Drunkenness, obvious hangovers and some teachers' sexual behaviour also undermined the pupils' attitude towards them

'Bully boys'

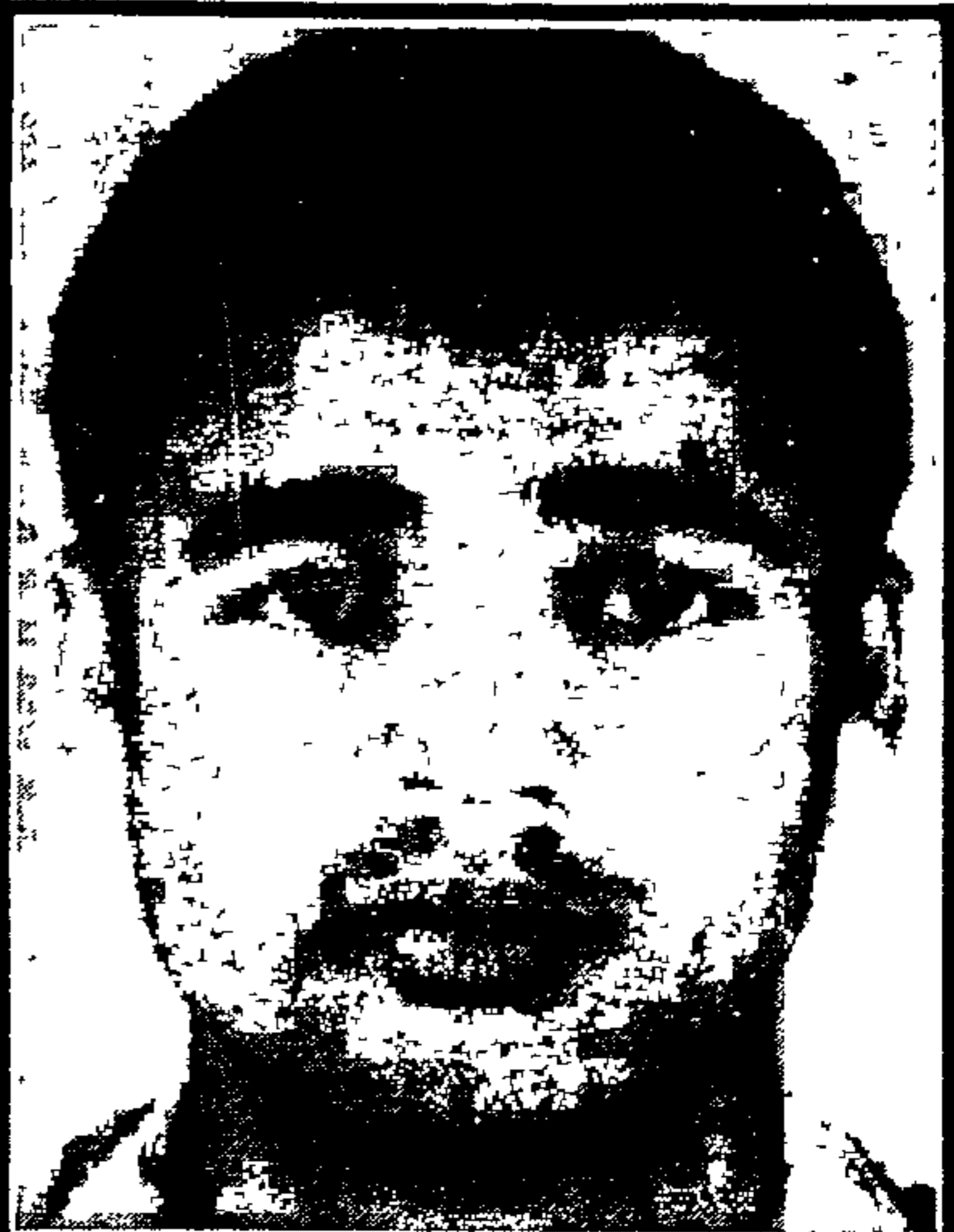
The high unemployment rate had made "a mockery of the very matriculation certificate that they have tried so hard to obtain"

"Prefects too are often pawns of the system, becoming feared bully boys. This explains the demand that they be replaced by elected SRCs. The authoritarian attitude in the schools breeds fear, resistance and violence, brutalizing generations of schoolchildren"

According to the Black Sash, the credibility of Bantu Education has been eroded, causing a wedge between "parental aspirations and pupil resistance"

Lasting solution

Parents deplored the boycott because, they claimed, it ruined their children's chances of securing a better future



Mr James Richard Wilmot

Police on trail of 'drainpipe' rapist

Crime Reporter

MURDER and Robbery Squad detectives are on the trail of a rapist who has attacked two women in Kenilworth after climbing up a drainpipe next to their flats before entering through an open window

The first victim, a 24-year-old woman, was raped by the man after he had entered her flat about 3am

The second attack took place about two weeks later when another 21-year-old Kenilworth woman woke at about 2am to find a man with his belt unbuckled standing in front of her bed. She screamed and the man fled.

A photograph of Mr James Richard Wilmot, alias Wilmot Jacobs, 23, was released by police yesterday. Mr Wilmot may be able to assist police with their investigations.

He is 1,74m tall and of slender build. His front upper and lower front teeth are missing and he has a mole on the top of his left eye.

Mr Wilmot also has a burn mark on his left shoulder and upper left arm. Anyone who may be able to assist the police in contacting Mr Wilmot is asked to call ☎ 931-6101.

Teachers call for new wage deal

CAP Tink 16/5/84

Education Reporter

THE president of the Suid Afrikaanse Onderwysersunie (SAOU), Mr H E Franzen, has called on the authorities to announce salary increases for teachers by October 1 and to make the increase retrospective to July 1 "at least"

Mr Franzen's call, made in a statement released yesterday, was the latest move in the on-going battle among the organized white

teacher employees

While ministers have promised that a salary revision will take place, as yet there has been no indication when an announcement can be expected

Mr Franzen called on the members of his organization to show "patience and understanding". Other organizations have called on members to show "restraint" and "professional conduct"

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Teachers who were... not well trained were... despised by pupils, and... the rate of failures un... dermined the pupils'... confidence in both... teachers and the educa... tional system

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'Bully boys'

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"Prefects too are often... pawns of the system, be... coming feared bully... boys. This explains the... demand that they be re... placed by elected SRCs... The authoritarian atti... tude in the schools... breeds fear resistance... and violence, brutaliz... ing generations of... schoolchildren"

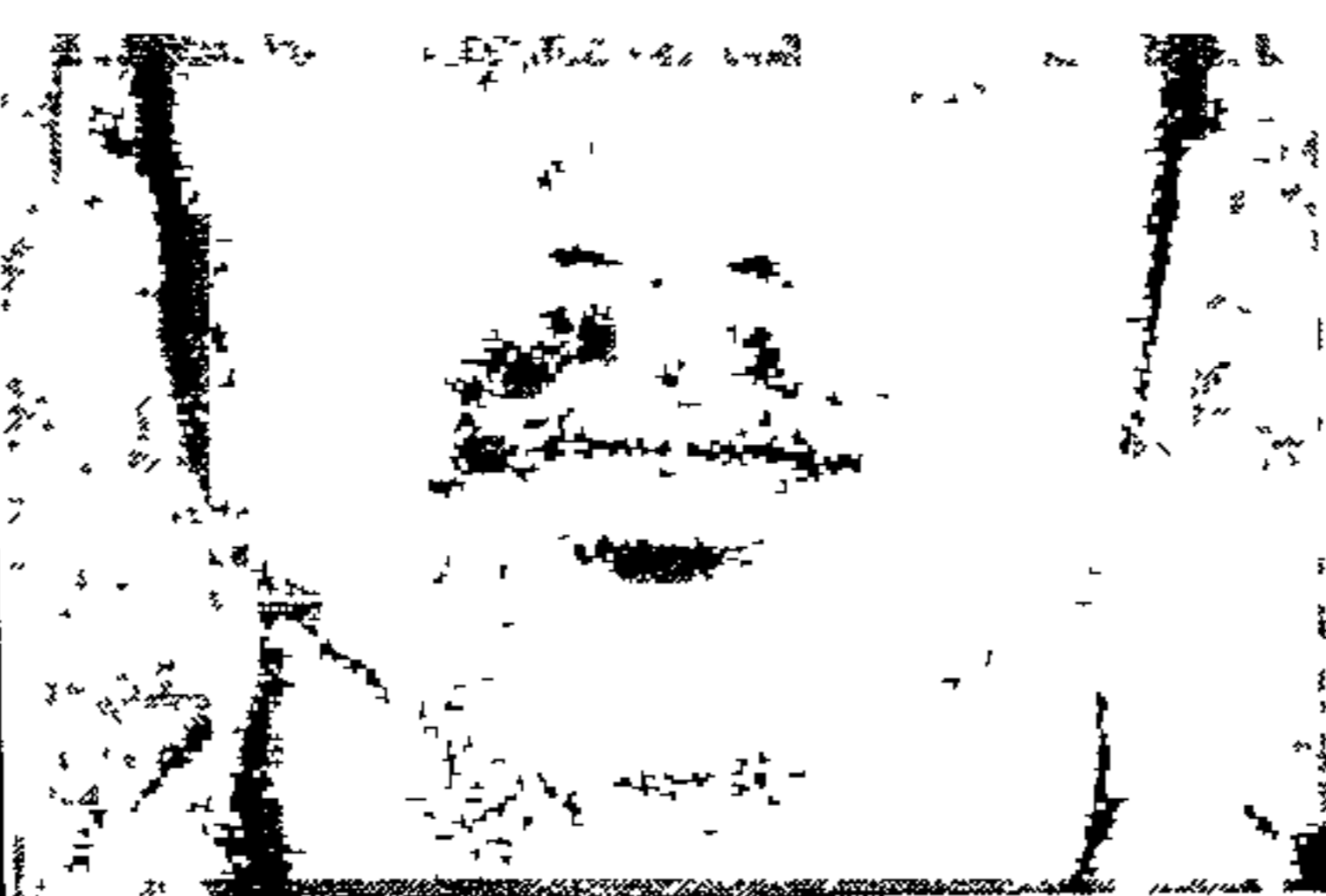
According to the... Black Sash, the credibi... lity of Bantu Education... has been eroded, caus... ing a wedge between... "parental aspirations... and pupil resistance"

Lasting solution

Parents deplored the... boycott because, they... claimed, it ruined their... children's chances of se... curing a better future... livelihood and station in... life.

A lasting solution... would only be found if... black education were... equal to its white coun... terpart Other pupils... would always think... their education was in... tended to serve the as... pirations of the oppressor.

Finally, the Black... Sash recommended im... mediate implementa... tion of the De Lange... Commission's recom... mendations, and that... television be used to up... grade black education



Mr James Richard Wilmot

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Mr Franzen's call, made in a statement released yesterday, was the latest move in the on-going battle among the organized white teaching profession for an increase that will close the gap that has widened in recent years between teachers' salaries and those of public service employees.

Teacher organizations around the country have reported increasing anger among their members.

The authorities have been accused of failing to honour undertakings to restore the balance that existed in 1981 between teachers salaries and those of public sec-

tor employees.

While ministers have promised that a salary revision will take place, as yet there has been no indication when an announcement can be expected

Mr Franzen called on the members of his organization to show "patience and understanding" Other organizations have called on members to show "restraint" and "professional conduct"

He said the issues of a new post structure and better promotion opportunities were crucial to achieving a proper deal for teachers

It was therefore in the interests of teachers to wait for a package which included all aspects rather than to be granted a salary increase only.

He hoped the authorities would announce the increases by October 1 and that they would be retrospective to July 1 "at least"

cent adverts and 50 per cent take-what's-left," said Mr Steve Marchant of Claremont "Who needs to jog when exercise can be done within the comfort of one's own home while watching TV? All that is necessary is to keep rising from one's easy chair to switch off the sound of the inane adverts"

"Rescreening of the early programmes of SATV may be enjoyed by those who did not own a TV set at the time But they are an awful bore for those who did," said Mr L E Edwards of Lansdowne "Many would like to see rescreening of The Villagers, so how about it SATV?"

"A portion of Monday's Video 2 programme about TB gave a feeling of complacency by not emphasizing that the incidence of the disease is highest by far among our black citizens," said Mr Bill Fry of 28 Lions Way, Zoo Park, Kraaifontein "In 1980 the incidence was 78 percent among African citizens of South Africa, while among the white population it was only 1,35 percent. Since then, with starvation an endemic feature of the homelands as well as the Republic, the proportions are worse Isn't it time that we woke up to the fact that the government is banishing diseases such as TB and Kwashiorkor into these homelands, thus washing its hands of any responsibility for the thousands of deaths which occur annually from these causes?"

● If you would like to comment on television programmes or on any television issues, phone ☎24-2233 ext 216 tonight.

TV 2 review

THERE were no surprises last night.

Ezodumo and the series on the way of life of the people in the townships surrounding Grahamstown were possibly worth watching

Children were much better off, with Ikhaya Labantwana and Superman.

Art occupied most of prime-time viewing. The series that traced the history of township art will be sorely missed, even by those with little appreciation of art.

A profile on the brilliant contemporary artist Percy Sedumedi was stimulating, although Linda Davids, obviously at sea, was the wrong choice to interview him.

JOE GUWA

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latest specified date for which figures are available,

- (2) how many (a) Indian and (b) Coloured children were accommodated in these homes as at that date?

The MINISTER OF INTERNAL AFFAIRS.

As at 31 March 1984

- (1) (a) (i) and (ii) Nil
(b) (i) 6.
(ii) 25

(2) (a) 268

(b) 2 075

TUESDAY, 15 MAY 1984

†Indicates translated version

For written reply

Abortions

865 Mr G B D McINTOSH asked the Minister of Health and Welfare

- (1) Whether he had designated any institutions in terms of section 5(2) of the Abortion and Sterilization Act, No 2 of 1975, as at the end of 1983, if so, how many;

- (2) whether any lawful abortions were performed at any of these institutions in 1983, if so, (a) at how many institutions and (b) at how many of these institutions were more than 20 lawful abortions performed in that year?

The MINISTER OF HEALTH AND WELFARE

- (1) Yes, 2;

- (2) Yes,

- (a) 1
(b) none

WEDNESDAY, 16 MAY 1984

†Indicates translated version

For oral reply

Blacks (Urban Areas) Consolidation Act

Q: 62/1240 16/5/84
Mrs H SUZMAN asked the Minister of Co-operation and Development

Whether he intends to amend any of the regulations applicable to section 10(1) of the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, with a view to alleviating disadvantages currently experienced by Blacks, if not, why not, if so, (a) which regulations and (b) when?

†The MINISTER OF CO-OPERATION AND DEVELOPMENT.

It was the intention to improve the quality of life of members of the Black communities outside the national states by means of the trilogy of acts, two of which, namely the Black Local Authorities Act, 1982 (Act 102 of 1982) and the Black Communities Development Act, 1984 (Act 4 of 1984) have been enacted. The third component, viz The Orderly Movement and Settlement of Black Persons Bill, which provides *inter alia* for the settlement and accommodation of Black persons in rural areas, a new method of controlling the movement of Black persons based on employment and approved housing and sundry other matters, was referred to the Select Committee on the Constitution and published for general comment. New draft legislation in this regard will be prepared after consultation with all the interested parties, after which it will again be submitted to the Select Committee on the Constitution. We are in

the process of giving consideration to which regulations may be amended in the mean time to try to alleviate the disadvantages experienced by Black people

233 Hennis and Q-61.1241
Advisory Release Board
16/5/84
2 Mr S S VAN DER MERWE asked the Minister of Justice:

Whether the Advisory Release Board has submitted any recommendations to him in terms of the directive given to it on 30 August 1982 regarding the conditional release of prisoners as stated in paragraph 3.3.2 on pages 27 and 28 of the Report of the Department of Justice for the period 1 July 1982 to 30 June 1983, if not, (a) why not and (b) when is it anticipated that it will submit recommendations, if so, what was the purport of the recommendations in each case?

†The MINISTER OF JUSTICE

Yes. The purport of the recommendations in each case was that the policy, as it is presently applied, should be maintained. Whereas my directive to the Advisory Release Board of 30 August 1982 only concerned certain aspects of the policy in connection with the release of prisoners, I have decided to request the Advisory Release Board to advise me on the said policy in general.

Telephone directories

*3 Mr A B WIDMAN asked the Minister of Posts and Telecommunications

- (1) Whether, with reference to his reply to Question No 822 on 25 April 1984, any telephone directories are housed in (a) a storeroom in Stirling Street and/or (b) any other buildings in Cape Town, if so, in what other buildings in Cape Town;

- (2) whether these directories are stored in cartons, if not, (a) in what manner are they stored and (b) how many copies are housed in (i) this storeroom and/or (ii) the other buildings,

if so, how many (aa) white and (bb) yellow page copies were housed there as at 30 January 1984 and 25 April 1984, respectively,

- (3) whether any of these directories were printed for (a) the Cape Peninsula or any part thereof, (b) Johannesburg, (c) Port Elizabeth, (d) Pretoria, (e) Durban, (f) Bloemfontein and (g) Kimberley, if so, how many in each case,

- (4) whether any telephone directories are similarly housed in any of the cities mentioned above, if so, how many in each case,

- (5) whether any of the directories housed in the said building or buildings in Cape Town are excess copies, if so, how many,

- (6) whether tenders have been called for the disposal and/or purchase of excess directories, if so, what total amount was recovered, if not,

- (7) whether he intends to dispose of (a) the excess directories and/or (b) other directories housed in the said building or buildings in Cape Town, if not, why not, if so, in what manner?

The MINISTER OF POSTS AND TELECOMMUNICATIONS

- (1) (a) Yes, and

- (b) yes, in the General Post Office Building, Cape Town,

- (2) yes,

- (a) and (b) fall away,

(aa) 89 676 and 48 816, and

(bb) 69 696 and 62 160,

- (3) (a) yes, 552 452 white and 354 596 yellow page copies;

(b), (c), (d), (e), (f) and (g) no.

16/5/84
 Northern Transvaal: housing
Hansard Q. 1263
 705 Mr P G SOAL asked the Minister of Co-operation and Development:

(1) How many houses (a) had been bought under the (i) 99-year leasehold and (ii) 30-year ownership scheme and (b) were being rented in each township falling under the Northern Transvaal Administration Board as at the latest specified date for which figures are available,

(2) how many housing units had been sold under the special State housing sale scheme in this Administration Board area as at that date?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(1)	(a)(i)	(a)(ii)	(b)
Messina	Nil	Nil	667
Louis Trichardt	Nil	Nil	393
Duiwelskloof	Nil	Nil	18
Naboomspruit	Nil	Nil	45
Nylstroom	Nil	Nil	451

As at 29 February 1984

(2) Nil

East Rand: housing

706 Mr P G SOAL asked the Minister of Co-operation and Development:

(1) How many houses (a) had been bought under the (i) 99-year leasehold and (ii) 30-year ownership scheme and (b) were being rented in each township falling under the East Rand Administration Board as at the latest specified date for which figures are available.

(b)(i)

Alexandra Town Council, Johannesburg	16 September 1983
Atteridgeville Town Council, Pretoria	9 September 1983
Bohlokong Town Council, Bethlehem	9 September 1983
Daveyton Town Council, Benoni	16 September 1983
Dobsonville Town Council, Johannesburg	23 September 1983
Evaton Town Council, Vanderbijlpark	16 September 1983

(ii)

(b)(i)	(ii)
Galeshewe Town Council, Kimberley	2 September 1983
Ikageng Village Council, Potchefstroom	9 September 1983
Jouberton Village Council, Klerksdorp	9 September 1983
Kagiso Village Council, Krugersdorp	16 September 1983
Katlehong Town Council, Germiston	16 September 1983
Kayamnandi Town Council, Port Elizabeth	16 September 1983
Kwa Guqa Town Council, Witbank	16 September 1983
Kwanobuhle Town Council, Uitenhage	16 September 1983
Kwa-Thema Town Council, Springs	16 September 1983
Leloa Town Council, Vaaldrifhoek	16 September 1983
Lingelihle Village Council, Cradock	23 September 1983
Diepmeadow Town Council, Roodepoort	9 September 1983
Mamelodi Town Council, Pretoria	16 September 1983
Mangaung Town Council, Bloemfontein	16 September 1983
Mhluzi Village Council, Middelburg TVL	16 September 1983
Rim Town Council, Grahamstown	9 September 1983
Seeroville Town Council, Kroonstad	23 September 1983
Soweto Town Council, Johannesburg	16 September 1983
Tembisa Town Council, Kemptonpark	16 September 1983
Thabong Town Council, Welkom	16 September 1983
Tokoza Town Council, Alberton	16 September 1983
Vosloorus Town Council, Boksburg	16 September 1983
Wattville Village Council, Benoni	16 September 1983

Hansard Q. 61 1265
 National states: size *16/5/84*
 816. Mr R A F SWART asked the Minister of Co-operation and Development

What was the size in hectares of each of the national states as at the end of each of the latest specified five years for which figures are available?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

Definitive figures for the past five years are not readily available and can only be obtained by performing a great quantity of research, the cost of which cannot be justified. The present sizes of the national states are estimated to be as follows:

KwaNdebele	103 000 hectares
Lebowa	2 210 000 hectares
Gazankulu	675 000 hectares
KwaNgwane	384 000 hectares
Qwaqwa	48 000 hectares
KwaZulu	3 175 000 hectares

The size of the land added to each state

during the past five years is not readily available and the considerations mentioned in the above paragraph also apply here

253 *Hansard Q. 61. 1266*
 Prisoners: work-days *16/5/84*

827 Mrs H SUZMAN asked the Minister of Justice.

(a) What was the total number of work-days spent by prisoners on hire to private persons, including farmers, in 1982 and 1983, respectively, and (b) what was the total amount which accrued to the Prisons Service as payment in each of these years?

The MINISTER OF JUSTICE

(a) 1982—305
 1983—304

Prisoners only work for half a day on Saturdays. These were however considered as normal work days for the purpose of calculating the totals mentioned above

Seweta 16/5/84 (24) 253

Warders were brutal - claim

HARARE — Former Robben Island prisoner, Mr Johnson Mlambo, who was released recently in Pretoria after serving a 20-year sentence, has spoken here of the "brutal treatment" of prisoners on the island.

Mr Mlambo (42), told The Herald newspaper in an interview at Harare Airport while awaiting a flight to Tanzania that warders on Robben Island had once buried him up to his neck and urinated on his face.

The PAC member, who was jailed when he was (22) after being convicted of conspiracy to overthrow the State and inviting sabotage, told The Herald he was on his way to join the external wing of the

PAC and was "now going to work harder for the liberation of South Africa's people."

Describing life on Robben Island, Mr Mlambo said on other occasions, warders choked him until he became unconscious and also starved him.

The little food given to prisoners on the island was "terrible," and the work was "tough."

He also claimed to have been assaulted with a pick handle and also that prison warders had ordered common law prisoners to attack political detainees.

Prison

"The warders made life in prison so difficult that they wanted politicians to hate the pursuance of such a career," he said.

The liaison office of the SA Prisons Service yesterday reacted to the claims by Mlambo and said: "It would only be possible to comment in more detail after the allegations could have been studied thoroughly."

Concerning generalised allegations about so-called irregularities that were said to have happened on Robben Island earlier, it is pointed out that over the years there were also other individual prisoners who left the country and made such vague and seemingly ill-disposed allegations.

"Such allegations were investigated thoroughly on each occasion. In no instance could proof be provided for the allegations.

"Prisoners in South African prisons have the opportunity on a daily and continuous basis to complain or to address requests to management officials as well as to persons not connected to the prisons administration," the office said.

- (21) Rem of Farm Reimerskraal No 323
- (22) Rem of Farm Ramers Dam No 77
Rem of Farm Skihaven No 337
Ptn 1 of Farm Skihaven No 337
- (23) Rem Ptn 17 (Rossebaai) (Ptn of Ptn 11) of Farm Klip Fontein No 64
- (24) Ptn 19 (Ptn of Ptn 11) of Farm Klip Fontein No 64
- (25) Ptn 20 (Ptn of Ptn 11) of Farm Klip Fontein No 64
Ptn 24 (Ptn of Ptn 20) of Farm Klip Fontein No 64
Ptn 25 (Ptn of Ptn 11) of Farm Klip Fontein No 64
- (26) Ptn 21 (Ptn of Ptn 11) of Farm Klip Fontein No 64
- (27) Ptn 22 (Ptn of Ptn 11) of Farm Klip Fontein No 64
- (28) Ptn 23 (Ptn of Ptn 11) of Farm Klip Fontein No 64
- (29) Ptn 26 (Ptn of Ptn 25) of Farm Klip Fontein No 64
- (30) Ptn 27 (Ptn of Ptn 25) of Farm Klip Fontein No 64
- (31) Ptn 28 (Ptn of Ptn 25) of Farm Klip Fontein No 64
Ptn 33 (Ptn of Ptn 25) of Farm Klip Fontein No 64
- (32) Ptn 29 (Ptn of Ptn 17) of Farm Klip Fontein No 64
- (33) Ptn 30 (Ptn of Ptn 16) of Farm Klip Fontein No 64
- (34) Ptn 28 (Ptn of Ptn 16) of Farm The Potteberg Estates No 516
- (35) Rem Ptn 14 of Farm The Potteberg Estates No 516
Ptn 27 (Ptn of Ptn 16) of Farm The Potteberg Estates No 516
Ptn 18 (Ptn of Ptn 5) of Farm The Potteberg Estates No 516
- (36) Rem Ptn 1 (Cupidos Kraal) of Farm The Potteberg Estates No 516
Ptn 30 of Farm The Potteberg Estates No 516
- (37) Rem Ptn 29 (Ptn of Ptn 16) of Farm The Potteberg Estates No 516
- (38) Ptn 57 (Ptn of Ptn 29) of Farm The Potteberg Estates No 516
- (39) Ptn 58 (Ptn of Ptn 29) of Farm The Potteberg Estates No 516
- (40) Ptn 59 (Ptn of Ptn 29) of Farm The Potteberg Estates No 516
- (41) Ptn 60 (Ptn of Ptn 29) of Farm The Potteberg Estates No 516
- (42) Ptn 61 (Ptn of Ptn 29) of Farm The Potteberg Estates No 516
- (43) Rem Ptn 4 (Hammerkop) of Farm The Potteberg Estates No 516
- (44) Ptn 46 (Ptn of Ptn 4) of Farm The Potteberg Estates No 516

- (45) Rem Ptn 5 (Eilands Pad) of Farm The Potteberg Estates No 516
Rem Ptn 6 (Oude Kraal) of Farm The Potteberg Estates No 516
Rem Ptn 31 (Ptn of Ptn 5) of Farm The Potteberg Estates No 516
- (46) Rem Ptn 9 (Papekuuls Fontein) of Farm The Potteberg Estates No 516
Rem Ptn 11 (Wit Water) of Farm The Potteberg Estates No 516
- (47) Rem Ptn 37 (Ptn of Ptn 9) of Farm The Potteberg Estates No 516
- (48) Erf 111 Infanta
Erf 147 Infanta
Erf 166 Infanta
- (49) Ptn 7 (Grasrug) of Farm The Potteberg Estates No 516
- (50) Ptn 23 (Blou Krans) (Ptn of Ptn 11) of Farm The Potteberg Estates No 516
Ptn 35 (Ptn of Ptn 31) of Farm The Potteberg Estates No 516
- (51) Ptn 20 (Nutsie) (Ptn of Ptn 5) of Farm The Potteberg Estates No 516
Ptn 21 (Nutsie West) (Ptn of Ptn 5) of Farm The Potteberg Estates No 516
Ptn 22 (Nutsie East) (Ptn of Ptn 5) of Farm The Potteberg Estates No 516
Ptn 24 (Ptn of Ptn 6) of Farm The Potteberg Estates No 516
Ptn 26 (Ptn of Ptn 5) of Farm The Potteberg Estates No 516
- (52) Ptn 25 (Ptn of Ptn 6) of Farm The Potteberg Estates No 516

(253) (d) Falls away
Hans and Q.61.1278
Crimes against security of State: prisoners
17/5/84

900 Mr S S VAN DER MERWE asked the Minister of Justice

(1) How many prisoners serving (a) life sentences and (b) sentences in excess of 10 years for crimes against the security of the State were there in South African prisons on 12 May 1982,

(2) whether any prisoners in these categories have been considered for release, if not, why not, if so, how many in each category as at the latest specified date for which figures are available?

The MINISTER OF JUSTICE.

(1) (a) Thirty seven (37)

(b) One hundred and thirty nine (139)

(2) Yes All prisoners are from time to time considered for release on an individual basis, but on account of the nature of the system it is not possible to furnish an exposition of the dates on which specific categories were considered

THURSDAY, 17 MAY 1984

Howard Q.61.1278

+Indicates translated version

For written reply

Sishen/Saldanha railway line

901 Mr D J N MALCOMESS asked the Minister of Transport Affairs

(a) What is the capacity of the Sishen/Saldanha railway line for transporting iron

(252) SAs 17/5/84

	Party and party costs	Attorneys' fees	Junior counsel's fees (3-5 years' experience)	Junior counsel's fees (5-10 years' experience)	Senior counsel's fees	Minimum fees prescribed by bar council for advocates
Undefended Divorce	R500 - R600	R600 - R700	R120	R130	-	R120 (JC)
Defended Divorce	R8 200 (SC + JC) R2 800 (JC alone)		Average three-day trial			R360 (SC)
Simple three-day trial	R11 750 (SC + JC) R4 100 (JC alone)	R3 000 - R4 000	R2 000	R3 500	R4 700	R175 (JC)
Complex three-day trial	R16 252 (SC + JC) R6 334 (JC alone)					
Extremely complicated matter						
Supreme Court Civil claims	Taxed as for Defended divorce above	R5 000 - R6 000	R1 400 - R1 750	R1 800 - R2 700	R7 000	R500 (SC) R240 (JC)
Magistrate's Court Civil Claims	R600 - R700	Average one-day trial R350 - R800	R250 - R400	-	-	
Magistrate's Court Criminal Cases District Courts	-	Average one-day trial R350 - R1 000	R250 - R350	R350 - R1 000	-	
Regional Courts	-	Average three-day trial R700 - R2 500	R1 000 - R1 200	R1 000 - R1 500	R4 000 - R10 000	R120 (JC) R400 (SC) R120 (JC)
Supreme Court Criminal Cases	-	Average three-day trial R3 500	R1 800 - R2 700	R2 700 - R3 500	R4 000 - R12 000	R420 (SC) R200 (JC)
Appeal court cases	-	R1 000	R1 000 - R1 500	R1 000 - R3 000	R3 000 - R10 000	R800 (SC) civil R400 (JC) appeals R600 (SC) criminal R300 (JC) appeals
Consultations, advice per hour	R40 - R60 (Attorneys) R100 (JC) R200 (SC)	R60 - R150	R60 - R100	R80 - R120	R120 - R200	R80 (SC) R40 (JC)

In civil cases, a court official known as the taxing master determines the fees a losing party must pay to his opponent when the costs of the case are awarded against him. These fees, shown in the first vertical column, are known as the party-and-party costs. The amounts shown in the second to fourth columns reflect the average fees, and often the minimum fees lawyers actually charge in both civil and criminal cases. When a Senior Counsel advocate is assisted by a Junior Counsel advocate, the Junior Counsel as a rule charges two thirds of the Senior Counsel's fees. The Junior Counsel's fees, shown in columns three and four, reflect the amounts the junior advocate would charge when he appears alone. The fifth column shows the minimum fees the Johannesburg Bar Council allows Johannesburg advocates to charge.

Soaring cost of litigation defeats the ends of justice, say lawyers

By Fiona Macleod
 attorneys often over-charged to cover huge overheads, he added. Only the very rich, the over-...
 There are watchdogs and lawyers beforehand whose job is to keep an eye on legal costs, but refused to allow them...
 One attorney said access to civil law enforcement...
 The figures in the accompanying table give...
 common court cases
 neys and advocates
 The Junior Counsel's fees, shown in

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Star

17/5/84

would contemplate bringing a civil claim to court under South Africa's present legal system, an experienced lawyer has said.

Advocates' fees were virtually unchecked and

could expect to pay. Exact figures were often difficult to determine, as there were many variables — among them the complexity of the case and the seniority of the lawyers engaged.

Many lawyers, especially attorneys, were critical of increasing legal costs. They said advocates' fees had become totally unrealistic and were leading to an "explosive situation" between attorney and client.

nocence were denied the average man because of exorbitant legal costs.

This meant, in effect, that the ends of justice were being defeated.

In response, most advocates said they were charging reasonable fees for the enormous amount of work they did.

It was not their responsibility to provide a cheap service because most people could not afford their rates, they said.

plain that their effectiveness is limited. The party-and-party costs in civil cases are regulated by the taxing master.

He determines attorneys' bills according to Department of Justice tariffs and follows guidelines in setting permissible charges by advocates.

The party-and-party costs are usually minimum charges which have little relation to the amounts the lawyers actually charge for their work.

himself liable to the advocate for the outstanding amount.

Attorneys had to pay the advocate's fees within 97 days of the case. The advocate was obliged to blacklist the attorney if he did not pay.

It was an attorney's duty to report an advocate to the relevant Bar Council if he overcharged a client in a criminal case, he said.

But attorneys complained that fees investigations by the Bar Councils had limited effect.

EXTRA COSTS

Even if a person wins his case and his opponent is ordered to pay his costs, he still has to pay what are known as attorney-client costs.

These comprise the margin between the party-and-party costs paid by his opponent and the fees his lawyers have actually charged for the case.

"You cannot win any case and say you do not owe a cent," commented a taxing master.

He said it was not uncommon for the winning party in a civil case to end up paying more in attorney-client costs than he was awarded in both damages and costs against his opponent.

An interesting result of the high costs of civil claims is that lawyers often take on cases they know they will win, on the understanding that they will be entitled to a portion of the damages and costs awarded their client.

The cost of defending a criminal case is determined by what the lawyers consider to be a reasonable charge, given the nature of the case and the client's income.

In theory, a client may submit the lawyers's bills to be taxed by the taxing master.

But the taxing master said this rarely happened in practice.

Fees were usually agreed between client

It was an "in-house" situation, where the advocates who investigated the allegations protected the interests of their profession.

Although the Bar Councils had set minimum advocates' fees, there was no question of prescribing maximum charges.

PROTECTION

The chairman of the Johannesburg Bar Council, Mr William Schreiner SC, commented that, although minimum fees were unrealistically low, they were intended to protect young members of the Bar from unscrupulous attorneys.

It would be almost impossible to set up maximum fees as the work done by advocates was so varied, he said.

Mr Schreiner rejected calls by some attorneys for a statutory body to investigate advocates' fees in place of the Bar Councils.

Interference by the State would lead to an "unhealthy situation", he said.

In legal matters which are not connected with the courts, fees vary greatly.

The set tariffs and guidelines applied to most court cases are not applicable to non-litigious matters.

A client who feels an attorney has overcharged in such matters may refer his complaint to the Law Society or the Attorneys Association.

Sensational trials show discrepancies in fees

The arbitrary determination of legal fees in criminal cases has been illustrated in many sensational trials.

The discrepancy in the costs of the murder trial of Maureen Smith, Jack Ramogale and David Ngum in 1982 is one example.

Smith reportedly paid R400 000 for her three-week Supreme Court trial and her appeal against the death sentence.

Ramogale's attorneys were paid less than R350 by the Legal Aid Board for defending him, and they conducted his appeal free of charge. His advocate, appearing pro deo, was paid about R70 a day by the Legal Aid Board.

Another high-profile case, the inquest into the death of detainee Mr Neil Aggett, reportedly cost in the region of R200 000.

Sources say the cost of the legal team handling Mr Aurret van Heerden's civil claim against 10 security policemen in the Pretoria Supreme Court is about R6 000 a day. The trial ran for nine weeks before judgment was reserved last month.

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Cape Times 17/5/84 (253)

Willemse comments on Van Dam report

Political Staff

THE Commissioner of Prisons, Lieutenant-General W Y H Willemse, has commented extensively on the report of the Van Dam Committee which investigated incidents at two Barberton prisons in 1982 and last year.

His comments, contained in a memorandum to the Minister of Justice, Mr Kobie Coetsee, were released in Cape Town yesterday. General Willemse said two problem situations were involved.

● The assaulting of prisoners (by warders) at the maximum-security prison on the prison farm on December 29, 1982, which led to conviction and imprisonment of warders.

● An attempted mass escape from the maximum-security prison in the town on September 20, 1983, in which four prisoners were killed, and an incident at the prison on September 30 when a prisoner was killed during an attack on a warder. On the same day an officer was stabbed by a prisoner.

General Willemse said the prison farm incident was "most deplorable" and contrary to prisons regulations and directives on the treatment of prisoners.

The necessary measures had been taken to prevent a repetition by

substituting and strengthening the management of the prisons concerned and by again making personnel aware of the directives in regard to the treatment of prisoners.

Referring to the possible role of heat exhaustion in the incident, steps had been taken to provide prisons in areas where extreme climatic conditions occur with temperature- and humidity-measuring equipment to prevent heat exhaustion.

At the time of the incidents on September 20 and 30 last year, the town's maximum-security prison was used to incarcerate convicts who represented "the worst elements of the prison population".

Gangs

(On the committee's recommendation, the prison has since been downgraded to a medium-security institution and the hardened criminals have been transferred elsewhere.)

General Willemse also said it had to be remembered that the prison farm incident occurred seven kilometres away from the maximum-security prison. Impressions had been created in reports of incidents and related court cases that the incidents all happened at the same prison (There are six prisons in and around

Barberton)

The subject of gangs in prisons had been thoroughly investigated by the Human Sciences Research Council whose report was being studied by the Prisons Department.

The department was aware of the overcrowding of prisons and its potential implications. The government was dealing with the matter on a continuous basis.

The committee's comments on the actions of warders at an identity parade in May last year were investigated, but no substantive evidence of misconduct could be found. The warders were nevertheless severely reprimanded.

Complaints — highlighted in the report — that a group of prisoners were assaulted by warders when they arrived at Barberton from Durban were immediately handed to the SAP A file on the investigation is being considered by the Attorney-General of the Transvaal.

"I noted with shock and disgust the finding that new admissions to this prison had been assaulted for some time and that this was allowed to take place."

Checks at other prisons throughout the country showed that similar incidents "most certainly do not exist".

Prison
beatings
rite of
welcome

Political Staff

NEW prisoners at the Barberton maximum-security prison were stripped naked and then hit by warders with truncheons or pieces of rubber pipe in an initiation ceremony to "greet" them, or to make them "warm".

Prisoners could receive as many as 30 blows, the Van Dam Committee of Inquiry found.

There was every reason to believe that this "tradition", which had gone on for a number of years, was known to senior officers, but they had closed their eyes to it.

The practice, which had ended on December 29, 1982, was strongly criticized by the Commissioner of Prisons, Lieutenant-General W H Willemse.

"I noted with shock and disgust the finding that new admissions to this prison had been assaulted for some time and that this was allowed to take place.

"The particular practice referred to above is viewed in an extremely serious light and is most strongly condemned," General Willemse said.

Prisoner complaints about the alleged assaults were handed over to the police at the time "and the investigation has apparently been completed and the file sent to the Attorney-General of the Transvaal for his decision".

The Prisons Department had taken steps immediately "to prevent anything of the sort from happening again" and the regional commissioner had been requested to check whether this practice had taken place at other prisons, although the Van Dam Committee found no evidence of this.

Since then, confirmation had been received from the regional commissioners that "irregularities of such a nature most certainly do not exist at any other prison", General Willemse said.

Probe reveals violent gangs in SA prisons

Political Staff

ALARMING evidence about the existence of violent gangs in South African prisons has been uncovered by the Van Dam Inquiry into the Barberton prisons

It said the gangs, which were "very strong", were mainly found in maximum security prisons

The committee found evidence of violence, assaults, murders, homosexuality and gangs specializing in escapes

"It is often all the prisoner has. He is mostly totally alienated from his family and his circle of friends, and forms his own life in the prison

"The long-term C- and D-group prisoners do not have much hope of getting out of prison quickly and this strengthens the gang relationship further"

In the Barberton maximum security prison the inquiry identified six different gangs.

The "Twenty-sixers" consisted of the "most cunning and belligerent prisoners" They specialized in attacking and stealing from members of other gangs and from prisoners who were not members of any gangs

'Code bans sodomy'

"They very easily turn to violence. Although their code bans sodomy, it often comes to the fore, but it is a contravention within the gang which can be heavily punished. One member was, for example, sentenced to death for this"

The "Twenty-eighters", with the largest membership at Barberton, concentrated on sodomy and younger members were subject to the sexual demands of older members

"Such younger members were known as 'wyfies'. It seems the majority of assaults and murders between prisoners followed troubles about 'wyfies'

"Members of the 28 gang do not hesitate to murder their own members or members of other gangs if one interferes with another's 'wyfie'"

The "Big Five" gang gave out that they worked with the authorities and on the surface they helped the warders in order to put themselves in a position of trust to get their co-operation

"They are often carriers of news which informs warders of what is going on in the cells. The warder with experience is, however, cautious to react to such information, because false stories can easily be told for own advantage"

'Air Force' gangs

To protect themselves from other gangs, the "Big Fives" used their positions to disguise and promote smuggling and other activities, but they were not very popular among the other gangs

The exclusive goal of two "Air Force" gangs — "Three" and "Four" — was to facilitate escapes from prison

"They do not hesitate to seriously assault or murder if their efforts to escape are frustrated. The smuggling of saw blades or escape materials is their speciality"

The committee described the "merciless cruelty" of the gangs and their members — who could in exceptional circumstances take action against prison personnel — as "frightening"

Cold-blooded murder was committed for the flimsiest reasons and innocent people were often seriously assaulted merely for a show of strength

Mass prison escape foiled

Cape Times 17/5/84 253

Political Staff

A CAREFULLY planned mass escape from one of Barberton's maximum-security prisons by nearly 400 of the country's most hardened criminals was inadvertently thwarted by prison officials only hours before it was due to take place on September 20 last year, it was disclosed in Cape Town yesterday.

Details of the plan were published in the

report of the Van Dam Committee which investigated incidents in 1982 and last year at two Barberton prisons.

Leaders of four of the main gangs in the town's maximum-security prison began planning the mass escape in mid-August.

Two master keys and two keys for outside doors were made by prisoners mainly from plastic material from polish containers.

Knives were also made as weapons from any material that could be fashioned into a sharp instrument.

On the pre-planned day a number of prisoners would attack their warders with knives after being released from their cells for breakfast. It was decided to kill all warders encountered during the operation.

When the warders had been neutralized, the prisoners would put on their uniforms and release all other prisoners.

The prisoners wearing warder's uniform would then gain access to the outer areas of the prison on the pretext of seeking help to counter the unrest.

Warders in the reception area would have been overpowered and the armoury would have been plundered. Warders on the catwalks around the prison walls would then have been shot.

All members of the "Big Five Gang", who were known as informers, would have been killed.

The report commented that there were nearly 400 inmates in the prison at the time most of whom were among the "hardest and most dangerous" in South Africa.

The report pointed out that Barberton was surrounded by mountains and dense bush which would have made the recapture of the prisoners very difficult.

On the eve of the planned escape everything was going according to plan. But on the night of September 19, it was decided by the prison authorities that cell lights would not be switched off for security reasons.

The dissatisfaction this caused among prisoners led to singing, chanting and damage to cells which resulted in the cell doors being kept locked the following morning and not opened for breakfast.

However, later in the day, a group of prisoners decided to go ahead with the plan even though the sequence of events had been broken.

The report remarked that instead of a well-organized breakout, the incident developed into a situation of disorganized violence in which four prisoners were killed and four warders and three prisoners injured.

The committee found no evidence of misconduct by warders, which had a direct bearing on the events. The incident was attributed directly to gang activity and in particular to a desire by gang members to escape.

dential because they were working documents and were not yet finalised he said

He accused the Mail of acquiring the documents "by improper and unauthorised means" and said the SABC would investigate the source of the leak.

Asked why an investigation was necessary if the matter was not secret or sinister, Mr Eksteen said that the person who leaked the document had done so "to hammer the SABC".

They had misinterpreted the document and leaked it "to give joy to the RDM"

Asked why the Reverend Allan Hendrickse, leader of the Labour Party, was the only prominent coloured leader to be part of the planned pro-registration campaign, Mr Eksteen said profiles of other leaders were being planned. He declined to

To Page 2

Breakfast Quip



ter bureau in Pretoria said yesterday that the violent Cape storm was caused by an extremely deep low pressure system which passed over Cape Town during the night.

And the strong winds, gusting at a maximum speed of 180km at Beaufort West, were caused by the tight pressure gradient which surrounds a low pressure system

The plummeting temperatures and rain in the Cape were caused by a cold front associated with the low pressure system which at 3pm yesterday stretched from north of the Orange River mouth to Port Elizabeth

The rapidly moving cold front is expected to hit the Vaal River area today, causing temperatures on the Reef, Pretoria and in the Free State to plummet by about 6°C

The Rand Daily Mail Correspondent in Cape Town reports that some of the worst devastation inflicted by the storm was along the Cape coastline, with a number of small vessels sinking, running aground or being dismasted by high winds and heavy seas

The giant Safmarine salvage tug Wolraad Woltemade left Table Bay harbour at midnight on Tuesday in response to an emergency call from the Romanian fish-factory ship Rodna, which had been towing another Romanian vessel, the Somes, from Walvis Bay to Cape Town

The towline parted 28 nautical miles north-west of Cape Town. The Somes managed to go to anchor on Dassen Island

More reports and pictures — Page 2

Prison report tells of abuse by warders

By CHRIS FREIMOND
Political Correspondent

CAPE TOWN — Serious allegations of the abuse of prisoners by warders at the Barberton maximum security prison and details of severe conflict between warders and inmates were disclosed yesterday in a report into incidents at the prison last September

The report was released in Cape Town by the Minister of Justice, Mr Kobie Coetsee

The incidents investigated by the committee — headed by a Regional Court magistrate, Mr J A van Dam — included unrest at the town's maximum security prison on September 20 and 30 last year, and aspects of an incident at the prison farm on December 29, 1982, in which three prisoners died and a number were seriously injured as a result of the actions of warders

A number of warders have since been convicted and sentenced to jail terms for their parts in the incident.

The incident on September 20 fol-

lowed an attempted mass escape. Four prisoners were killed, and four warders and three prisoners were injured.

The incident on September 30 was sparked by a dispute concerning a homosexual relationship. One prisoner was killed when a warder acted in self-defence during unrest and a senior officer, a warder and a prisoner were injured

Among the committee's disclosures, findings and recommendations were:

● The actions of certain warders during an identity parade on May 5 last year connected to the December 29 incident were "undisciplined" and bordered on an attempt to defeat the ends of justice;

● It had been "tradition" for many years that new arrivals at the maximum security prison be stripped-naked and beaten with batons or rubber hoses by warders to initiate them. Assaults by warders on prisoners also took place at other times;

To Page 3

Fortify yourself tonight

WANT to improve your knowledge of wine? Each night at the Rand Daily Mail Wine Festival experts will lecture on the fruit of the vine and its product.

Tonight Anna-Marie Roux will talk on "Fortified Wines". If you prefer a more informal setting for absorbing both wine and the facts about it, you can wander round the stalls and talk to experts on duty at each of them

The festival — an EVE-FLAIR promotion — will run until Saturday. It is open each night at the Cape Dutch Barns, Milner Park, from 5.30 to 8.30, with the last tasting at 8.45. Entry fee is R6 and this includes a wine glass and eight tasting coupons

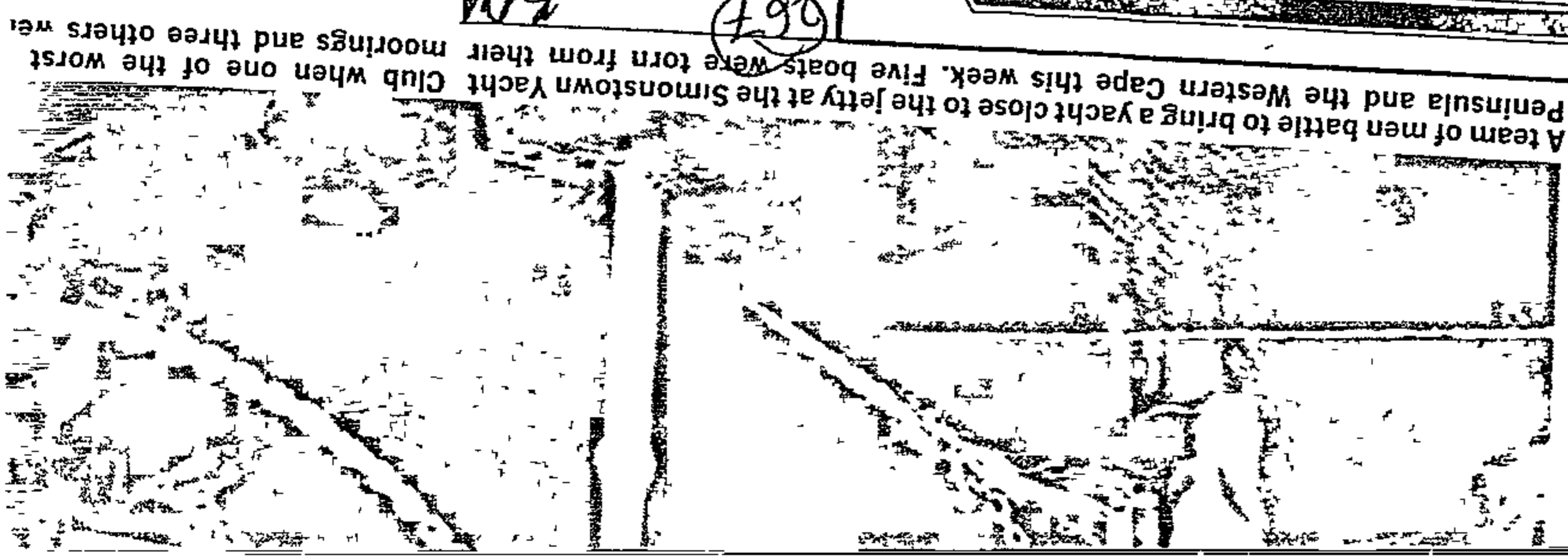
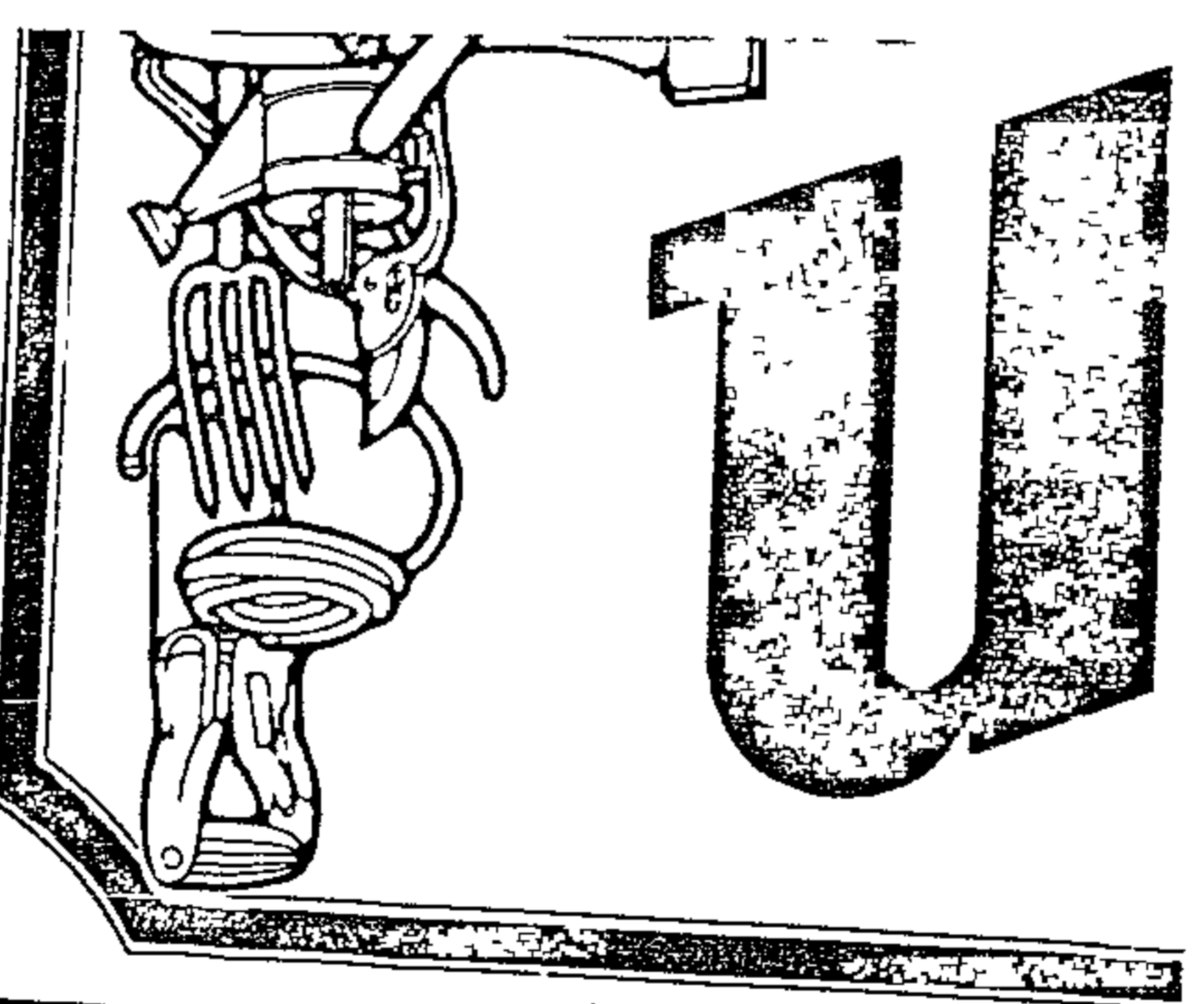
Extra sheets of eight tasting coupons can be bought for R2

See Page 9



He said SABC initiation of files
give details of the other pro-
news reports — such as an
interview with the Minister
of Internal Affairs designed

SABC plans 'normal'



A team of men battle to bring a yacht close to the jetty at the Simonstown Yacht Club when one of the worst
Peninsula and the Western Cape this week. Five boats were torn from their moorings and three others were

Commissioner: 'Unjust application of force'

MORE court cases against members of the Prisons Service might follow as a result of the assaults on — and eventual death of — inmates at the Barberton Prison farm in December 1982.

This was said by the Commissioner of Prisons, Lieutenant-General W H Willemsse, in a memorandum submitted to the Minister of Justice, Mr Kobhe Coetsee

In the memorandum, containing his comments on the report of the Van Dam committee of investigation into events at Barberton's prisons in 1982 and 1983, Gen Willemsse strongly condemned "the unjust application of force" in the handling of inmates at the prison farm on December 29, 1982

Three prisoners died and a number of others were assaulted by warders in events which led to the famous "heat exhaustion trial" last year

"It is the policy and practice of the Prisons Service (of the Prisons Service) to hand such matters immediately to the South African Police for investigation," Gen Willemsse said

"The matter has been brought to the attention of the South African Police at the highest level, with a view to the necessary investigation so that justice can be done also in this respect," the Commissioner said

He added that he had checked that such a malpractice did not exist at other prisons in South Africa

Steps had also been taken to ensure that incidents — such as the fatal assaults at the prison farm — did not happen in future

These steps included the substitution and strengthening of the management of prisons, making personnel aware of policy and tightening up of control measures

"With reference to the possible role of heat exhaustion in this incident, steps have been taken to provide prisons with extreme climatic conditions, with temperature and humidity measuring equipment, with a view to preventing heat exhaustion

Mass prison escape was foiled by chance

A CAREFULLY planned mass escape from one of Barberton's maximum security prisons by nearly 400 of the country's most hardened criminals was inadvertently thwarted by prison officials only hours before it was due to take place on September 20 last year, it was disclosed in Cape Town yesterday

Details of the plan were published in the report of the Van Dam Committee, which investigated incidents in 1982 and last year at two Barberton prisons

Leaders of four of the main gangs in the town's maximum security prison began planning the mass escape in mid-August

Two master keys and two keys for outside doors were made by prisoners, mainly from plastic material from polish containers. Knives were also made as weapons from any material that could be fashioned into a sharp instrument

On the pre-planned day, a number of prisoners were to attack their warders with knives after being released from their cells for breakfast. It was decided to kill all warders encountered during the operation

When the warders had been neutralised, the prisoners would put on their uniforms and release all other prisoners

The prisoners wearing warders' uniforms would then gain access to the outer areas of the prison on the pretext of seeking help to counter the unrest

Warders in the reception area would have been overpowered and the armoury

Leaders of the planned escape, every-thing was going according to plan. But on the night of September 19, prison authorities decided that cell lights would not be switched off for security reasons

The dissatisfaction this caused among prisoners led to singing, chanting and damage to cells, which resulted in the cell doors being kept locked the following morning and not opened for breakfast

However, later in the day, a group of prisoners decided to go ahead with the plan, even though the sequence of events had been broken

The report notes that instead of a well-organised breakout, the incident developed into a situation of disorganised violence in which four prisoners were killed and four warders and three prisoners injured

The committee found no evidence that misconduct by warders had a direct bearing on the events. The incident was attributed directly to gang activity and in particular to a desire by gang members to escape

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Report details brutal prison gangs

ALARMING evidence of the existence of violent gangs in South African prisons has been uncovered by the Van Dam Inquiry into the Barberton prisons

It said the gangs, which were "very strong", were mainly found in maximum security prisons

The committee found evidence of "violence, assaults, murders, homosexuality and gangs specialising in escapes"

"It is often all that the prisoners have, he is mostly totally alienated from his family and his circle of friends and forms his own life in the prison

"The long-term C- and D-group prisoners do not have much hope of getting out of prison quickly and this strengthens the gang relationship further

In the Barberton maximum security prison the inquiry identified six different gangs, which all had different roles

The "Twenty-Sixers" consisted of the most "cunning and belligerent prisoners" They specialised in attacking and stealing from members of other gangs and from prisoners who were not members of any gangs

"They very easily turn to violence. Although their code bans sodomy, it often comes to the fore, but it is a contravention within the gang which can be heavily punished. One member was, for example, sentenced to death for this"

The "Twenty-Eighters", which had the largest membership at Barberton, concentrated on sodomy and younger members were subject to the sexual demands of older members

"Such younger members were known as 'wyfies' caused a great deal of trouble. It seems that the majority of assaults and murders between prisoners followed troubles about 'wyfies"

Members of the "Big Five" gang do not hesitate to murder their own members or members of other gangs, if one interferes with the others' 'wyfie"

The "Big Five" gang revealed that they worked with the authorities and ostensibly helped warders to put themselves in a position of trust and to get their operation

"They are often carriers of news which informs warders of what is going on in the cells. The warder with experience is however cautious to react to such information, because false stories can easily be told for own advantage"

To protect themselves from other gangs, the "Big Five" used their positions to disguise and promote smuggling and other activities, but they were not very popular among the other gangs

The committee described as "frightening" the "merciless cruelty" of the gangs and their members who could, in exceptional circumstances, take action against prison personnel

Often gangs sentenced members to death for the flimsiest reasons and the death penalty was carried out with a variety of brutal methods

In his comments on the Van Dam report, Lieutenant-General W H Willemsse, the Commissioner of Prisons, said the activities of the gangs "is a social phenomenon and an evil with which the South African Prisons Service has had to cope for a number of decades"

The Human Sciences Research Council was working on the problem. A working group had been established to work out an overall strategy

Isolated events were all too readily taken as general practice by the man in the street, because it was not known what really happened behind the high prison walls or barred wire guarded by warders and dogs

The report said that no comprehensive examination of the country's penal system and its consequences had been undertaken since the Lansdowne Commission of 1947

Moreover, circumstances and situations were changing everywhere at an increasing tempo and this demanded continuous adaptation

The question arose whether the establishment of a permanent body on prison matters was not the proper course, in order to take the sting out of vicious criticism

The Committee emphasised that the idea was not to interfere in the Commissioner of Prisons application of policy or his administration, but rather to strengthen his hand

"The function of the proposed body should be only advisory," the Committee said

It proposed the council should consist of

● The Commissioner of Prisons, as chairman,

● Senior deputies of the Prisons Service's various branches,

● Senior members of the departments involved with industrial and reform schools, children's places of safety and rehabilitation centres,

● A president of the regional court,

● A senior police officer responsible for crime prevention, and

● Two external members who were criminologists with expert knowledge of prisons

Among other things, the task of the council would be to

● Seek solutions to the problem of prison over-population,

● Find methods to neutralise as far as possible prison gangsters' activities for the sake of prisoners' and warders' safety,

● Assist with future planning of buildings,

● Initiate research on specific questions regarding convicts and their incarceration, and crime prevention in general, and

● To undertake any specific task referred to it

He was, however, satisfied that the Commissioner of Prisons had handled the matter in a responsible and open manner, and that, as he said — Sapa.

He had taken its full course. Mr Coetsee was also satisfied that the South African Prison Service was geared to prevent a repetition at Barberton or any other prison

"During incidents that occurred at the Barberton town prison on September 20 and 30 last year, the personnel succeeded in preventing a mass escape and further loss of life and the Government expresses its appreciation to those staff members," he said — Sapa.

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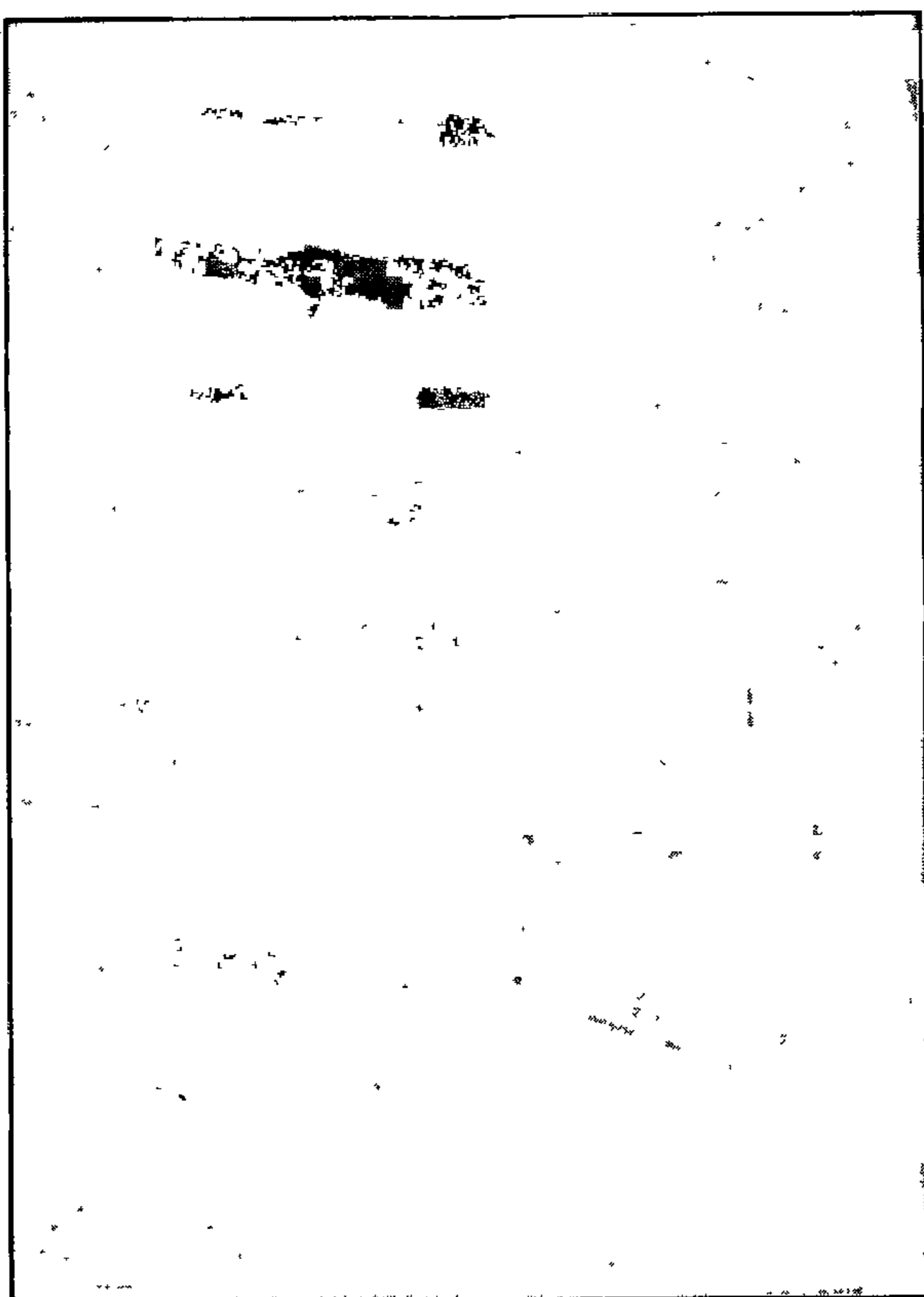
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Knives and keys which were manufactured by prisoners with extraordinary ingenuity and which were found after an incident on September 20, last year, when cells at Barberton Prison were searched.

Reports by CHRIS FREIMOND, BARRY STREEK and SAPA in Cape Town

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press on prisons

4 The Cape Times, Friday, May 18, 1984 ★

Parliament and Politics

Parliament and Politics

Coetsee moots new agreement with

CAPE TOWN 18/5/84 253

Political Staff

HOUSE OF ASSEMBLY — Greatly improved relations between the press and the Prison Service had opened the way for a possible reconsideration of strict legal restrictions on what may be published on matters concerning prisons and prisoners, the Minister of Justice, Mr Kobie Coetsee, said yesterday.

Speaking in the debate on his budget vote in

Parliament, Mr Coetsee said consideration was being given to a formal agreement between the Prison Service and the Newspaper Press Union (NPU) on reporting about prison matters.

A start had already been made in this regard in talks with the NPU and the Conference of Editors.

In the meantime, Mr Coetsee said, he bound the Prison Service to

on information before publication and to have the comments published with equal prominence to the report as adequate verification of information in terms of the relevant restrictive section of the Prisons Act.

"This informal application has been utilized by several members of the media and for the co-operation received from these newspapers I wish to express my appreciation."

As an example of the success of the system, Mr Coetsee referred to a report in the Rand Daily Mail on March 29 this year in which a Swapo leader, Mr Herman Toivo ja Toivo, discussed his experiences as a prisoner on Robben Island.

"Several serious allegations were published unhampered, but the newspaper afforded the Commissioner (of Prisons) the opportunity to

reply to the allegations and published his comments in full on the same page with the same prominence and un- abridged. I sincerely appreciated this," Mr Coetsee said.

He said prisons were a sensitive area in any community and for any government.

The Prison Service aimed at a constructive relationship with the press which:

● Promoted balanced and objective reporting on prison matters.

● Put the Prison Service in a position to react timeously to matters brought to its attention by the press.

"It is the clearly stated standpoint of the Prison Service that it has nothing to hide and demands only balanced, true and objective reporting," Mr Coetsee said.

A high premium was placed on the Prison Ser-

vice's responsibility to protect prisoners and their relatives from over-exposure in the media.

Since 1975 the Prison Service had extended its media liaison section to include a 24-hour service for comment on allegations.

The media section had attempted — and had succeeded — to deal with inquiries and comment quickly and comprehensively as far as possible and by so doing, not in-

regarded as adequate verification (in terms of the relevant section of the law), Mr Coetsee said.

The Opposition's chief spokesman on justice, Mr David Dalling, yesterday welcomed Mr Coetsee's "fresh approach" to the media.

He said better relations with the press meant better reporting and a more informed public which led to better government.

KDM 1815/84 (252)

Commissioners' Courts taken over by Justice

By CHRIS FREIMOND
Political Correspondent
HOUSE OF ASSEMBLY —
The controversial black Commissioners' Courts are to be transferred from the jurisdiction of the Department of Co-operation and Development to the Department of Justice from September 1, the Minister of Justice, Mr Kobie Coetsee, announced yesterday.

Opposition justice spokesmen immediately demanded to know what tangible changes could be expected in the administration of justice in the courts.

Mr Coetsee announced the transfer during the debate on his budget vote in Parliament.

The transfer is in line with a recommendation by the Hoexter Commission of Inquiry into legal reform. Its final report was tabled in Parliament earlier this year.

The commission was highly critical of the racially separate nature of the Commissioners' courts and the inferior standard of justice they dispensed. Commissioners' Courts are a key element in the application of the Government's black influx control laws.

The Progressive Federal Party's chief justice spokesman, Mr David Dalling, said in the debate yesterday that Mr Coetsee needed to answer a number of questions relat-

ed to the transfer.

He wanted to know what would happen to the staff in the courts and asked if they would be re-trained to a higher legal standard. He also asked if the courts would continue to operate from the same buildings, or would be transferred to magistrate's court buildings.

Mr Dalling said improving the quality of procedures and judgements in the courts might improve, but it would not solve the central problem surrounding Commissioners' Courts, which was influx control laws.

If the same officers were transferred to a new department and continued with the same duties, nothing would have changed.

Pass laws, applicable only to blacks, resulted more than 200 000 arrests a year, and all those people had to be processed through the courts.

Changing the departments under which the Commissioners' Courts fell would not alter the figure, Mr Dalling said.

It was possible that due to the more demanding procedures under the Department of Justice, the whole works would be gummed up causing a doubling up of the awaiting-trial prisoners and possibly the adoption of the same conveyor belt style of justice which was condemned by the Hoexter Commission.



Mr Thompson, chairman of the Federation of Country Retail Butchers action federation. Looking on is chef Mr Ross Thompson. Picture: GLEN MIDDLETON

Which stopped 200 000 statue



have abandoned the "useless" statue on the highway, Mr Koch put it in the backseat of his patrol car and drove off.

He eventually approached Mr Clack, who, "not knowing the origin or the value of the statue," told him "to keep it".

Mr Koch replied, "Well, I suppose I could put it in my garden."

Yesterday afternoon, Mr Clack and Mr Koch heard a newsbroadcast about the theft of the statue.

They contacted the Hillbrow police, who confirmed that the statue had been stolen from the College.

The bursar of St John's, Mr Chris Rindall, said yesterday afternoon the statue was "badly damaged" — the sword was gone and the elbows were damaged.

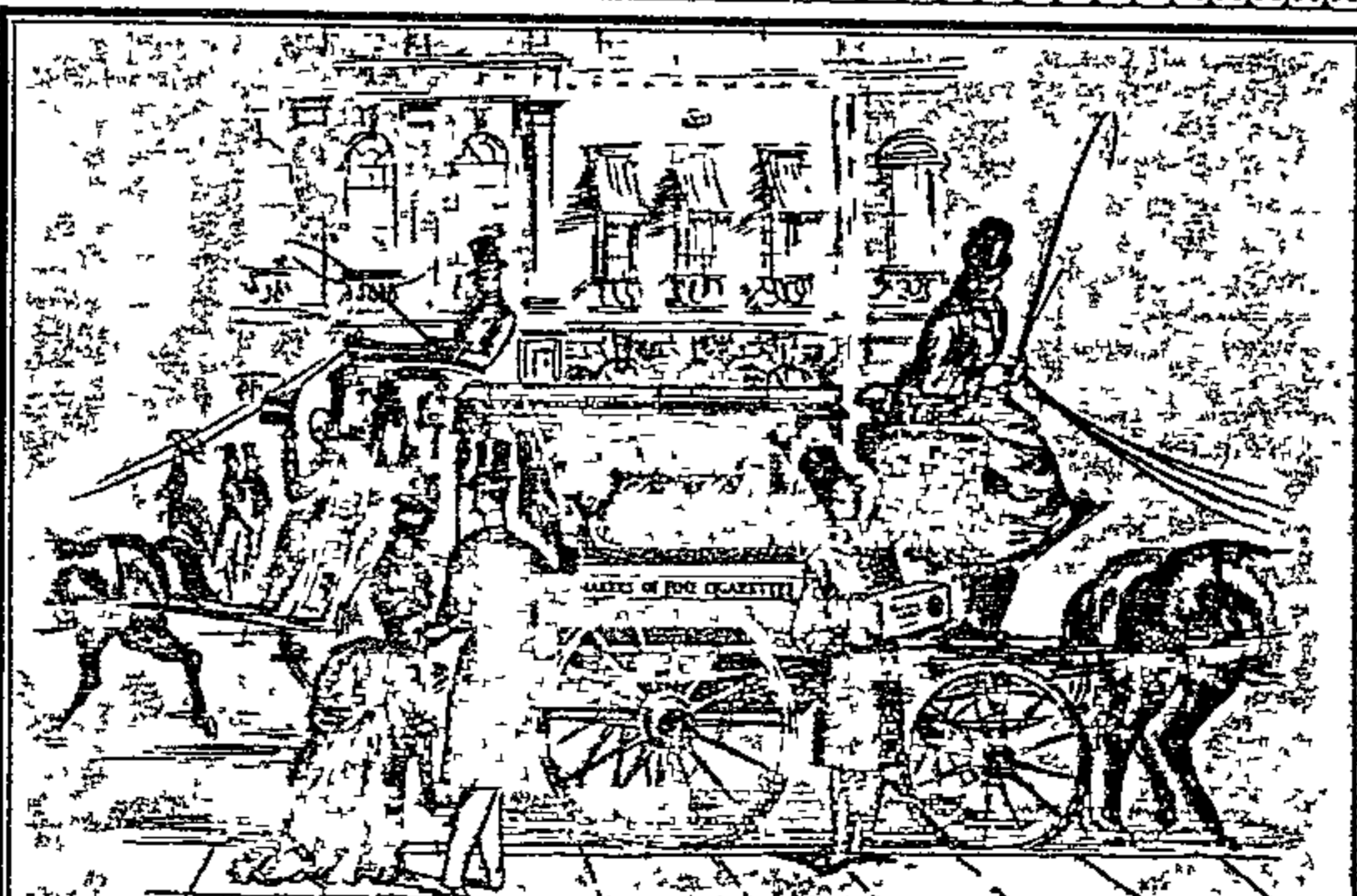
Mr Rindall said it was the only copy in the world of a bronze sculpture by the 16th Century artist, Verrochio.

Police are investigating

ward West-
draw (right),
ed statue
SCHNEIDER
who was on
the area
by Mr Clack
This was
of a motorist
down.
body must

The big freeze

today as moderate winds are predicted.



*Famous for their
unvarying quality*

Smoking fashions may come and go but
Consulate will always give you three things.

The finest tobacco.
Superb skill in blending.

The pleasure of smoking

'You belong — or else!'

By Karen Martheze

THE face of the man talking to me did not have a clear space bigger than a RI coin. The skin was covered in tattoos. But none of them interested me more than the one engraved on his left ear.

It was a number 26. He was a member of one of the two major gangs operating in and out of our local jails since the beginning of the century. I was sitting in the backyard of a township house somewhere on the outskirts of Cape Town.

There were five men lounging around on make-shift chairs. All of them bearing the scars of life on the "inside".

And all of them had the number "26" tattooed somewhere on their bodies.

"Inside you have to choose your number," Lefty said (I called him that because of the tattoo on his left ear).

"When you go inside, you better belong, mister. There's safety in numbers, you see."

It was evident from the way the rest of the bunch kept quiet that Lefty was the unofficial leader of the gang.

SPLIT

Gangsterism, in our jails, is split into two major factions.

One is the '26' gang. The other, the dreaded '28s'.

There's a number, '25', they keep for the 'pempers' (a term used to describe informants).

"Halle kan me man staan me." (Men who turn against accomplices to save themselves) Lefty snarled.

Both the 26s and the 28s detest pempers for obvious reasons. And informants usually have to bear the brunt of the gangs' wrath. Once branded, life for the pempers is not very healthy.

"NUMBERS"

I steered the topic back to the "numbers".

"There's also the number '27' which stands for blood," Lefty said. "These ones are quick to march (kill) anyone who hassles them."

Both the 26s and the 28s have with gangs on the outside. For the 28s there's the notorious Scorpion gang, who are generally known as their allies.

The 26s and the Born Free Kids (BFKs) see things "in een 'tging'" (a term used as emblem).

Both these organisations practice rigid discipline, usually underlined with blood.

It is interesting to note that the "26" in Born is the second letter of the alphabet (2), and "28" in Free the sixth (6), hence the number 26.

HOMOSEXUALITY

Homosexuality is rife among inmates in jails. Hence the term "omgiblos" used to describe members of the 28s. They, apparently, prey on youngsters, especially those entering prison life for the first time.

The youngsters have very little choice in the matter. They are forced to act as *moffies*.

"Twenty-six stands for 'blinc ding' (money) and nowadays that is what we're hunting," Lefty continued.

He did not elaborate. Although rivalry and intense hatred are the norm in jails, there is one intriguing fact.

Gangs on both sides of the line detest rapists. "Most of the men inside have sisters on the outside, you understand," Lefty explained, before he saw to his *blinc ding* business.

I understood him perfectly.

Living in fear... behind bars

WILL the gangsterism in South African prisons ever be wiped out? Sadly, the answer has to be no.

For, although prison authorities have wrestled with the problem for almost a century, the violence and gory killings are continuing.

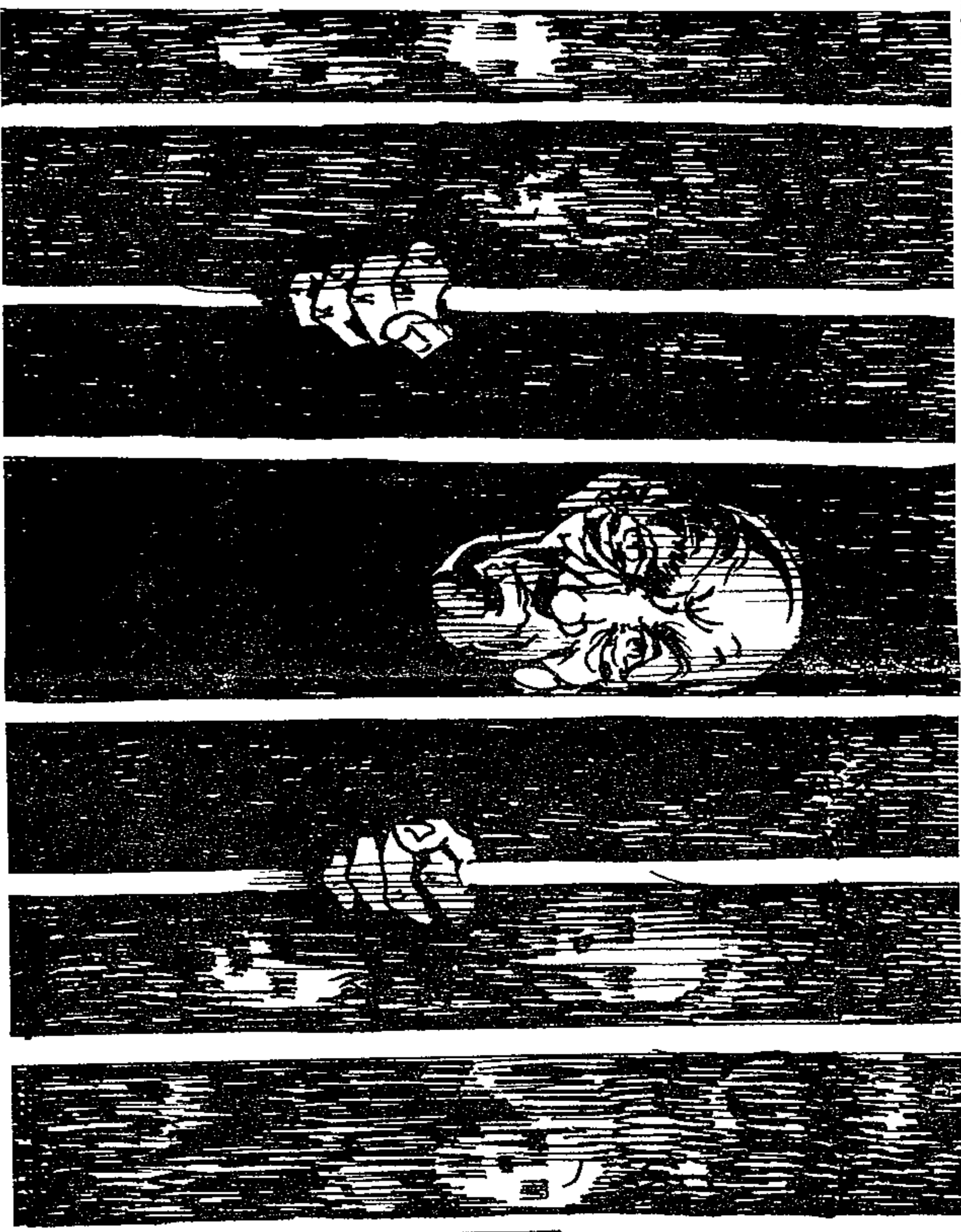
A few months ago, a spokesman for the Prisons Service said "In some cases prisoners do not co-operate with the authorities and do not make the best use of opportunities and facilities which are provided for their upliftment."

"It is, however, the Prisons Service's experience that many prisoners do benefit from the specialised treatment and training facilities available to them, and adjust successfully after release.

That may be so, but there is no doubt that in the case of prison gangs, authorities are pitted against an operation run along military lines — complete with a highly sophisticated intelligence network.

In the past, proceedings in court cases have highlighted the fact that when the word goes out to kill a man, no prison in the country can offer him a safe sanctuary.

Sociologist Don Pinrock, in his thesis *The Making Of A Gangster*, quoted a prison gang member as saying "Even if you're transferred to another prison, the sentence (by the



Kill or be killed?

By Tyrone Seale

"I had to kill him, Your Honour, otherwise I would have been murdered for refusing to kill him."

This line of defence crops up almost inevitably in every prison killing trial in the Cape Town Supreme Court, and probably in courts in other centres.

In many cases judges dismiss the killers' claims that they were forced into a killing as a pack of lies, while in other instances they're accepted as being the truth.

Be that as it may, there is no getting away from it that prison gangs like the 26s, 27s and 28s are alive and well and ruling the

roost in those whitewalled places where society's outcasts are supposed to be having a change of life.

It is in these places that many offenders who are sent to prison for robbery or rape execute their notorious orders for a course in killing and a State-paid train ticket to Pretoria.

KILLS

And what matters is who belongs to what gang and who kills whom.

Defecting from one gang to another is the easiest way a prison gangster can bring an end to his life. That doesn't require any exertion on the part of the victim.

Another way of doing it is to ignore senior gang members' orders. In recent prison killings trials I have attended, the courts heard how many prison gangsters dug their own graves by refusing to execute fellow gangsters' orders to kill, assault or sodomise other prisoners.

Playing the numbers game

GANGS with different numbers, like 26, 27 and 28, specialise in different crimes and operate only inside prisons.

Once outside, prisoners are expected to forget about the differences they had to put up with "inside" and to live in harmony with each other.

NAMSOS

DRAPERS

LADIES' WINTER CHECK SCARFS 249

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gangster bosses) goes with you. You think nobody knows you but they're there, just waiting."

The gangster added "Inside, if they like your pants, they take it. You can't say a thing. And if you do speak up, you're gonna be stabbed. When you do something wrong to these people they go and sit in a kring (a circle) and discuss you. Then three men get their knife. They issue

Bloody 'promotion'

ONE of the more prominent trials involving prison violence was one in August last year

it from the stores they have "underground". "And if the knife is taken out it doesn't come out the way it went in. It's gotta come out with blood."

Many inmates join prison gangs for protection but once they take the oath, they are tied to their choice of gang for life. Detention, quite simply, means death.

Initiation into, say the 26 gang, is done by a "Doctor", who steps up to the recruit, bends

his arm, and says "I bend your arm and break your power and share it with all the members of the 26. We are equally strong. If you do any wrong, you must take your punishment (which could range from slaps to a death sentence). If you refuse then you still have your own strength and your brothers will kill you because we have only 26 thoughts and we share our power equally."

NAMSOS

DRAPERS

HOT PENSIONERS' SPECIALS FOR THE WINTER

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349

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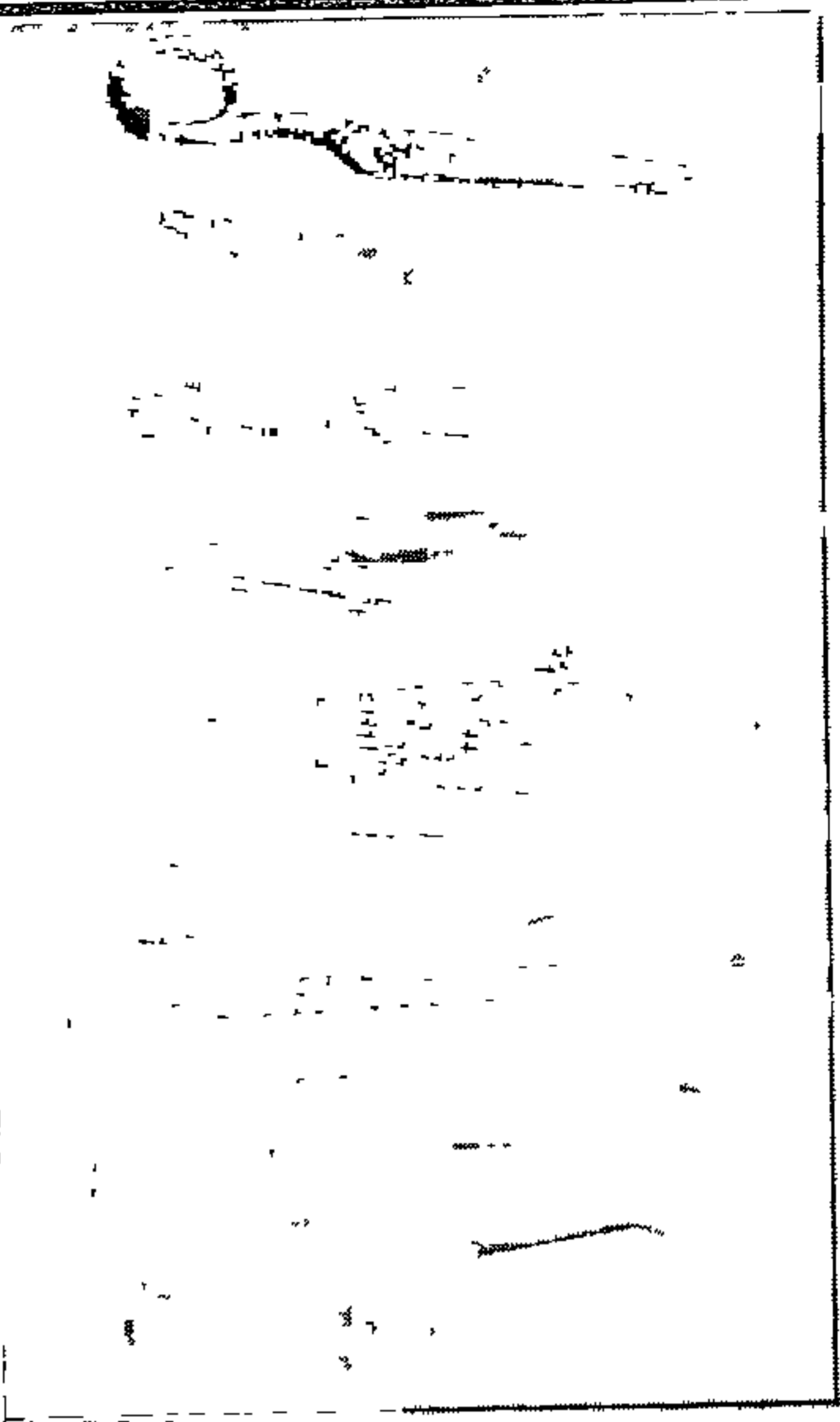
WINTER WARM

454

1252

Cape Herald, May 19 1984 7.

PRISONS SERVICE COMMENT'S



● **SOME knives found during anti-gang blitzes in prison. All, with the exception of the sharpened spoons, were worn internally when found by the warders.**

THE Prisons Services are continually re-searching new methods in their fight against the evils of prison gangsterism. So says Brigadier H J Botha, Chief Liaison Officer for the Prison Services.

Commenting on Cape Herald's investigations into these gangs, Brigadier Botha said in a statement last week: "Regarding the various matters raised in the report, it is necessary to comment on the factual situation for the sake of perspective and the necessary insight into prevailing policy

"Gangs as a social phenomenon of society all over the world are also found in prisons to a certain extent. In South African prisons, gangs are, however, not tolerated and steps are continually taken to combat their formation and functioning.

RESEARCH

"Apart from the various preventative and controlling measures which the SA Prisons Service have been applying successfully in this field, it has also approached the HSRC to undertake extensive research on the subject in order to also gain scientific knowledge and a still better understanding of its nature and methods.

"The report of the HSRC has now been received and is being studied by a departmental work group. The opportunities for individual or groups of prisoners to adversely influence or affect the prison community, are limited due to the fact that special emphasis is placed in South African prisons on an orderly prison community which promotes the cultivation of those characteristics that are necessary for a prisoner's successful reintegration into society as a law-abiding citizen.

PROBLEMS

"A prison milieu of this nature is created and preserved by maintaining consequent strict but fair discipline

long-term prisoner (let's call him Smith), at the Victor Verster Prison near Paarl, was found not guilty of murder — after admitting that he had written a note instructing a fellow prison gangster to kill another inmate Smith, who had pleaded not guilty to a charge of murder, was eventually acquitted by Mr Justice G Friedman in the Cape Town Supreme Court.

The accused wrote the note in his cell a few hours before a fellow prisoner, Peters (not his real name), was strangled to death with a belt in another cell in the latter half of 1978.

The victim's killers were two cellmates, who were found guilty of murder two years later. At their trial, Smith said that he had written the note to a person known as "Charra".

Smith was charged with the same killing after making a statement to a magistrate.

The note said "Charra, if you want to pull the job, do a good job. Don't make him suspicious and don't be in a hurry, because if you do a good job, others will see that there's no jokes in Russia, but don't wait too long. Des 29"

The court found that, two days before the killing, the victim, Peters (a member for 24 years of the "28" gang) had claimed membership of the Desperado gang. When Peters was found to be a fake, the order went out he was a dead man.

their problems, are on the other hand, handled with patience and empathy.

"This tried and tested manner of dealing with prisoners ensures that heads of prisons and their personnel have effective control of relatively contented prison communities.

"Strict measures are taken in prisons to prevent and control possession of any unlawful articles by prisoners, such as weapons of any nature, drugs, etc. The same applies to any form of unaccepted social behaviour by prisoners, for example homosexuality.

REGULATIONS

"Prisoners who are found to misbehave in these or any other field are dealt with in accordance with the prison regulations. Serious infringements, such as assault, are handed to the SA police for investigation and further criminal action as may be necessary.

"Despite the complexity of the phenomenon the Prisons Service will constantly strive through research and practical experience to eliminate the phenomenon of gangs in prisons or at least contain it to the extent that all negative activities can be neutralised effectively.

"The SA Prisons Service is deeply concerned about any incident of this nature and constantly endeavours to prevent it from oc-

the job, do a good job. Don't make him suspicious and don't be in a hurry, because if you do a good job, others will see that there's no jokes in Russia. Des 29"

● **PART of the "death letter".**

The warden in charge of that section of the prison at the time said he had found the note on one of the killers' beds shortly after the killing.

In the Supreme Court trial Smith admitted writing the note, but said that he had been forced to do so.

The terms "Russia" and "Des" (for Desperado) and "29" indicated that the author was a member of the "Desperado 29" gang, he said.

The court found that, two days before the killing, the victim, Peters (a member for 24 years of the "28" gang) had claimed membership of the Desperado gang. When Peters was found to be a fake, the order went out he was a dead man.

FORCED

On the afternoon before the killing, Smith was told to write the note. He was a soldier — the lowest rank in a prison gang — and knew that he was going to be killed if he did not write the note. He was going to be promoted in the gang if he carried out the instruction.

The note was given to a prisoner in another cell who sent it to Peters' cell.

The court found that Smith had written the note because his life had been threatened and that there was no evidence to show that the note had encouraged the killers to execute the instructions.

During the trial, prisoners and warders alike testified that ordinary gang members' only way to promotion was by killing on instruction from gang leaders — on pain of death.

ASTHMA?

Here is the answer



Test and prove it against other remedies

REGULATIONS

"Prisoners who are found to misbehave in these or any other field are dealt with in accordance with the prison regulations. Serious infringements, such as assault, are handed to the SA police for investigation and further criminal action as may be necessary.

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"The SA Prisons Service is deeply concerned about any incident of this nature and constantly endeavours to prevent it from oc-

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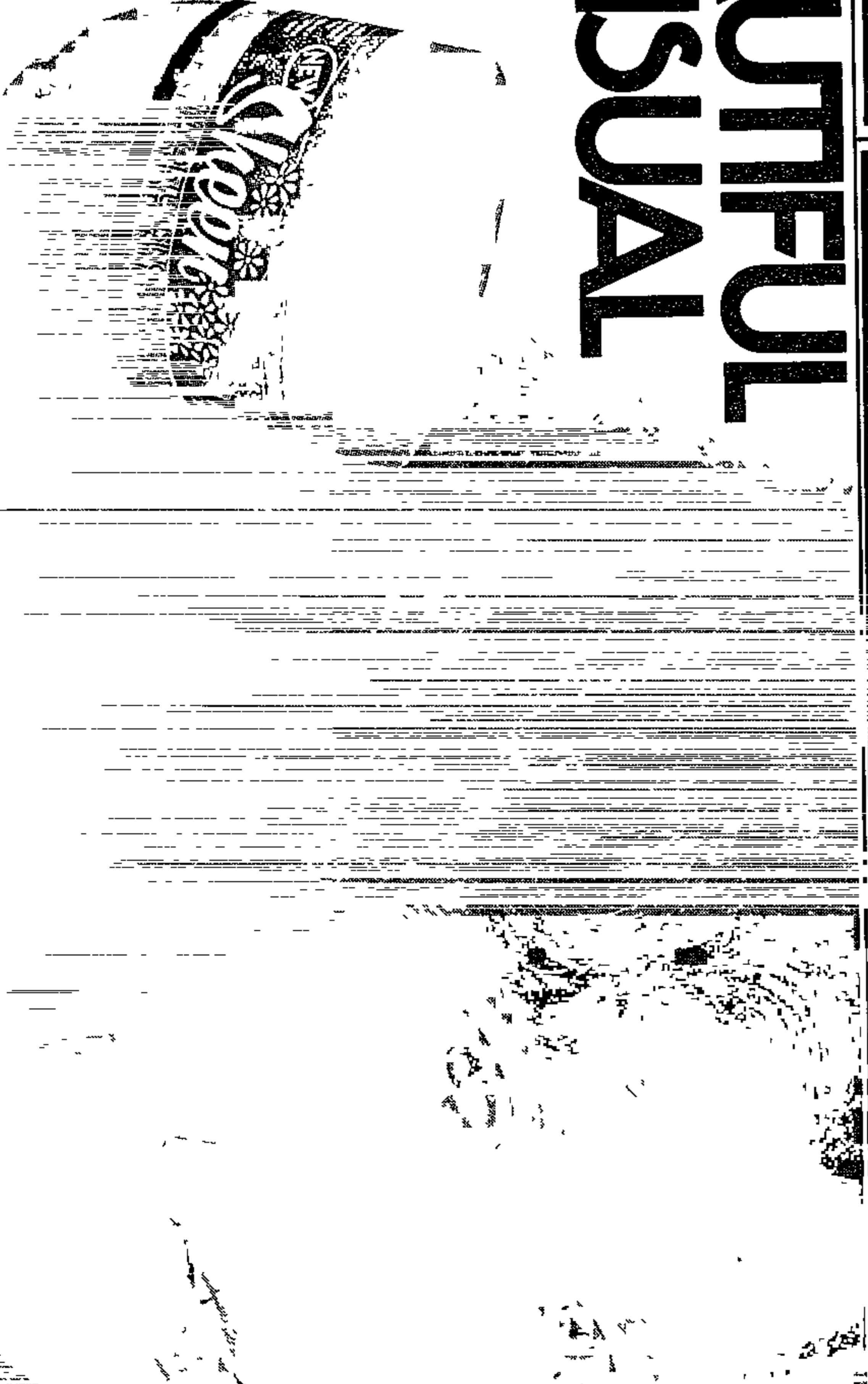
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ans of the criminal underworld have been shocked by the extent and power of the vast network of secret prison gangs that have been uncovered in government probes into the causes of the 1983 riots inside the maximum security jail at Barberton.

A full dossier on the "merciless barbarity" of the cell warlords has been handed over to the Minister of Justice by Lieutenant-General W H Willemse, Commissioner of Prisons, and the Prisons Service has been ordered to give top priority to finding a remedy.

Recommendations on how to combat the problem have been prepared by the Human Sciences Research Council and are already under close scrutiny.

What has amazed the study committee led by Regional Court President J A van Dam, which handled the investigations launched by the government, are the deep historical roots of the gangs and how they now operate on a full nation-wide basis.

One of the deepest profiles of the gang phenomenon was prepared by Mr Nicholas Hayson, now a senior researcher at Wits University Centre for Applied Legal Studies, in a document prepared for the Institute for Criminology at the University of Cape Town.

Delving into Supreme Court records he unearthed disclosures how the principal gangs — with elaborate formal structures and ranks such "generals" and "magistrates" taken from the military and judiciary — had roots running down into the 19th century.

And they were found to wield incredible power among prisoners, with kangaroo courts ordering flogging and even execution sentences on fellow jail birds transgressing their rules — and frequently running systems that force scores of them into the depravity of homosexuality and sometimes bondage as male slaves.

The gangs often draw on colourful titles to identify themselves — Desperadoes, Forty Heves, Spy 13, Fast Eleven, Dick Styles, Book 30, Shy Boys, and Twelve a few among them. But perhaps the biggest and most powerful gangs use the simplicity of numbers as code names that can strike terror in the cell blocks.

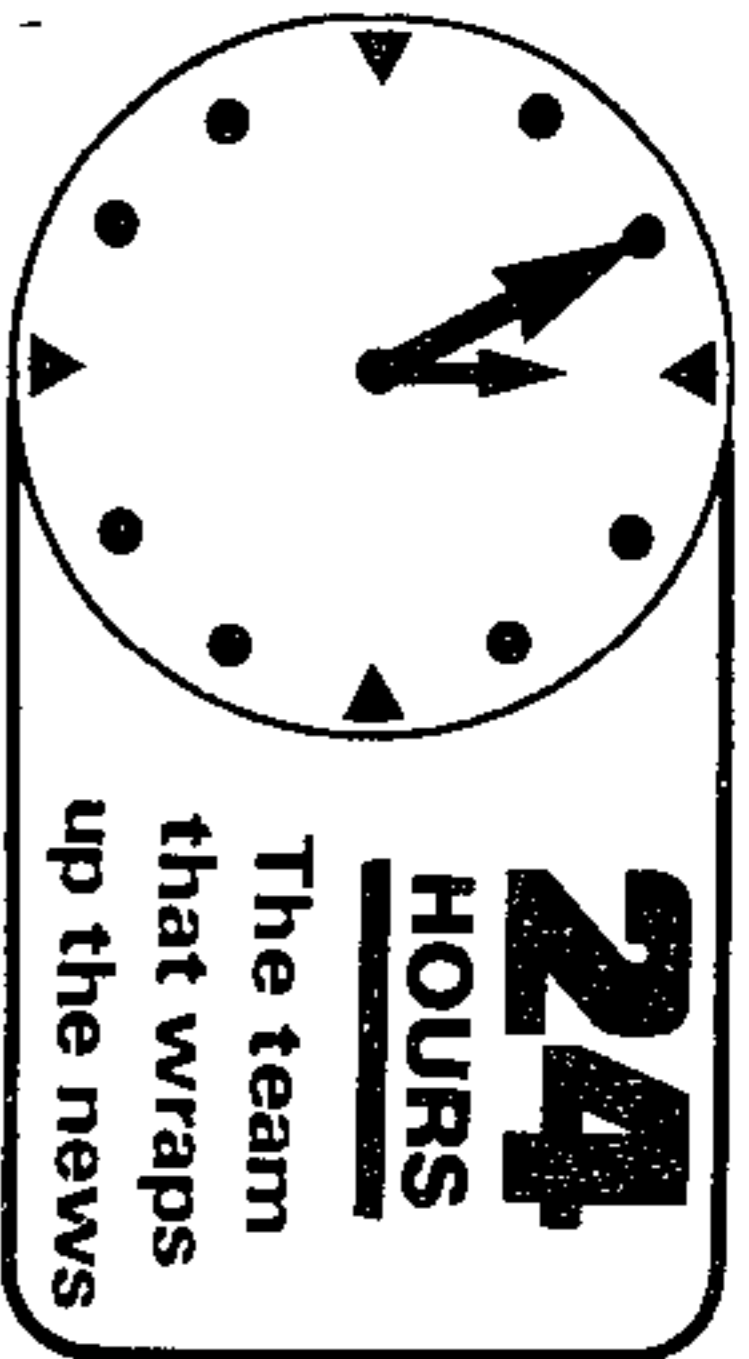
One of the most predominant gangs is known simply as the 28s, founded decades ago by a white brigand who insisted on members addressing him as Nongoloza (King). He granted the title of "Governor-General" to his second in command, appointed a "general" to impose discipline and ran a gang elite with ranks such as "colonel" and "captain".

The 28s, with recruits running into several hundred even in the early 1900s, made their first headquarters in the caves and hills south of Johannesburg and the high command soon had

PRISON GANGS:

THE GRIM TRUTH

Star
19/15/84
253



To be stripped of freedom should be punishment enough for those found guilty of transgressing society's laws. But on entering a prison an inmate finds his life ruled by gangs of thugs among things there he is stripped of dignity, values and sometimes even his life. Something needs to be done to protect the rights of prisoners — and soon. MICHAEL CHESTER reports.

tentacles stretching as far as Kimberley and Pietermaritzburg and beyond.

Nongoloza wielded power across his criminal empire with equal force inside as well as outside the jails. Sojourns in Volksrust and Pretoria prisons saw to that.

Sodomy was widespread — and remains so. The sexual perversion is now so firmly entrenched that the modern regime of the 28s runs a special hierarchy, known as the "private line" for what are referred to as "whys".

Often forced into their role as sexual partners after being raped, they are under the command of a Nonzala and run their own prison "courts" and hand out sentences and punishments just as their chauvinist cellmates do through their own "bloodline".

The 28s are renowned for the pampering and protection of their "whys", who incidentally have to do all such feminine domestic chores as washing and sewing, just as a counterpart clan called the 27s make a speciality out of stealing and cunning with codes of their own. Regarded as the specialists in organising prison escapes are the 24s, sometimes known as the "Airforce".

One aspect that has intrigued investigators is the insistence of most gangs on banning racial or ethnic bias and staying multi-racial.

All of the gangs appear to operate kangaroo courts in what they term a "Twelve Point Ring" formed by their senior "officers".

Duties are specific in the pecking order. "Guards" are responsible for keeping the books. "Sergeants" act as physical fitness instructors, "Sergeant Majors" handle offenders due to appear in the "courts", and "Captains", sometimes called "Transistor Radios", keep track on all outside gang activities and run elaborate communication systems that even run from jail to jail.

The gangs appoint their own "Judges" to enforce sentences passed on fellow prisoners but in a curious leaning towards justice ensure that everyone accused of a gang offence is represented by an "Advocate".

"Generals" are also known as "Blacksmiths" and supervise the making of the crude weapons used by gang members — anything from a spoon hammered and fashioned into a deadly knife for stabbing to the knob-kerris made out of metal mugs swung from the end of a sock or towel.

Punishment meted out by the courts range from the "Klappe" — 10 blows across the head with the fist — to the death sentence or orders to commit murder inside the prison.

Offenders can expect no escape from sentences by pleading with the prison service for a transfer to another jail. The gang structures exist in nearly all prisons — and the "Radio Transistor" makes certain by his secret communication system that a gang reception is waiting, even outside the prisons if necessary.

Gang members identify themselves with special hand salutes the 28s signal with a three-finger salute, the 26s raise thumbs from a clenched fist, and so on. It would be a dreadful offence not to acknowledge the insignia on the imaginary "uniforms" claimed by the officers.

Specific gangs even develop their own languages, usually variations of the Afrikaans-Zulu hybrid that forms most prison slang.

All are renowned for their ruthless brutality. But resignations are virtually impossible once a prisoner has become a gang member. The 28s have a motto: "Members of the 28 Weep for 80 years". In essence it means no member is ever beyond their reach — even after they leave jail and no matter how long it takes.

Research into court records has revealed that between 1974 and 1978 no fewer than 41 prisoners were killed in gang murders in the Western Cape alone.

The most common form of execution is strangulation with a belt. But sometimes is a cold-blooded throat cutting — or even cutting out the intestines of victims.

New methods of countering the gang phenomenon are being sought in the wake of the special report from the Human Sciences Research Council.

For the moment, Mr Hayson, who probed deep and long into the problem, puts forward a set of suggestions.

"It has been suggested that a very different approach to prisons is required if the problem is to be tackled successfully", he writes.

"First, the staff has to be responsive to inmate needs. Putting it the other way around, there must be some accountability to the inmates.

"Ombudsman, grievance procedures and elected councils have been suggested for American prisons.

"Secondly, and also very importantly, there must be some attention directed towards conflict resolution and responsible problem-solving in the context of inmate relationships to create a greater sense of community.

"There are immediate areas which need to be tackled: the lack of privacy, lack of adequate recreational facilities and meaningful outlets for activity, lack of training and educational advancement opportunities.

"Contact with the outside world must be maximised. That is not simply extending visiting hours but entails making facilities available for inmates' relatives to travel to prisons. It also entails access to knowledge of current events.

"The problems are serious and fresh ideas are needed urgently."



Michael Chester
84

CALL TRIPS 19/5/84 253

Political prisoners: Call for early parole

Political Staff

HOUSE OF ASSEMBLY

The Opposition's chief spokesman on prisons, Mrs Helen Suzman, yesterday appealed to the government to consider releasing political prisoners who had been sentenced to life imprisonment and who had already been behind bars for more than 20 years.

Speaking in the debate in Parliament on the Justice budget vote, Mrs Suzman said there were 44 people serving life sentences for crimes against the State.

Those who had been in jail for more than 20 years included Nelson Mandela, Dennis Goldberg, Walter Sisulu, Govan Mbeki and Ismael Cathrada.

"Surely even the most retributive society must accept that they have been sufficiently punished," she said. Their release would also do a great deal for the country's image.

A more flexible policy

was needed regarding the remission of sentences and parole for political prisoners.

Mrs Suzman also appealed for greater access to prisons by members of the public specially interested in prison conditions.

She said overcrowding of prisons was still a major problem and blamed the situation largely on the detention of offenders under influx control laws.

She disagreed with a figure given by the Minister of Justice, Mr Kobie Coetsee, in Parliament earlier this year which indicated that only 7,8 percent of prisoners on a particular day were (influx) "control" offenders.

She said 80 percent of the 267 995 awaiting-trial prisoners between July, 1982 and June, 1983, were blacks.

Although it was not known how many of the people were arrested for pass law offences, it was known that there

were over 200 000 pass law arrests last year.

"Is it not reasonable to assume that a high percentage of the 214 261 black awaiting-trial prisoners were pass offenders?" she asked.

She said she was also sure that a large number of the 161 217 blacks sentenced to up to four months jail between July, 1982 and June last year were pass offenders.

The situation in South Africa was such that a man went to jail because he was looking for a job in an area where he was not supposed to be even though he was a citizen of the country.

In reply to the debate, Mr Coetsee said in terms of a policy decision taken in May, 1982 the circumstances of all prisoners were periodically reviewed. Since then, 22 prisoners serving sentences for crimes against the state had been released.

ANC 'got to prison gang'

THE Prisons authorities believe the African National Congress found its way into the Barberton Maximum Security Prison for hardened criminals.

The Van Dam Inquiry into the prison, whose report was released this week, said it had information that Kilmanjaro, one of six gangs at the prison, had discussed ANC policies

Black power salutes had also been given and letters smuggled out to certain political figures and people who are opposed to the existing order.

The committee urged the authorities to urgently investigate the activities of the gang, which it described as a small group of confidants with "a higher intellectual level" who attached them-

CP Correspondent

20/5/84

selves to the leader

Kilmanjaro's leader was omitted from the published report

Prisons Commissioner Lt General W H Willemse, also accused Kilmanjaro of smuggling letters to "influential persons in the community, including the Press", alleging poor treatment and conditions in the prisons.

The people involved in Kilmanjaro had been transferred to other prisons "where their conduct is being monitored"

In the Van Dam Report, grim details of the activities of the other gangs were given. The committee said that in South Africa the gangs were confined to black and coloured people

General Willemse described the gangs as "evil" but said a strategy of action had been developed to maintain a reasonable degree of control over them

An in-depth research project by the Human Sciences Research Council had also been completed and a working group was studying its report.

Kitson thanks old union for support

(253) Stan 22/5/84
BOURNEMOUTH — Anti-apartheid campaigner Mr David Kitson, who was freed this month after spending 19½ years in a South African jail, sent a recorded message today to members of his old engineering union.

Mr Kitson (65) said he was happy to "return to the land of the living" and thanked his family, colleagues, in the technical and administrative section of the Amalgamated Union of Engineering Workers, and others who had continually pressed for his release.

Mr Kitson was sentenced to 20 years imprisonment for a series of bomb attacks. He was the longest serving white prisoner in South Africa at the time of his release.
Sapa-Associated Press

(c) Katlehong, Tokoza, KwaThema, Daveyton and Tsakane.

(d) Normally the representations received are in connection with blockages. The operation of the Tsakane works is not always satisfactory but the situation is under control. Approximately R4 million is to be spent on improvements to the purification plant in order to rectify the position permanently.

Western Transvaal Development Board

(1) No, but representations were received by the Western Transvaal Development Board

(a) During 1981

(b) From the Anglo American Corporation

(c) Khutsong, Carletonville.

(d) Representations were received regarding the disposal of night-soil

(2) Yes

(a) *Eastern Transvaal Development Board*

(b) Piet Retief—60% of the township has no water-borne sewerage system. Ermelo—40% of the township has no water-borne sewerage system. Water-borne systems do not exist in the following townships but bucket systems are in operation: Wakkerstroom, Barberton, Davel, Amersfoort, Amsterdam, Lake Chrissie, Carolina and Breyten

(a) *Highveld Development Board, Central Transvaal Development Board, Northern Transvaal Development Board and Orange Vaal Development Board*

(b) These systems operate satisfactorily

(a) Installation of water-borne sewerage systems at Balfour, Belfast, Bethal, Dullstroom, Hendrina, Langverwacht, Leandra, Machadodorp, Middelburg, Ogies, Standerton and Volksrust were placed on the 1984/1985 budget

(b) Approximately R9 466 500

Central Transvaal Development Board

Yes

(a) Upgrading of the sewerage system at Warmbaths township by the installation of a water-borne system. Purification will be undertaken by the Warmbaths municipality

(b) Approximately R2,4 million

Northern Transvaal Development Board and Orange Vaal Development Board

No. The systems are satisfactory.

East Rand Development Board

Yes

(a) The Board is at present engaged in upgrading and extension of various sewerage systems and disposal works

(b) Approximately R12 million

West Rand Development Board

Yes

(a) The whole of the Alexandra sewerage system is being upgraded as part of the redevelopment scheme. The main sewer and disposal works of Greater Soweto are being upgraded as part of an upgrading program

(b) Approximately R30,5 million

Western Transvaal Development Board

Yes

(a) The investigations of certain areas are still to be completed but provision for the installation of sewerage systems has been made on the 1984/1985 budget in respect of the following townships: Orkney, Fochville, Bloemhof, Schweizer-Reneke and Leeudoringstad

(b) Approximately R1 030 000

*21 Mr E K MOORCROFT—*Aggrieved*
Reply standing over
23/5/84

*22 Mr S S VAN DER MERWE asked the Minister of Justice

(1) How many prisoners serving sentences not exceeding ten years for crimes against the security of the State were there in South African prisons on 12 May 1982.

(2) Whether any of these prisoners have been considered for release, if not, why not, if so, how many as at the latest specified date for which figures are available?

†The MINISTER OF TRANSPORT AFFAIRS (for the Minister of Justice)

(1) 239.

(2) Yes; the 239 prisoners referred to have all been considered for release and a total of 64 of these prisoners have been released prior to the expiration of their sentences.

Q. 1326
Unemployment insurance cards
23/5/84
*23 Dr A L BORAINÉ asked the Minister of Manpower

Whether any employers were (a) prosecuted and (b) warned in 1983 for failing to keep their employees' unemployment

housing units in Naruna Estate in Plumstead, if so, (a) how many, (b) how many persons are living in these units and (c) (i) what rentals are charged in respect of these units and (ii) on what basis are these rentals charged,

Rental p.m. (R)
59,10
64,10
68,30
72,90
78,30
86,70

Income p m (R)
151 to 250
251 to 350
351 to 450
451 to 650
651 to 800
801 and more

(2) whether any moneys were spent by his Department on the maintenance of these housing units over the latest specified period of five years for which figures are available, if so, (a) when and (b) what amount was spent in each of these years,

(2) Yes

(a) and (b) 1979—R 7 850
1980—R 5 553
1981—R 6 622
1982—R 9 788
1983—R10 256

(3) whether his Department has decided to renovate any of these housing units; if so, (a) which units and (b) when,

(3) Yes

(a) All units
(b) 1984

(4) whether tenders have been invited for the renovation of these units, if not, why not, if so,

(4) Yes

(5) Yes

(5) whether any such tenders have been accepted, if not, why not, if so, (a) who were the successful tenderers and (b) when will the work commence,

(a) Olympic Painters

(b) 21 May 1984

(6) Yes, all houses and maisonettes but not the flats

(a) 161 Houses and maisonettes have already been sold and the remaining 8 are now being offered for sale to the tenants

(b) *Cash

*If a tenant's income is less than R450 per month, he may pay a deposit of R300 and obtain a loan from the Department at the ruling interest rate over a maximum period of 30 years

*If a tenant's income exceeds R450 per month, he has to apply for a bond at a financial institution

*The following discounts are allowed on selling prices

— 5% If a tenant has leased for longer than 5 years

The MINISTER OF COMMUNITY DEVELOPMENT

(1) Yes, the National Housing Commission

(a) 96 Dwelling units comprising 3 houses, 5 maisonettes and 88 flats

(b) Approximately 384 persons

(c) (i) and (ii) Rentals are charged as follows on the basis of the income of a tenant.

(1) Whether the construction of the Inanda dam has commenced, if so, on what date,

(2) whether the dam will be constructed in stages, if so, (a) when will each stage be completed, (b) what does each stage comprise, (c) what will be the water level at each stage and (d) when is it anticipated that each such level will be reached?

The MINISTER OF ENVIRONMENT AFFAIRS AND FISHERIES

(1) Yes, 19 September 1983

(2) No, it is the intention to construct the damwall in one stage to its full height

(2) (a), (b), (c) and (d) Fall away

253 Howard

Robben Island

Q.601.1334

24/5/84

928 Mrs H SUZMAN asked the Minister of Justice

How many (a) Black, (b) Indian and (c) Coloured persons were being held in prisons on Robben Island as at 31 December 1983?

The MINISTER OF JUSTICE

Robben Island Maximum Prison

(a) Blacks 288

(b) Indians 0

(c) Coloureds 2

Robben Island Medium Prison

(a) Blacks 14

(b) Indians 0

(c) Coloureds 221

— 5% If a tenant purchases during the sales campaign
—25% If the purchase price is paid in cash

924 Mr P A MYBURGH asked the Minister of Defence

How many (a)(i) White, (ii) Coloured and (iii) Indian cadet detachments and (b) persons attached to these detachments were there in the Republic as at 31 December 1983?

The MINISTER OF DEFENCE

(a) (i) 653

(ii) and (iii) None

(b) Cadets 169 978,
Teacher officers 2 390

Defence Force: staff establishment

933 Mr P A MYBURGH asked the Minister of Defence

How many (a) White, (b) Coloured, (c) Indian and (d) Black persons were in the service of the (i) Permanent Force, (ii) Citizen Force and (iii) Commandos in the South African (aa) Army, (bb) Navy, (cc) Air Force and (dd) Medical Services as at the latest specified date for which figures are available?

The MINISTER OF DEFENCE

The hon member is referred to the replies to written questions No 576 on 22 April 1980, 227 on 28 August 1981 and 394 on 9 September 1981

THURSDAY, 24 MAY 1984

†Indicates translated version

For written reply

Inanda dam

917 Mr P C CRONJÉ asked the Minister of Environment Affairs and Fisheries

Former political prisoner faces up to a 'bewildering' modern world

By Trevor Jones

Freedom has brought its own problems for 64-year-old David Kitson.

For almost 20 years it was a strictly rationed commodity — a brief walk around the exercise yard, a ray of sunshine through the bars, news of the outside world from such sources as Vogue magazine, Cliff Saunders on the radio, incoming prisoners and, towards the end, newspapers, the permission to study and a little calculator with a submarine game that bleeped every now and then.

Mr Kitson was convicted of sabotage in 1964 and was sentenced to 20 years' imprisonment. He was released from Pretoria Central Prison two weeks ago — seven months early.

Modern world

He has found the modern world bewildering and a little frustrating.

A big problem has been finding his way around Johannesburg.

"Things are so different, I keep getting lost. I went down Tudhope Avenue in Berea the other day and didn't recognise it at all.

"In jail, wherever you look there's a wall. The other day I drove halfway to Pretoria and it was a pleasure to be able to

Kitson walks the long road back to society

253

few

257/84

look far across the plains"

He feels he is adjusting well but gets tired very quickly.

"In prison you have this routine. It's a rigorous life and quite a healthy life.

"Conditions improved a lot after Biko and Aggett. In 1980 we were moved to what the prisoners call Beverley Hills (the maximum security section for condemned men), which is very small.

"That was a dreadful place. It was not designed for long-term prisoners. Initially we were sent there for three months but eventually spent nearly three years there." During this time, he received

a visit from his daughter, Mandy. "I was down when she saw me. She thought I was going downhill and said so. Shortly after that the prisons department, which is sensitive to that sort of thing, took me for an extended set of tests. I had slightly high blood pressure but was basically all right."

"It was very cold in Beverley Hills and there was little sun. There was the singing when someone was about to be hanged. Matters were not improved by the warders, who had a morbid fascination for people about to be hanged." Of studying, he said, "I was

not as keen as the younger students who were building for a future when they got out. I studied more for the purpose of a liberal education and to keep my sanity."

Mr Kitson studied politics, mathematics, applied mathematics, Zulu, mathematical statistics and datametrics for BA and BSc degrees.

His studies were interrupted for three years when Mr Jimmy Kruger was Minister of Justice, Police and Prisons. He resumed his work when Mr Robie Coetsee became Minister of Justice. During the early years, he said, political prisoners re-

ceived only locally published magazines such as Rooi Rose and Huisgenoot.

In the mid-70s they were allowed to listen to censored radio broadcasts. "It helped us get better informed although I don't know if listening to Cliff Saunders is getting better informed."

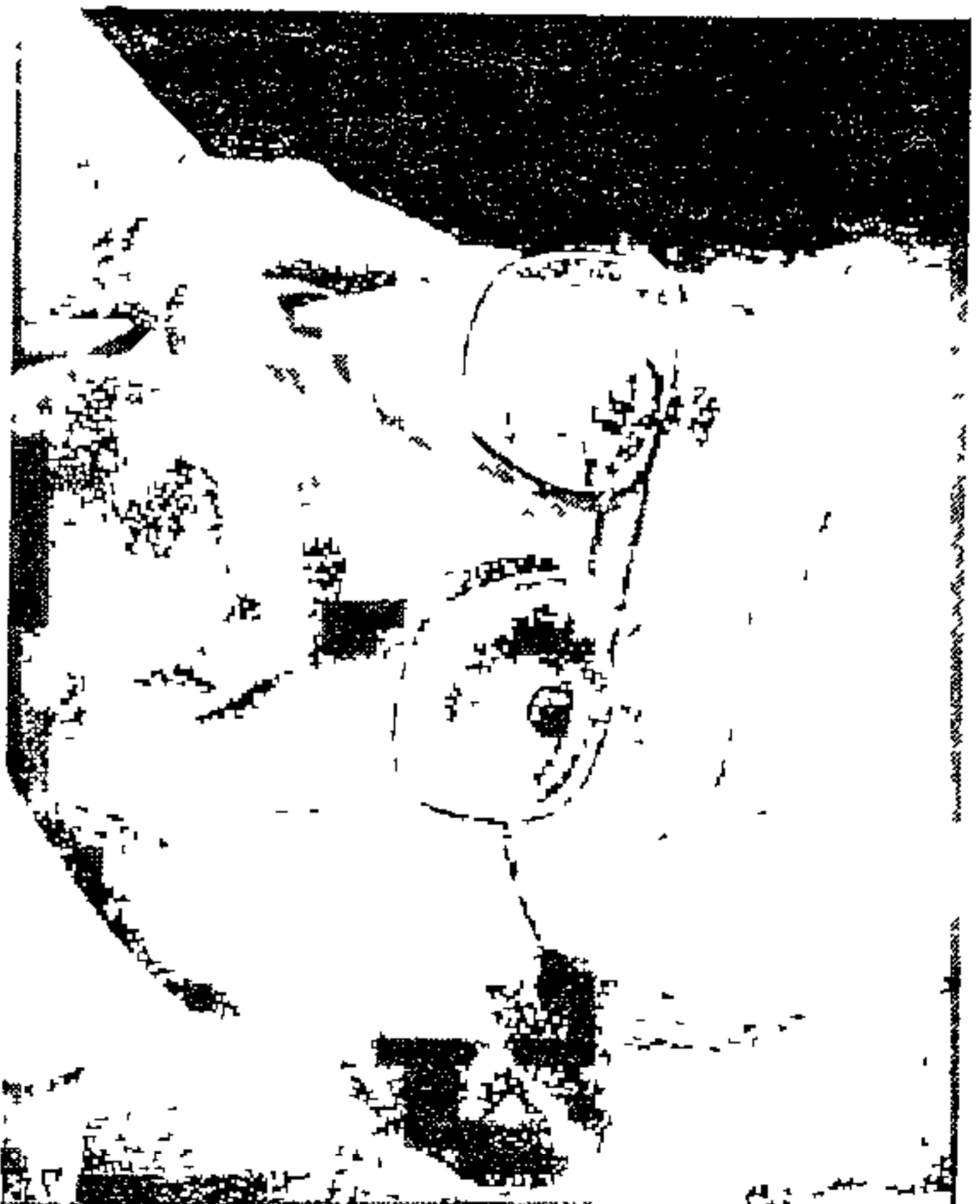
From 1980 they were allowed one newspaper each a day. "These were examined but not censored. We read everything avidly. In recent years there was an influx of whites in the prison and we would squeeze each one for information about what was happening in the world.

One of his few regrets is not having watched his children grow up.

"There's conflict in the world and South Africa is part of it. Before, most conflicts were between countries. Now they are within countries. I regard myself as a casualty of this conflict."

"I am not leaving because I don't like South Africa. It is a fascinating country. But I want to be with my family and give them some time with me."

"I will always be a South African. I remember when I returned after spending 12 years in Britain. I thought I had absorbed British traditions



Mr David Kitson . . . adjusting to his new lifestyle.

but I had only been back a short time when I began to feel that I was home."

Brigadier H J Botha, chief of the Prisons Service liaison office, today replied to Mr Kitson's statements concerning the moving of political prisoners to the maximum security prison.

"The prisoners in the section referred to were transferred to a section in Pretoria Maximum Security prison and remained there for a period of two years and six months while the section where they were incarcerated was rebuilt and modernised," he said.

Selected

"Staff employed in the maximum security section are, in accordance with the Prisons Service policy in this regard, selected and trained to do their job professionally."

"While it is interesting to note Mr Kitson's opinions concerning the staff involved, it needs to be pointed out that staff members employed in this prison could not have maintained the good order and healthy, balanced discipline present there if they were unable to deal with their everyday task with empathy and in a sensitive manner," said Brigadier Botha.

Kitson permit not a one-way ticket

253 Star 26/5/84

By Trevor Jones

The exit permit given to David Kitson (64) is not the well-known "one-way ticket" often given to departing political activists and it will not prevent him from returning to South Africa

Mr Kitson was released from prison two weeks ago after serving 19 years and five months of a 20-year sentence for sabotage. Mr Kitson said he had been advised to apply for an exit permit, although he could not understand why he needed one as he is travelling on a British passport

Mr Kitson said he had suspected that the permit was not the kind that would prevent him from returning to South Africa because a department official had told him it was valid for five years

Mr Kitson plans to collect the document on Monday

Brother, sister on trial

By Joe Openshaw

The 19-year-old Randburg girl and her 23-year-old brother who are charged with armed robbery of a Northcliff building society involving R3 438, will be tried in a Johannesburg Regional Court on July 13

It is alleged the pair,

Miss Wendy Paula Matthews and Mr Adrian Mellon Matthews, both of Little John Street, Robindale, Randburg, robbed Saambou Building Society's Northcliff branch at gunpoint on January 25

Both have pleaded not guilty and were granted R500 bail

ported that thousands of householders were being overcharged because their meters did not work

One irate ratepayer, Mrs June Shave of Lower Houghton, said she was charged R416,69 for 796,4 kilolitres of water over three months

"I could not possibly have used this much water," she said "I have written to the council demanding an explanation"

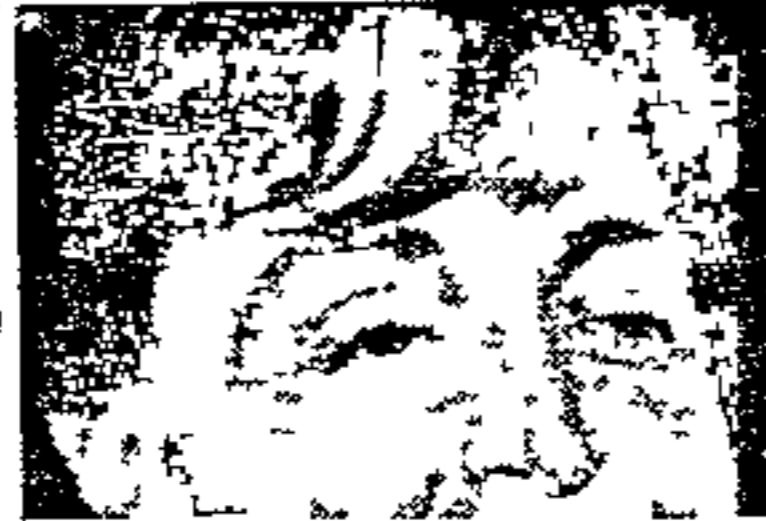
Mrs Shave said her meter had been out of order for a year

If a meter was out of order, the householder would be charged an "average" rate based on his consumption over the previous quarter, said Mr Olivier

"Once a meter is repaired and we find we have overcharged, the account will be adjusted," he said

He agreed that Mrs Shave's account was "excessive" and said the case would be investigated when received

TH



28 gang
charged
in jail
killing

Call Times
29/5/84
263

By RONALD MORRIS

SIX convicted members of the "28s" prison gang yesterday appeared in the Wynberg Magistrate's Court in connection with the death of a fellow prisoner who was killed after he had allegedly told prison authorities about a knife hidden in their cell.

At a hearing earlier this month, Melvin Rhoda, 28, Charles Smith, 23, Johannes de Wet, 23, Johnny Thompson, 29, and Dennis Grosch, 28, all pleaded not guilty to murdering a fellow prisoner, Paul Davids, at Pollsmoor Prison on January 24.

A sixth man, Agmat Williams, 22, pleaded guilty to the charge and the hearing was yesterday adjourned to June 28 for a decision by the Attorney-General.

At a hearing earlier this month, Williams said that he and his co-accused had occupied a cell at Pollsmoor when a letter addressed to Rhoda said the man who had informed the prison warders about the knife in the cell should be killed. They had then discussed the matter and Davids had admitted that the contents of the letter were true and that he had informed on them.

Later that night, in the absence of the deceased, they had "sentenced him to death".

Davids had then been choked by De Wet, who had also stuffed a towel in his mouth.

"After Davids had been choked unconscious I came and stabbed a pen in his heart. After that I took the lid from a polish tin and cut up his heart until I could put my hand into his stomach to rip out his intestines. When I saw that he was truly dead I left him," Williams said.

Miss T de Wet appeared for the State. None of the men was represented.

Prisons crowded — 41 pc too many

By Sue Leeman,
Pretoria Bureau

South African prisons housed 104 760 inmates in accommodation designed for only 74 155 in 1982/83, the Department of Justice's annual report for that period reveals.

It says this 41 percent overcrowding was being studied and the improvement and modernisation of existing prisons, as well as the provision of new prisons, was receiving "continuous attention"

The Prisons Service's budget for 1982/83 was more than 40 percent up on the previous year. A total of R10 million has been set aside for the service's own building works with another R24,5 million budgeted for contract services.

In the period under review, 253 prisoners died in prisons, 30 of them as a result of assaults by fellow prisoners.

There were six accidental deaths and 11 suicides, while four people died as a result of injuries suffered before admission.

COURT CLAIMS

There were 101 claims involving the State lodged with the courts. Of these, 76 were against the State and 25 on its behalf. Sixty-two were wound up during the year.

Escapes in 1982/83 (1 090) showed a 13,2 percent drop on the previous year (1 256) even though the number of prisoners in custody was 15 percent higher. Of those who escaped in 1982/83, 678 were recaptured.

Both the number of new recruits and the number of people terminating their service showed a decrease in 1983/83.

New recruits totalled only 1 801 as opposed to the previous year's 2 391 while only 856 people left the service, in contrast with the 1 538 who left in 1981/82.

Sections which still felt the pinch of staff shortage were social work, where only 105 out of 162 posts could be filled, and psychology, where six out of 29 posts were vacant.

PPD
Teachers: housing loans

THURSDAY, 7 JUNE 1984

991. Mr R M BURROWS asked the Minister of Community Development

How many (a) White, (b) Coloured, (c) Indian and (d) Black teachers had obtained State housing loans as at the latest specified date for which figures are available?

The MINISTER OF COMMUNITY DEVELOPMENT

The information is unfortunately not available

Cato Manor

1019 Mr P C CRONJÉ asked the Minister of Community Development

(1) (a) What was the total cost to his Department of acquiring the land in Cato Manor, excluding the cost referred to in his reply to Question No 718 on 12 April 1984, and (b)(i) from whom was this land acquired, (ii) what area of land was acquired from each person or body, (iii) what amount was paid to each such person or body in respect of this land and (iv) on what dates were these amounts paid;

(2) whether his Department has incurred any further costs in regard to this land since its acquisition, if so, (a) what specified costs and (b) on what (i) items and (ii) dates were these amounts spent in each case?

The MINISTER OF COMMUNITY DEVELOPMENT

(1) and (2) The desired information is not readily available. Since it is a time-consuming task to go through the particulars, and the personnel therefor is not available, the question can unfortunately not be replied to

†Indicates translated version.

For written reply

253
Hansard
Robben Island
Q. Col. 1516
7/6/84
927- Mrs H SUZMAN asked the Minister of Justice.

Whether any persons under the age of 18 years are being held in prisons on Robben Island at present; if so, (a) how many, (b) what are their respective ages and (c) of what crimes were they convicted in each case?

The MINISTER OF JUSTICE

Yes

(a) Three (3)

(b) 17 years in all three cases

(c) (i) Theft—4 counts.
Sentenced on 12 March 1984 (twelve months imprisonment effective)
Envisaged conditional release—11 November 1984

(ii) Housebreaking with intent to steal and theft—3 counts.
Sentenced on 4 November 1983 (eighteen months imprisonment effective)
Envisaged conditional release—3 November 1984.

(iii) Housebreaking with intent to steal and theft
Sentenced on 18 January 1984 (twelve months imprisonment).
Unconditional release—17 January 1984

Hansard
Employees
7/6/84
1516
964 Mr K M ANDREW asked the Minister of Constitutional Development and Planning

and (ii) what is the nature of these plans in each case?

The MINISTER OF INTERNAL AFFAIRS.

(1) No Most such schools are state-aided schools under the management and control of private persons, churches or other bodies. The aim with so-called farm schools is to provide schooling for pupils resident in the neighbourhood thereof. Should the governing body in any particular case wish to do so, it will be able to, with the consent of the Department, erect a private hostel which will then qualify for a grand-in-aid in the form of a rent grant. Pupils accommodated in such hostels will qualify for boarding allowances paid to the governing bodies.

(2) and (3) Fall away

Hillbrow/Norwood/Lombardy East police station: crimes

998 Mr H H SCHWARZ asked the Minister of Law and Order

How many crimes of each type were committed and reported to the South African Police at the (a) Hillbrow, (b) Norwood and (c) Lombardy East Police station during the latest specified period of 12 months for which figures are available?

The MINISTER OF LAW AND ORDER

Owing to the volume of work and the time involved in collecting and compiling the particulars asked for, I consider it impracticable to furnish the information required

Congo fever

1017 Dr M S BARNARD asked the Minister of Health and Welfare

(1) How many (a) suspected and (b) confirmed cases of Congo fever were there (i) in 1983 and (ii) from 1 January

How many (a) White, (b) Black, (c) Coloured and (d) Asian (i) male and (ii) female workers were employed by Government Departments in the Cape Peninsula in 1981, 1982 and 1983, respectively?

The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

The information is not available as the survey on employment regarding Government Departments is not conducted on a regional but on a national basis. The data on a national basis are as follows

	(i)	(ii)
(a) 1981	90 062	39 796
1982	90 495	41 804
1983	97 319	45 100
(b) 1981	92 209	39 855
1982	96 452	43 282
1983	100 984	46 330
(c) 1981	36 179	23 910
1982	37 938	25 887
1983	40 856	26 515
(d) 1981	8 231	4 780
1982	8 785	5 217
1983	9 390	5 808

Hansard
Farm schools: hostel accommodation
Q. Col. 1517

993 Mr R M BURROWS asked the Minister of Internal Affairs:

(1) Whether hostel accommodation is provided at Coloured farm schools, if not, why not, if so, how many (a) hostels and (b) hostel beds are there for (i) primary and (ii) secondary school pupils,

(2) whether there is a waiting list for accommodation in these hostels, if so, how many pupils are awaiting accommodation;

(3) whether his Department intends (a) extending these hostels and (b) providing additional hostels in rural areas, if not, why not, if so, (i) when

Question standing over from Wednesday, 6 June 1984

Prime Minister.

South West Africa: amount paid to political party/front *8/6/84*
Hansen Q Col. 1543
 *1 Mr JH HOON asked the Prime Minister:

- (1) Whether (a) the Government and/or (b) the Administrator-General of South West Africa paid an amount to a political party or front in South West Africa in the past five years in settlement of a case certain particulars of which have been furnished to the Office of the Prime Minister for the purposes of replying to the question; if so, (i) what are the particulars of the case, (ii) what amount was paid and (iii) to what political party or front was it paid,
- (2) whether statutory authority for this payment was obtained, if not, why not, if so (a) when, (b) under what statutory provision and (c) who granted this authority?

The ACTING PRIME MINISTER (Reply laid upon the Table with leave of House).

- (1) (a) and (b) No amount was paid to a political party or front in South West Africa as such but in terms of an agreement a contribution to the costs of the applicants below was in fact paid
- (i) Two cases are involved

First case

- 1 The applicant was Abraham Hermanus du Plessis in his personal capacity and in his capacity as Chairman of the "Aksiefront vir die Beoud van die Turnhalle Beginn-

istrator-General was not empowered to delegate his powers to the National Assembly and that he had in fact not done so. The conclusion of the Court was that the National Assembly was only an instrument of the Administrator-General and that all acts passed by the National Assembly and signed by the Administrator-General and purporting to be acts of the National Assembly, were essentially Acts of the Administrator-General which, as in the case of other Proclamations of the Administrator-General, had to be submitted to the State President for approval in terms of section 38(2) of Act 39 of 1968, before becoming legally effective.

5 The applicant's application was therefore dismissed with costs, including the costs in respect of the two advocates acting on behalf of the Administrator-General.

6. The applicant appealed against the ruling, but before the case could be heard in the appeal court, an agreement was concluded between the parties (including the question of costs) and the appeal was withdrawn on 7 January 1980.

Second case

- 1 The applicants in the second case were (i) Abraham Hermanus du Plessis in his personal capacity and his

capacity as Chairman of AKTUR, and (ii) Petrus Johannes Ebersöhn in his personal capacity as lessee and licence holder of the Central Hotel in Gobabis. The respondents were the State President, the Administrator-General and the President and Secretary of the National Assembly of South West Africa. The applicants applied for an order whereby Act No 3 of 1979 of the National Assembly of South West Africa and the said Proclamation No AG 21 of 1979 would be declared invalid, null and void and of no legal effect. The Deputy State Attorney opposed the application on behalf of the respondents, but after the date for the hearing had been fixed for 5 March 1980, the matter, including the matter of costs, was in the meantime settled between the parties in December 1979.

(ii) R10 000 as a contribution to the cost of both actions

(iii) To the attorneys of the applicants as a contribution to costs

(2) (a), (b) and (c) Yes, in 1980 in the normal course of events as and according to prescribed procedures

For written reply *253 Hansen*

Crimes against security of State: prisoners
Q. Col. 1546
 949 Mr S S VAN DER MERWE asked the Minister of Justice

(1) With reference to his reply to Ques-

tion No 900 on 16 May 1984, how many prisoners serving (a) life sentences and (b) sentences in excess of 10 years for crimes against the security of the State had been considered for release as at the latest specified date for which figures are available;

- (2) how many prisoners serving (a) life sentences and (b) sentences (i) in excess of and (b) not exceeding 10 years for crimes against the security of the State on 12 May 1982 had been released as at the latest specified date for which figures are available?

The MINISTER OF JUSTICE:

- (1) (a) Thirty seven (37).
 (b) One hundred and thirty nine (139)
- (2) (a) None
 (b) (i) Thirty five (35) of whom thirty one (31) have received remission of sentence
 (ii) One hundred and twenty six (126) of whom sixty five (65) have received remission of sentence

The reply concerning (2)(a) and (b)(i) and (ii) reflects the situation as on 26 May 1984.

Donations: tax benefits

992. Mr R M BURROWS asked the Minister of Finance:

Whether (a) individuals and (b) companies making donations to (i) universities, (ii) technikons, (iii) colleges of education, (iv) secondary schools, (v) primary schools and (vi) pre-primary schools receive tax benefits on the ground of having made such donations; if not, why not; if so, what is the amount of the minimum

donation required to qualify for such tax benefits?

The MINISTER OF FINANCE:

- (a) A person, other than a company, may deduct annually donations to the institutions mentioned in (i), (ii), (iii) and (iv), but not those mentioned in (v) and (vi), the sum of which does not exceed the greater of R500 or 2 per cent of taxable income (as calculated before making the deduction in terms of this concession) in calculating his taxable income. No minimum donation is prescribed. Donations to primary and pre-primary schools are excluded because financial responsibility for education at that level is borne by the State and the same need of expensive and sophisticated additional equipment, etcetera, does not exist in these cases.

- (b) The same provisions apply in the case of a company, except that the deductible amount is limited to 5 per cent of taxable income as calculated before making the deduction.

Ad valorem duty

997 Mr H H SCHWARZ asked the Minister of Finance:

Whether the *ad valorem* duty levied in terms of the Customs and Excise Act is based on a neutral value; if not, on what basic amounts is it based; if so, what is the neutral value in respect of the individual items referred to in the tariff?

The MINISTER OF FINANCE:

Yes. The value for *ad valorem* excise duty purposes is determined in terms of the appropriate sections of the Customs and Excise Act for the various industries and in some cases for individual licencees. Due to the confidential nature of the determinations the information cannot be made public in terms of section 4(3) of the above-mentioned Act.

QUESTIONS UNDER NAME OF MEMBER

Alant, Dr T G— Law and Order, 1078 Posts and Telecommunications, 1131	Manpower, 597 Posts and Telecommunications, 1228 Transport Affairs, 430, 494, 632
Andrew, Mr K M— Community Development, 542, 1257 Constitutional Development and Planning, 792, 1516 Co-operation and Development, 88, 316, 400, 511, 517, 531, 674, 686, 814, 873, 931, 943, 993, 1022, 1025, 1032, 1036, 1037, 1083, 1175, 1259, 1291, 1338, 1420, 1528, 1531 Defence, 477, 518, 519, 711, 713, 715, 785, 893, 1024 Education and Training, 89, 169, 192, 259, 260, 301, 397, 398, 407, 426, 623, 793, 830, 832, 884, 904, 945, 1102, 1139, 1142, 1155, 1160, 1218, 1261, 1406, 1426 1431, 1432, 1490, 1491 Finance, 794 Foreign Affairs, 300, 332, 781, 1052, 1110, 1312, 1524 Health and Welfare, 1426 Internal Affairs, 540, 541, 671, 733, 991, 992, 1313 Justice, 301, 438, 662 Law and Order, 318, 413, 541, 1068, 1290, 1439, 1488 Mineral and Energy Affairs, 821 National Education, 548, 683, 1491 Posts and Telecommunications, 221, 1213, 1296 Transport Affairs, 513, 514, 685, 687, 789	Bamford, Mr B R— Community Development, 735, 822, 824 National Education, 739 Barnard, Dr M S— Agriculture, 71, 132 Constitutional Development and Planning, 182, 974 Co-operation and Development, 602, 1060, 1185, 1207 Defence, 516 Education and Training, 547 Environment Affairs and Fisheries, 907 Health and Welfare, 35, 86, 149, 163, 165, 267, 307, 364, 368, 417, 445, 460, 535, 539, 540, 566, 592, 635, 636, 779, 801, 806, 840, 844, 966, 1020, 1028, 1029, 1064, 1101, 1165, 1357, 1418, 1452, 1453, 1454, 1455, 1456, 1479, 1518 Internal Affairs, 1067 Justice, 470 Law and Order, 50, 175 National Education, 478 Posts and Telecommunications, 621
Aronson, Mr T— Agriculture, 495 Community Development, 462 Constitutional Development and Planning, 593, 594 Co-operation and Development, 1180 Energy Affairs, 827 Finance, 719, 802 Industries, Commerce and Tourism, 663, 664	Barnard, Mr S P— Agriculture, 1305 Community Development, 109, 229, 845, 1037, 1302 Environment Affairs and Fisheries, 845 Finance, 1430 Foreign Affairs, 432 Health and Welfare, 286, 287 Internal Affairs, 1200, 1304 Prime Minister, 104
	Blanché, Mr J P I— Posts and Telecommunications, 496, 497

treason, alternatively contravention of section 54(1) of the Internal Security Act, 1982 (Act 74 of 1982), alternatively contravention of section 2(1) of the Terrorism Act, 1967 (Act 83 of 1967)

The Attorney-General, Pretoria has decided to prosecute the other three of them on a main charge of high treason with several alternative charges

(2) Yes Preparations in connection with the trial of the four are at present being conducted but it is not possible to indicate when they will appear in court. The other three persons appeared in court on 26 April 1984 and the date of trial has been fixed for 1 August 1984

(3) Yes, in respect of the persons who have already appeared in court. The names are as follows: R M Hunter, D A Hanekom and T E Hanekom née Murray

The names of the other persons cannot be made known as they have not yet appeared in court

253
Hansard Q.61.1539
 Barberton Prison Farm 8/6/84
 *23 Mr B W B PAGE asked the Minister of Justice

(1) Whether any officials were discharged from the Prisons Service con-

- Ex Warrant-officer G L J Smit . . . 8 years effective imprisonment
 - Ex Sergeant W Koboyane . . . 3 years and 6 months effective imprisonment.
 - Ex Warden C J W Horn . . . 5 years effective imprisonment
 - Ex Warden J C Stoltz . . . 3 years effective imprisonment
 - Ex Warden B van Dyk . . . 2 years effective imprisonment
 - Ex Warden J Z Madonsela . . . 1 year effective imprisonment
- He has served half of his sentence and was released conditionally on 28 March 1984 according to standing policy

sequent upon the findings of the inquiry into the circumstances surrounding the deaths of certain inmates of prisons on the Barberton Prison Farm, if so,

(2) whether any such officials have since been (a) re-employed by and/or (b) re-instated in the Prison Service; if so, (i) in what capacities, (ii) with effect from what dates and (iii) what are their names?

The MINISTER OF JUSTICE. (Reply laid upon the Table with leave of House).

The incidents at the prisons in and around Barberton gave rise to several Departmental inquiries, Police investigations, an appointed committee of inquiry and various criminal cases

Some of these processes have not been finalized, but in order to give a complete picture, all information as available to date is supplied, namely.

(a) Results of the criminal charges arising from the incident at the Pretoriusdam 29 December 1982

(1) Yes, the following persons were discharged from the South African Prisons Service in terms of Section 13(1) of the Prisons Act, 1959 (Act No 8 of 1959) as a result of their convictions and sentences of imprisonment imposed on 28 September 1983.

(2) (a) and (b) No Ex members who were discharged on account of assault on prisoners are in terms of Section 14 of the Prisons Act, not allowed to be re-appointed as members of the Prisons Service

(i), (ii) and (iii) Fall away

(b) Actions against Lieutenant J W Niemand regarding his part in the incident mentioned at "A"

The officer was found guilty on a charge of ordinary assault on 3 April 1984 and was sentenced to a fine of R900 or 360 days imprisonment, as well as a further two (2) years imprisonment, conditionally suspended for four (4) years. The officer has paid the fine in the meantime. A Board of inquiry was appointed in terms of Section 55(1) of the Prisons Act to make recommendations regarding further Departmental steps against the officer. The Board may make the following recommendations

- That no further action be taken in the matter,
- That the officer concerned be cautioned or reprimanded,
- That a fine not exceeding R100 be imposed,
- That the matter be referred to the State President, who may thereupon take any steps provided for in Section 4(2) of the Prisons Act, which includes discharge, retirement or reduction in rank

The Board has not yet concluded its obligations in this regard and recommendations are therefore not known at this stage.

(1) and (2)(a) and (b) and (i), (ii) and (iii) Fall away

(c) Alleged assault of members on prisoners with their arrival at Barberton. With reference to chapter 2, paragraph 2.8.1 of the report of the committee of inquiry, the Attorney-General has decided that the following members/ex members should be prosecuted on a charge of assault

Ex Sergeant M van der Westhuizen, Warden A H Dique, Lieutenant J W Niemand, Warrant Officer F Weimans, Warden J C Janse van Rensburg, Warrant Officer G P Underhay, Warden J A Bruwer, Warrant Officer E Ferreira, Warrant Officer M M Neveling, Sergeant J J van den Berg, Warrant Officer P Jor

daan. The results of the criminal cases will determine whether Departmental steps will be considered in terms of Section 55(1) of the Prisons Act and/or Prisons Regulation 77(1)

(1) and (2)(a) and (b) and (i) (ii) and (iii) Fall away.

(d) Alleged practise at Barberton regarding assault on admission to the relevant prison

The matter mentioned in chapter 2 paragraph 2.8.1 of the report of the committee of inquiry was handed over to the South African Police for investigation as already reported by the Commissioner of Prisons in his comments on the said report which was released to the press. The result of this investigations is not yet known. It will also determine whether possible further departmental steps will be considered in terms of Section 53 and 55 of the Prisons Act and/or Prisons Regulation 77(1)

CAP T1a5 9/6/84

Barberton warders to be prosecuted

253

Political Staff

HOUSE OF ASSEMBLY
— A group of prison warders — including an officer — were to be prosecuted for allegedly assaulting convicts at one of the Barberton prisons, the Minister of Justice, Mr Kobie Coetsee, said yesterday.

Speaking in Parliament in reply to a question by Mr Brian Page

(NRP Umhlanga), Mr Coetsee said the results of the criminal cases would determine whether departmental steps would also be considered against the men.

The alleged offences for which the 11 men will be charged were highlighted last month in the report of a committee which investigated a number of inci-

dents at Barberton prisons in 1982 and last year.

One of the allegations urgently investigated by the committee was that a group of prisoners who were transferred from Durban to Barberton had been assaulted when they arrived.

The committee established that it was "traditional" at the town's maximum security prison for warders to "welcome" new prisoners by making them strip naked and then beating them with batons or pieces of hose pipe as they ran past. Each prisoner could receive up to 30 blows.

The committee said it was reasonable to assume that this practice was known to senior officers, but a blind eye was turned because it was regarded as a tradition in the particular prison.

Yesterday Mr Coetsee said in regard to allegations in the committee's report of the assault of newly-arrived prisoners from Durban, the Attorney-General had decided to charge the following people with assault: Ex-Sergeant M van der Westhuizen, Lieutenant J W Niemand, Warrant-Officers F Welmans, G P Underhay, E Ferreira, M M Neveling and P Jordaan, Sergeant J J van den Berg, and Warders A H Dique, J C Janse van Rensburg and J A Bruwer.

A police investigation into the wider allegation of the "tradition" of welcoming prisoners was still under way.

The six prison service officials who were convicted and jailed for various terms last year on charges arising from an incident at the Pretorius Dam near Barberton where three prisoners died and a number were seriously injured had been sacked and, in terms of the Prisons Act, would not be reappointed, Mr Coetsee said.

Departmental action against Lieutenant J W Niemand, who was convicted of ordinary assault and fined for his part in the Pretorius Dam incident, was still being considered by a board of inquiry, Mr Coetsee said.

(2) (a) (i) and (ii) and (b) Section 29 of the Prisons Act (Act 8 of 1959 as amended) authorizes the detention of unsentenced juveniles in prison, but at the same time directs that such juveniles should not have contact with persons above the age of 21, except under special and specific circumstances. Prison Regulation 137 provides for the separation of sentenced juvenile prisoners from older and hardened prisoners. Apart from the fact that juveniles are separated from other prisoners, the facilities are basically the same as those for adults. One must, however, distinguish between juvenile criminals—whether convicted or not—and children who were admitted with their mothers because of circumstances, or who were born in prison.

Although prisons do not have different facilities for juvenile criminals, except that they are separated from older and hardened criminals, the standard programmes which are perpetrated in prison are also applicable to them and they participate therein according to individual needs. However, there are special facilities for children who have been admitted with their mothers at all the larger female prisons eg Pretoria, Kroonstad, Johannesburg, Worcester, Pollsmoor, etc, such as separate diningrooms and special nurseryrooms where such children are kept constructively busy under adult supervision. The children are not separated from their mothers at night. However, all prisons do not have special cells for these mothers. These children are not "incarcerated" in prisons and can at any time be placed suitably elsewhere, depending on the child's physical and emotional dependence from the mother.

A juvenile criminal, on the contrary are detained in terms of a warrant in his name until the contents of the warrant have been complied with, or until it is substituted by another warrant.

(3) (a) and (b) Children do not take part

in the normal prison routine, while juvenile criminals (even if, strictly speaking, they are still children) do take part in the normal routine, even though they are, where possible, separated from the older prisoners.

Children in prisons

951 Mr D J DALLING asked the Minister of Justice:

How many (a) White, (b) Black, (c) Coloured and (d) Asian (i) male and (ii) female children in each age group (aa) were imprisoned with their mothers in 1983 and (bb) were in prisons with their mothers as at the latest specified date for which figures are available?

The MINISTER OF JUSTICE.

(1) Children/infants who were admitted to prisons with their mothers or who were born in prison from 1 January 1983 to 31 December 1983:

	(i) Male	(ii) Female
(a) White	6	5
(b) Black	1 504	1 533
(c) Coloured	175	188
(d) Asian	4	None
Total	1 689	1 726

(2) Children/infants who were in prisons with their mothers on 31 May 1984.

	(i) Male	(ii) Female
(a) White	None	None
(b) Black	94	105
(c) Coloured	31	25
(d) Asian	None	None
Total	125	130

X X

984. Mr S S VAN DER MERWE asked the Minister of Internal Affairs:

(a) How many (i) privately and (ii) State administered old-age homes for (aa) Coloured and (bb) Asian persons were there in the republic as at the latest specified date for which figures are available and (b) how many persons were resident in each of these old-age homes as at that date?

The MINISTER OF INTERNAL AFFAIRS

As at 31 March 1984

	(a)	(b)
(i) (aa)	29	2 023
(i) (bb)	2	77
(ii) (aa)	1	170
(ii) (bb)	None	—

985 Mr S S VAN DER MERWE asked the Minister of Internal Affairs:

(a) What were the rates payable in respect of (i) Coloured and (ii) Asian children placed in foster care as at the latest specified date for which figures are available and (b) in respect of how many (i) Coloured and (ii) Asian children had allowances of this nature been paid as at that date?

The MINISTER OF INTERNAL AFFAIRS.

As at 1 May 1984

(a) (i) and (ii) R77,50 per child per month (as fixed with effect from 1 October 1983)

X

(b) (i) 15 814

(ii) 2 851

Handwritten: Pensions/grants 11/6/84

986. Mr S S VAN DER MERWE asked the Minister of Internal Affairs:

(a) How many (i) Coloured and (ii) Asian persons were in receipt of (aa) old-age pensions, (bb) veterans' pensions, (cc) disability grants and (dd) pensions for the blind in January 1984 and (b) what total amount was paid out by the State in respect of each such type of pension in that month?

The MINISTER OF INTERNAL AFFAIRS

	(i)	(ii)	(b)
(a) (i)	96 113	21 657	R11 001 638
(a) (aa)	7 834	261	R 810 457
(a) (bb)	62 269	17 919	R 7 443 391
(a) (cc)	1 581	257	R 170 701

Handwritten: 253 Reformatories 11/6/84 Q.61.1578

987. Mr S S VAN DER MERWE asked the Minister of Internal Affairs:

(a) How many reformatones for (i) Coloured and (ii) Asian children were there in the Republic as at the latest specified date for which figures are available and (b) how many children were there in each specified reformatory as at that date?

The MINISTER OF INTERNAL AFFAIRS

As at 25 May 1984.

(a) (i) Three

(ii) None.

(b) Porter School for boys—593
Faure School for boys—264
Faure School for girls—114

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ilities for children, if not, why not, if so. (a) which prisons (i) have and (ii) do not have these facilities and (b) what is the nature of the facilities in each case,

(3) whether the prison routine for (a) children and (b) juvenile criminals differs, if so, what is the nature of the routine in each case, if not, in what respects does the routine for children differ from normal prison routine?

The MINISTER OF JUSTICE:

(1) (a) (i) and (ii), (b) and (c) Statistics in this regard are not readily available because it is not kept on a regular basis. However, a special survey was conducted on 19 March 1984 which indicated that 911 males and 60 females in the following age groups up to 18 years were in prison for crimes as indicated at that stage.

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X Indicates translated version

For written reply: Hemson and
Children in prisons 11/6/84
Q. 61. 1549

(1) (a) How many (i) male and (ii) female children of 18 years and under in each race group were detained in prison during the latest specified period of 12 months for which figures are available, (b) into what age categories did they fall and (c) for what offences were they imprisoned in each case,

(2) whether any prisons have special facilities for children

AGE GROUP
13 YEARS UP TO 14 YEARS (SENTENCED)

Offence	White		Coloured		Asian		Black		Total
	M	F	M	F	M	F	M	F	
1 Violent offences									
1.1 Murder									
1.2 Culpable homicide									
1.3 Robbery									
1.4 Assault									
1.5 Rape									
1.6 Other (Public violence, escape, riotous behaviour, possession of lethal weapon)									



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AGE GROUP:

13 YEARS UP TO 14 YEARS (SENTENCED)

Offence	White		Coloured		Asian		Black		Total
	M	F	M	F	M	F	M	F	
2 <i>Economic offences</i>									
2.1 Illegal financial transactions (Fraud, forgery, dealing in dagga)									
2.2 Stock-theft			1						1
2.3 Other offences of which dishonesty is an element (House breaking, theft, motorcar theft)									
2.4 Possession of drugs									
2.5 Other (Possession of stolen goods)									
3 <i>Offences not mentioned above</i>									
3.1 Prohibited immigrants									
3.2 Pass law offenders									
3.3 Security of the State									
3.4 Other (contempt of the court, trespassing)									
TOTAL			1						1

AGE GROUP:

15 YEARS UP TO 16 YEARS (SENTENCED)

Offence	White		Coloured		Asian		Black		Total
	M	F	M	F	M	F	M	F	
1 <i>Violent offences</i>									
1.1 Murder									
1.2 Culpable homicide									

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AGE GROUP:

15 YEARS UP TO 16 YEARS (SENTENCED)

Offence	White		Coloured		Asian		Black		Total
	M	F	M	F	M	F	M	F	
1.3 Robbery							1		1
1.4 Assault									
1.5 Rape			1						1
1.6 Other (Public violence, escape, riotous behaviour, possession of lethal weapon)									
2 <i>Economic offences</i>									
2.1 Illegal financial transactions (Fraud, forgery, dealing in dagga)									
2.2 Stock-theft									
2.3 Other offences of which dishonesty is an element (House breaking, theft, motorcar theft)							3		3
2.4 Possession of drugs									
2.5 Other (Possession of stolen goods)									
3. <i>Offences not mentioned above</i>									
3.1 Prohibited immigrants									
3.2 Pass law offenders									
3.3 Security of the State									
3.4 Other (contempt of the court, trespassing)									
TOTAL			1				4		5

1555

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AGE GROUP

16 YEARS UP TO 17 YEARS (SENTENCED)

Offence	White		Coloured		Asian		Black		Total
	M	F	M	F	M	F	M	F	
1 Violent offences									
1.1 Murder									3
1.2 Culpable homicide									1
1.3 Robbery			7						12
1.4 Assault			3						6
1.5 Rape			2						3
1.6 Other (Public violence, escape, riotous behaviour, possession of lethal weapon)			3						6
2 Economic offences									
2.1 Illegal financial transactions (Fraud, forgery, dealing in dagga)									17
2.2 Stock-theft									2
2.3 Other offences of which dishonesty is an element (House breaking, theft, motorcar theft)									17
2.4 Possession of drugs									1
2.5 Other (Possession of stolen goods)									1
3. Offences not mentioned above									1
3.1 Prohibited immigrants									4
3.2 Pass law offenders									2
3.3 Security of the State									2
3.4 Other (contempt of the court, trespassing)									1
TOTAL			33	2	41	2	74	4	1

TOTAL

33 2 41 2 74 4

1558

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1557

AGE GROUP

17 YEARS UP TO 18 YEARS (SENTENCED)

Offence	White		Coloured		Asian		Black		Total
	M	F	M	F	M	F	M	F	
1 Violent offences									
1.1 Murder			6				2		8
1.2 Culpable homicide			6				3		9
1.3 Robbery			28				18		46
1.4 Assault			19	2	2		6	3	27
1.5 Rape			13				17		30
1.6 Other (Public violence, escape, riotous behaviour, possession of lethal weapon)			1				1		2
2 Economic offences									
2.1 Illegal financial transactions (Fraud, forgery, dealing in dagga)			1				1		2
2.2 Stock-theft									
2.3 Other offences of which dishonesty is an element (House breaking, theft, motorcar theft)	1	1	74	4			67	15	142
2.4 Possession of drugs			5				5		5
2.5 Other (Possession of stolen goods)			2	1			2	1	4
3. Offences not mentioned above									4
3.1 Prohibited immigrants							4	1	4
3.2 Pass law offenders							4		4
3.3 Security of the State							1		1
3.4 Other (contempt of the court, trespassing)							2	3	2
TOTAL	1	1	155	7	2		127	24	285
GRAND TOTAL	2	1	191	9	2		172	26	267

TOTAL

1 1 155 7 2 127 24 285 32

GRAND TOTAL

2 1 191 9 2 172 26 267 36

1559

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1560

AGE GROUP
10 YEARS UP TO 11 YEARS (UNSENTENCED)

Offence	White		Coloured		Asian		Black		Total
	M	F	M	F	M	F	M	F	
1. <i>Violent offences</i>									
1.1 Murder									
1.2 Culpable homicide									
1.3 Robbery									
1.4 Assault									
1.5 Rape									
1.6 Other (Public violence, escape, riotous behaviour, possession of lethal weapon)									
2. <i>Economic offences</i>									
2.1 Illegal financial transactions (Fraud, forgery, dealing in dagga)									
2.2 Stock-theft									
2.3 Other offences of which dishonesty is an element (House breaking, theft, motorcar theft)									
2.4 Possession of drugs									
2.5 Other (Possession of stolen goods)									
3. <i>Offences not mentioned above</i>									
3.1 Prohibited immigrants									
3.2 Pass law offenders									
3.3 Security of the State									
3.4 Other (contempt of the court, trespassing)									
TOTAL									

TOTAL

2

2

1561

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1562

AGE GROUP
11 YEARS UP TO 12 YEARS (UNSENTENCED)

Offence	White		Coloured		Asian		Black		Total
	M	F	M	F	M	F	M	F	
1. <i>Violent offences</i>									
1.1 Murder									
1.2 Culpable homicide									
1.3 Robbery									
1.4 Assault									
1.5 Rape									
1.6 Other (Public violence, escape, riotous behaviour, possession of lethal weapon)									
2. <i>Economic offences</i>									
2.1 Illegal financial transactions (Fraud, forgery, dealing in dagga)									
2.2 Stock-theft									
2.3 Other offences of which dishonesty is an element (House breaking, theft, motorcar theft)									
2.4 Possession of drugs									
2.5 Other (Possession of stolen goods)									
3. <i>Offences not mentioned above</i>									
3.1 Prohibited immigrants									
3.2 Pass law offenders									
3.3 Security of the State									
3.4 Other (contempt of the court, trespassing)									
TOTAL									

TOTAL

1

1

1563

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1564

AGE GROUP

12 YEARS UP TO 13 YEARS (UNSENTENCED)

Offence	White		Coloured		Asian		Black		Total
	M	F	M	F	M	F	M	F	
1. <i>Violent offences</i>									
1.1 Murder									
1.2 Culpable homicide									
1.3 Robbery									
1.4 Assault									
1.5 Rape									
1.6 Other (Public violence, escape, riotous behaviour, possession of lethal weapon)									
2. <i>Economic offences</i>									
2.1 Illegal financial transactions (Fraud, forgery, dealing in dagga)									
2.2 Stock-theft									
2.3 Other offences of which dishonesty is an element (House breaking, theft, motorcar theft)									
2.4 Possession of drugs									5
2.5 Other (Possession of stolen goods)									1
3. <i>Offences not mentioned above</i>									
3.1 Prohibited immigrants									
3.2 Pass law offenders									
3.3 Security of the State									
3.4 Other (contempt of the court, trespassing)									
TOTAL									5

TOTAL

5

1

1

6

1



1565

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1566

AGE GROUP

13 YEARS UP TO 14 YEARS (UNSENTENCED)

Offence	White		Coloured		Asian		Black		Total
	M	F	M	F	M	F	M	F	
1. <i>Violent offences</i>									
1.1 Murder									
1.2 Culpable homicide									
1.3 Robbery									
1.4 Assault									
1.5 Rape									
1.6 Other (Public violence, escape, riotous behaviour, possession of lethal weapon)									
2. <i>Economic offences</i>									
2.1 Illegal financial transactions (Fraud, forgery, dealing in dagga)									
2.2 Stock-theft									
2.3 Other offences of which dishonesty is an element (House breaking, theft, motorcar theft)									5
2.4 Possession of drugs									4
2.5 Other (Possession of stolen goods)									9
3. <i>Offences not mentioned above</i>									
3.1 Prohibited immigrants									
3.2 Pass law offenders									3
3.3 Security of the State									
3.4 Other (contempt of the court, trespassing)									
TOTAL									5

TOTAL

5

7

12



1567

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1568

1569

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1570

AGE GROUP

14 YEARS UP TO 15 YEARS (UNSENTENCED)

AGE GROUP

15 YEARS UP TO 16 YEARS (UNSENTENCED)

Offence	White		Coloured		Asian		Black		Total	
	M	F	M	F	M	F	M	F	M	F
1 Violent offences										
1.1 Murder			1		1				2	
1.2 Culpable homicide										
1.3 Robbery			1						1	
1.4 Assault			1						1	
1.5 Rape			1						1	
1.6 Other (Public violence, escape, riotous behaviour, possession of lethal weapon)										
2. Economic offences										
2.1 Illegal financial transactions (Fraud, forgery, dealing in dagga)					1				1	
2.2 Stock-theft										
2.3 Other offences of which dishonesty is an element (House breaking, theft, motorcar theft)			12	1	7	1			19	2
2.4 Possession of drugs										
2.5 Other (Possession of stolen goods)			2						2	
3. Offences not mentioned above										
3.1 Prohibited immigrants										
3.2 Pass law offenders										
3.3 Security of the State										
3.4 Other (contempt of the court, trespassing)										
TOTAL			18	1	9	1			27	2

Offence	White		Coloured		Asian		Black		Total	
	M	F	M	F	M	F	M	F	M	F
1. Violent offences										
1.1 Murder			7						7	
1.2 Culpable homicide										
1.3 Robbery			6						6	
1.4 Assault			6				2		8	
1.5 Rape			7				2		9	
1.6 Other (Public violence, escape, riotous behaviour, possession of lethal weapon)										
2. Economic offences										
2.1 Illegal financial transactions (Fraud, forgery, dealing in dagga)							3		3	
2.2 Stock-theft										
2.3 Other offences of which dishonesty is an element (House breaking, theft, motorcar theft)			19				19	3	38	3
2.4 Possession of drugs			1				1		2	1
2.5 Other (Possession of stolen goods)							1		2	
3. Offences not mentioned above										
3.1 Prohibited immigrants										
3.2 Pass law offenders							1		1	
3.3 Security of the State										
3.4 Other (contempt of the court, trespassing)							1		1	
TOTAL			47		30	4	77	4		

1571

MONDAY, 11 JUNE 1984

1572

AGE GROUP.
16 YEARS UP TO 17 YEARS (UNSENTENCED)

Offence	White		Coloured		Asian		Black		Total	
	M	F	M	F	M	F	M	F	M	F
1. <i>Violent offences</i>										
1.1 Murder		3				3			6	
1.2 Culpable homicide			14			3			17	
1.3 Robbery		6				1			7	
1.4 Assault		11	1			2			13	1
1.5 Rape										
1.6 Other (Public violence, escape, riotous behaviour, possession of lethal weapon)			2			3			5	
2. <i>Economic offences</i>										
2.1 Illegal financial transactions (Fraud, forgery, dealing in dagga)										
2.2 Stock-theft			1			3			4	
2.3 Other offences of which dishonesty is an element (House breaking, theft, motorcar theft)	4		44	2		16	5		64	7
2.4 Possession of drugs		2				1			3	
2.5 Other (Possession of stolen goods)						2			2	
3. <i>Offences not mentioned above</i>										
3.1 Prohibited immigrants										
3.2 Pass law offenders										
3.3 Security of the State										
3.4 Other (contempt of the court, trespassing)						1			1	
TOTAL	4	83	3			36	5		123	8

1573

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1574

AGE GROUP.
17 YEARS UP TO 18 YEARS (UNSENTENCED)

Offence	White		Coloured		Asian		Black		Total	
	M	F	M	F	M	F	M	F	M	F
1. <i>Violent offences</i>										
1.1 Murder			8			9	1		17	1
1.2 Culpable homicide			1			5			6	
1.3 Robbery			14	1		14			28	1
1.4 Assault			16			9			25	
1.5 Rape			23			16			39	
1.6 Other (Public violence, escape, riotous behaviour, possession of lethal weapon)						5			5	
2. <i>Economic offences</i>										
2.1 Illegal financial transactions (Fraud, forgery, dealing in dagga)		1				2			3	
2.2 Stock-theft						2			2	
2.3 Other offences of which dishonesty is an element (House breaking, theft, motorcar theft)					10	2	61	1	92	163
2.4 Possession of drugs						1			2	1
2.5 Other (Possession of stolen goods)								1	1	
3. <i>Offences not mentioned above</i>										
3.1 Prohibited immigrants								6	1	6
3.2 Pass law offenders										
3.3 Security of the State										
3.4 Other (contempt of the court, trespassing)						2			2	
TOTAL	7	11	2	133	2	156	3	300		
GRAND TOTAL (Unsentenced)	15	2	292	6		239	16	546	24	

(2) (a) (i) and (ii) and (b) Section 29 of the Prisons Act (Act 8 of 1959 as amended) authorizes the detention of *unsentenced* juveniles in prison, but at the same time directs that such juveniles should not have contact with persons above the age of 21, except under special and specific circumstances. Prison Regulation 137 provides for the separation of sentenced juvenile prisoners from older and hardened prisoners. Apart from the fact that juveniles are separated from other prisoners, the facilities are basically the same as those for adults. One must, however, distinguish between juvenile criminals—whether convicted or not—and children who were admitted with their mothers because of circumstances, or who were born in prison.

Although prisons do not have different facilities for juvenile criminals, except that they are separated from older and hardened criminals, the standard programmes which are perpetrated in prison are also applicable to them and they participate therein according to individual needs. However, there are special facilities for children who have been admitted with their mothers at all the larger female prisons eg Pretoria, Kroonstad, Johannesburg, Worcester, Pollsmoor, etc, such as separate diningrooms and special nurseries where such children are kept constructively busy under adult supervision. The children are not separated from their mothers at night. However, all prisons do not have special cells for these mothers. These children are not "incarcerated" in prisons and can at any time be placed suitably elsewhere, depending on the child's physical and emotional dependence from the mother.

A juvenile criminal, on the contrary are detained in terms of a warrant in his name until the contents of the warrant have been complied with, or until it is substituted by another warrant.

(3) (a) and (b) Children do not take part

in the normal prison routine, while juvenile criminals (even if, strictly speaking, they are still children) do take part in the normal routine, even though they are, where possible, separated from the older prisoners

Children in prisons

951 Mr D J DALLING asked the Minister of Justice

How many (a) White, (b) Black, (c) Coloured and (d) Asian (i) male and (ii) female children in each age group (aa) were imprisoned with their mothers in 1983 and (bb) were in prisons with their mothers as at the latest specified date for which figures are available?

The MINISTER OF JUSTICE.

(1) Children/infants who were admitted to prisons with their mothers or who were born in prison from 1 January 1983 to 31 December 1983

	(i) Male	(ii) Female
(a) White	6	5
(b) Black	1 504	1 533
(c) Coloured	175	188
(d) Asian	4	None
Total	1 689	1 726

(2) Children/infants who were in prisons with their mothers on 31 May 1984

	(i) Male	(ii) Female
(a) White	None	None
(b) Black	94	105
(c) Coloured	31	25
(d) Asian	None	None
Total	125	130

X X

(b) (i) 15 814

(ii) 2 851.

300 *11/6/84* *Howand* *Q.61.1578*
Pensions/grants

986 Mr S S VAN DER MERWE asked the Minister of Internal Affairs

(a) How many (i) Coloured and (ii) Asian persons were in receipt of (aa) old-age pensions, (bb) veterans' pensions, (cc) disability grants and (dd) pensions for the blind in January 1984 and (b) what total amount was paid out by the State in respect of each such type of pension in that month?

The MINISTER OF INTERNAL AFFAIRS

	(i)	(ii)	(b)
(a) (i)	96 113	21 657	R11 001 638
(aa)	7 834	261	R 810 457
(bb)	62 269	17 919	R 7 443 391
(cc)	1 581	257	R 170 701
(dd)			

253 *298* *Howand* *Q.61.1578*
Reformatory *11/6/84*

987 Mr S S VAN DER MERWE asked the Minister of Internal Affairs.

(a) How many reformatories for (i) Coloured and (ii) Asian children were there in the Republic as at the latest specified date for which figures are available and (b) how many children were there in each specified reformatory as at that date?

The MINISTER OF INTERNAL AFFAIRS

As at 25 May 1984:

- (a) (i) Three
- (ii) None
- (b) Porter School for boys—593.
Faure School for boys—264
Faure School for girls—114

X X

300 *11/6/84* *Howand* *Q.61.1577*
Old-age homes

984. Mr S S VAN DER MERWE asked the Minister of Internal Affairs.

(a) How many (i) privately and (ii) State administered old-age homes for (aa) Coloured and (bb) Asian persons were there in the republic as at the latest specified date for which figures are available and (b) how many persons were resident in each of these old-age homes as at that date?

The MINISTER OF INTERNAL AFFAIRS.

As at 31 March 1984.

	(a)	(b)
(i) (aa)	29	2 023
(bb)	2	77
(ii) (aa)	1	170
(bb)	None	—

298 *Howand* *Q.61.1577*
Children in foster care *11/6/84*

985. Mr S S VAN DER MERWE asked the Minister of Internal Affairs.

(a) What were the rates payable in respect of (i) Coloured and (ii) Asian children placed in foster care as at the latest specified date for which figures are available and (b) in respect of how many (i) Coloured and (ii) Asian children had allowances of this nature been paid as at that date?

The MINISTER OF INTERNAL AFFAIRS.

As at 1 May 1984

- (a) (i) and (ii) R77,50 per child per month (as fixed with effect from 1 October 1983)

X X

Last year

Parliament and Politics

CAPE TOWN 13/6/84 253

3 415 children, infants in SA prisons

Political Staff
HOUSE OF ASSEMBLY.
— Altogether 3 415 children and infants were admitted to prisons with their mothers or were born in prison last year, the Minister of Justice, Mr Kobie Coetsee, said yesterday.

He also said there were 255 infants or children in prisons with their mothers on May 31 this year.

Replying to a question

tabled by Mr David Dalling (PFP Sandton), Mr Coetsee said 11 of the children in prison with their mothers last year were white, 3 037 black, 363 coloured and four Asian.

At the end of last month, 199 black children and 56 coloured children were in prison with their mothers, he said.

In reply to another question by Mr Dalling,

Mr Coetsee said there were 971 male and female people under the age of 18 in prison on March 19 this year.

He said 367 males and 36 females under the age of 18 had been sentenced to prison terms, 317 of whom were between the ages of 17 and 18.

Of these, one, a black boy between the age of 13 and 14, had been sentenced for an offence of which dishonesty is an

element, such as house breaking, theft and car theft.

A further seven were between the age of 15 and 16, one of whom was white.

Mr Coetsee also said 546 male and 24 female people under the age of 18 had been detained as unsentenced prisoners on March 19.

They included two black girls between the age of 10 and 11 who had

been held for an offence of which dishonesty was an element, one black boy between the age of 11 and 12 for the same offence, seven black and coloured children between the age of 12 and 13, 12 black and coloured children between the age of 13 and 14, and 29 black and coloured children between the age of 14 and 15.

Mr Coetsee said the Prisons Act authorized

the detention of unsentenced juveniles in prison "but at the same time directs that such juveniles should not have contact with persons above the age of 21, except under special and specific circumstances".

The prisons regulations also provided for the separation of sentenced juvenile prisoners "from older and hardened prisoners".

The standard pro-

grammes "which are perpetrated in prison are also applicable to them and they participate therein according to individual needs".

However, there are special facilities for children who have been admitted with their mothers at all the larger female prisons, for example Pretoria, Kroonstad, Johannesburg, Worcester, Pollsmoor, etc, such as separate dining rooms

and special nursery rooms where such children are kept constructively busy under adult supervision.

The children are not separated from their mothers at night.

However, all prisons did not have special cells for these mothers.

"These children are not 'incarcerated' in prisons and can at any time be placed suitably

elsewhere, depending on the child's physical and emotional dependence on the mother," Mr Coetsee said.

He also said children did not take part in normal prison routine, "while juvenile criminals (even if, strictly speaking, they are still children), do take part in the normal routine, even though they are, where possible, separated from older prisoners".

Valour award for man who saved wounded prison chief

PRETORIA — A warder who was seriously hurt while saving his wounded commanding officer during a gang fight at Barberton Prison has been awarded the SA Prisons Cross for Valour

Sergeant Babem Khoza was one of two recipients of the award made at passing out parades today at Zonderwater in Pretoria and at Kroonstad in the Free State

The citation for Sgt Khoza's award, presented by the Minister of National Education, Dr Gerrit Viljoen, said a fight broke out between prison gangs working in a wire encamp-

ment at the quarry at Barberton Prison on September 30 last year

After all attempts to stop the fight from outside the wire encampment had failed, the head of the prison, who was not named, entered the encampment and was attacked with a hammer and stones, the citation says

"Sgt Khoza, notwithstanding the risk involved and the danger to his own life, entered the wire encampment in order to assist the head of the prison

This courageous act diverted the attention of the prisoners and provided an opportunity for the head of

the prison to be removed from the wire encampment

"While inside the wire encampment, Sgt Khoza was attacked by a large number of prisoners and suffered a severe head wound before being rescued"

The other recipient was Sgt Mario Eric van Aardt, who was involved in a shootout with a prisoner, whom he stopped from escaping from the Pietersburg Prison

He received the Cross for Valour at a ceremony at Kroonstad by the Minister of Health and Welfare, Dr Nak van der Merwe

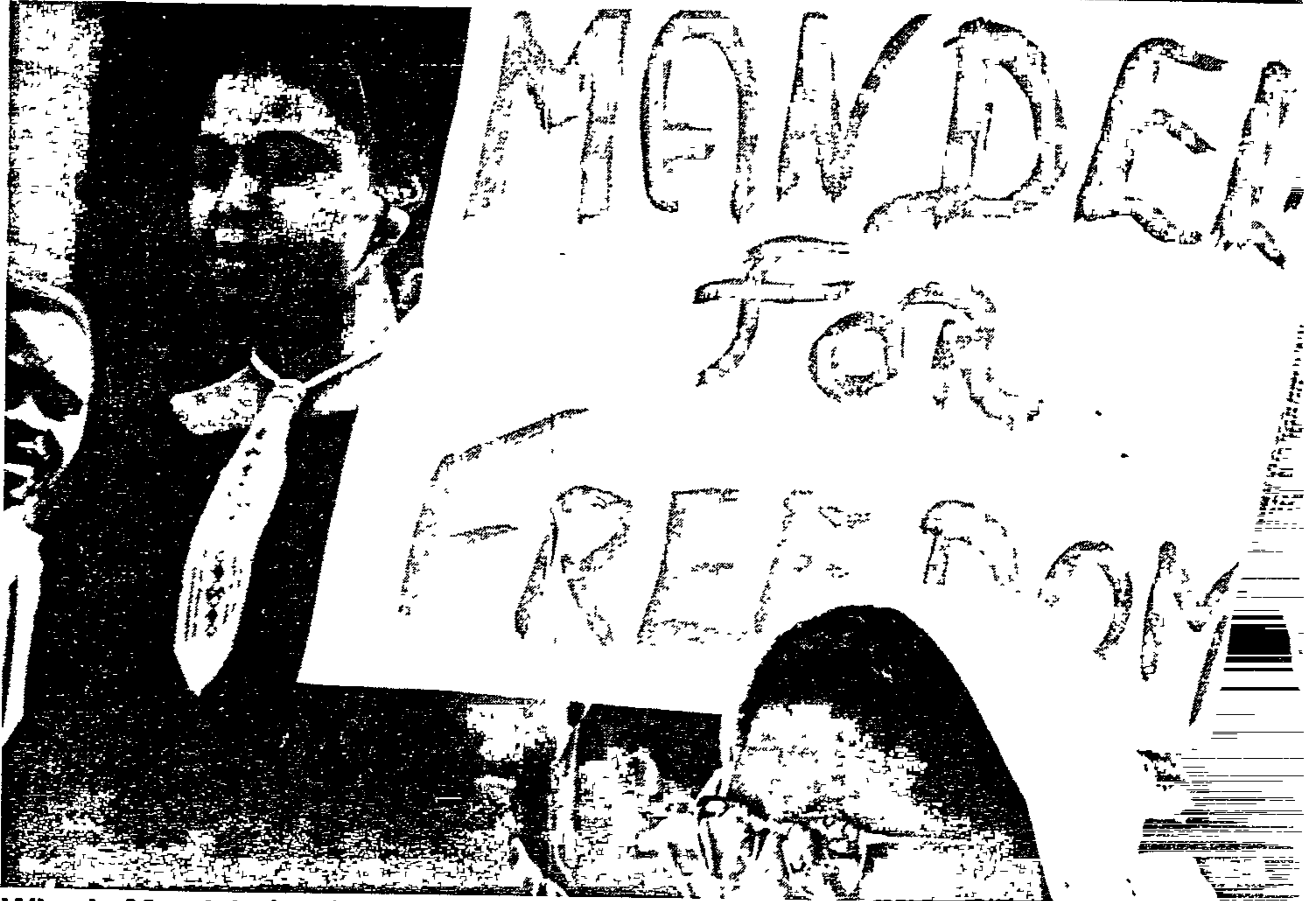
A prisoner in a work team broke into a warder's apartment, stole a firearm and tried to escape

Sgt Van Aarde was off duty, but gave chase and cornered the man on an industrial site. The would-be escaper opened fire, but missed

"He realised that the prisoner knew how to handle an automatic firearm and that this endangered his life. He crept closer and fired two shots before the prisoner could fire again," his citation read

The man was wounded in an arm and the chest and re-arrested — Sapa

A SOUTH AFRICAN A



Winnie Mandela (left) outside court during the Rivonia trial in 1964.

IT'S 20 years since the African National Congress leadership was jailed — and still the cries for their release persist

Those cries have received new impetus in the past few years, and this week's 20th anniversary of their imprisonment is likely to mark another highlight in that campaign.

The Release Mandela Committee has arranged special services throughout the country this week at which they will demand the release of ANC leader Nelson Mandela and the rest of the Congress leadership, according to RMC publicity secretary Aubrey Mo-

Rivonia — 20

By MONO BADELA

koena

"It's time they were released," Mokoena told City Press. "In terms of international legal practice, when a person has served 20 years of a prison sentence he or she should be released — and that is why we are renewing the call for the release of Mandela and others like him."

Mr Mokoena said Mandela and his comrades jailed during

the Rivonia trial had made a "decision of conscience" — to oppose laws which they felt were unjust and intolerable — and devoted their lives to the emancipation of their people

The people in question — Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Raymond Mahlaba, Elias Mntsoali and Andrew Mlangeni — were jailed for life by Transvaal Judge President Quartus de Wet after being found guilty on four counts of

sabotage

Another accused, Liora Kathrada, was acquitted — arrested before court

The day before president Albani was impeached and "people" imposed sanctions on South Africa

ANNIVERSARY...



years after

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... fore the Rivonia
... sentenced, ANC
... bert Luthuli ap-
... world governments
... every level" to
... ctions against
... "to bring the

necessary change, and avert a catastrophe".

Luthuli also appealed to the judge to spare the men's lives, saying they represented "the highest morality and ethics in the political struggle"

Since then numerous governments have backed calls for the release of the ANC leadership, particularly Mandela, who was already in jail at the time of the Rivonia trial and has now been behind

bars for 22 years

Churches, trade unions and other bodies have also backed the call, and a British band called the The Special AKA has even released a record called "Free Nelson Mandela" which made it to number seven in the British charts

At home, the calls for Mandela's release have also increased. The latest pleas was made at the burial in Port Elizabeth to two ANC guerillas shot dead after last

month's raid on a Durban oil refinery.

One of the speakers, former Robben Islander Henry Fazzie — who spent 21 years in jail with Mandela — told mourners: "I hear from the distance the footsteps of Mandela, walking tall in the streets of Langa and New Brighton as a free person

"The doors of Robben Island will one day be flung open — God is on our side."

He concluded: "Time is on our side. History is on our side — and numbers are on our side."

Early release for two political prisoners

TWO Durban political prisoners, sentenced to five years imprisonment in 1979 for encouraging people to undergo military training, were released on Tuesday this week — five months in advance of the expiry of their sentences.

They are Patrick Themba Nxumalo and Ernest Tembisa Ngobese of Chester-ville.

Their attorney, Mrs Victoria Mxenge, said prison authorities telephoned her to say that the two men were waiting for her outside the prison

She said they gave no reasons for the early release of the two political prisoners.

Mrs Mxenge said it appeared the two men were to have been released on June 3 after being granted remission of their sentences but were held because of a bureaucratic bungle.

4 Buttr

sent

Jorac wom-

LAMONTVILLE'S Joint Rent Action Committee has called for an immediate investigation into claims by two of its members that they were "terrorised" by four men in a KwaZulu Government car.

Jorac chairman Richard Gumede

said
they
the
Kw

Political comment in this edition by P Selwyn-Smith, P Qoboza and B Cohen news bills by P Selwyn-Smith, and
and sub editing by D Niddrie, all of 62 Eloff St Ext, JHB.

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THE BEAT'S ON

Jubilation²⁵³ as Kitson is reunited^{20/6/84} with family

SW The Star Bureau

LONDON — A wildly jubilant crowd of friends and family met Mr David Kitson at Heathrow this morning on his arrival here after 20 years' imprisonment in South Africa

Police battled to keep ululating women, singing and chanting ANC supporters, friends, family and a scrambling phalanx of journalists from crushing him.

Mr Kitson said "This is a fantastic welcome. I can't believe it"

"But I want you to know I still consider myself South African. It's still a wonderful country — we have to straighten it out a bit"

Garlanded with flowers by Mrs Shanthi Naidoo of the ANC, Mr Kitson embraced his wife Norma and daughter Amandla, before meeting his grandchildren for the first time

GESTURE

One of them handed him a homemade birthday card — a homely gesture witnessed by the scores of newsmen, including representatives of the Soviet news agency Tass.

Mrs Kitson and Amandla put protective arms around Mr Kitson and helped police push a way through the crowd to a waiting car.

Several times during the long wait for Mr Kitson's disembarkation, airport security men were forced to push anxious supporters back behind a barrier

As Mr Kitson was sighted for the first time, so great was the surge towards him that police formed a chain to try to force everybody back

As Mr Kitson was bundled to the car, Heathrow's Terminal Three shook with cheering, stamping and applause

● See Page 11, World section.

Kitson reunited with his wife in UK Together again ⁽²⁵³⁾ — after lifetime ^{Stow} behind the bars ^{20/6/84}

On June 22, 20 years ago, Mrs Norma Kitson returned from work as usual to her home in a Johannesburg suburb and her husband and two small children.

"I walked in to find plainclothes policemen all over the house Dave was in the bedroom with two security men He tried to comfort me before they took him away He made out a note giving me power of attorney They wouldn't tell me where they were taking him"

At the trial later that year Mr David Kitson was sentenced to 20 years in prison for sabotage and crimes against the State. He pleaded not guilty Most of the trial was in camera, but he admitted to being a member of the technical high command of Umkonto We Sizwe, the military wing of the African National Congress

Today Mrs Kitson met her husband for the first time outside custody since his arrest

Not only has Mrs Kitson been forcibly separated from her husband throughout middle life, but she was imprisoned, her son was detained, and the family driven into exile Her sister was murdered "What has happened to me is commonplace in South Africa," she said dismissively, but anguish and rage frequently boil over as she relates her stark tale

Two years after Mr Kitson was jailed they divorced by mutual consent Although she remarried, it didn't last and she never considered abandoning Mr Kitson, continuing to write to him at every opportunity

She and her children, Steven, aged 27, and Amandla (the word means "power" in Zulu), have campaigned ceaselessly for his release.

For 86 days in 1982 they mounted a picket day and night outside the South African Embassy in London to demand that he be moved to a healthier prison environment when he was suffering from severe bronchial illness

It has not simply been her commitment to David Kitson which has kept her going Although from a rich Durban family when they met and married in London in 1956, she was already burning with hatred for the apartheid system and was a member of the South African Communist Party

In his speech from the dock, Mr Kitson said it was the only organisation which stood for equality of opportunity in South Africa He said that, after the Sharpeville massacre when 69 black demonstrators were shot dead by police, "I could run or stand So I stood I do not see how I could have done otherwise"

A few days after her husband's arrest Mrs Kitson was arrested herself and kept in solitary confinement for 28 days It was a worse torture than being beaten. "I didn't think I would survive the 29th

As former political prisoner David Kitson arrived in Britain from South Africa, The Times published a major review of his case. This is the report by Richard Dowden which the newspaper displayed prominently on its back page today.

day, but I never made a statement," she said.

She stayed on in South Africa for two years, but Steven was bullied at school because his father was a political prisoner, and the family was constantly harassed by police, so she decided to come to Britain

After a visit to Mr Kitson in 1972 she was again arrested and questioned

In 1982 Steven was detained He was kept standing for 24 hours, questioned and held for six days Hours after his release Mrs Kitson's sister, Joan Weinberg, was found murdered No-one has ever been charged

Last year the news of Mr Kitson's impending release was telephoned by a close friend of the family, and a few days later his wife was found murdered No-one has been charged

X Report restricted

● The content of this report has had to be restricted to comply with a section of the Police Act (as amended in 1979) which relates to statements about the police

Mr David Kitson pictured during an interview shortly after his release last month.



Mrs Norma Kitson with her daughter, Amandla. "What has happened to me is commonplace in South Africa," said Mrs K

Oil procurement: Irregularities

*5 Mr R R HULLEY asked the Minister of Mineral and Energy Affairs.

- (1) Whether he or his predecessor has received any reports concerning alleged irregularities in respect of oil procurement affairs from a person whose name has been furnished to the Minister's Department for the purpose of his reply, if so, (a) what is the name of this person, (b) on what dates were the reports received and (c) what was the purport of the reports,
- (2) whether any action has been taken in consequence of these reports; if not, why not, if so, what action?

The MINISTER OF MINERAL AND ENERGY AFFAIRS

This question is precisely the same as question 32 to which I replied on 6 June 1984. The hon member must without doubt be aware that I have fully replied to his question because he discussed it with a certain newspaper reporter on 10 June 1984 who referred to my reply to question 32 in question 4 with which I have just dealt

Defence equipment

*29 Mr P A MYBURGH asked the Minister of Defence

- (1) Whether the South African Defence Force requires certain defence equipment, particulars of which have been furnished to the South African Defence Force for the purpose of the Minister's reply, if so,
- (2) whether he or any member of the South African Defence Force has received any offers to supply such equipment, if so,
- (3) whether he has investigated the possibility of acquiring this equipment for the South African Defence Force; if not, why not, if so, with what result?

The MINISTER OF DEFENCE

- (1) Yes The SA Defence Force requires some of the equipment offered
- (2) Yes Offers from various quarters are regularly made to me, Armscor and the SA Defence Force
- (3) Yes. All offers are considered. Because of the arms embargo it is my policy not to divulge the equipment requirements of the SA Defence Force or of offers of military equipment to and arms transactions between Armscor, the SA Defence Force and other parties. If the honourable member, however, requires information on the handling of a specific offer or transaction, I am prepared to discuss the matter with him on a personal and confidential basis

Maritime surveillance aircraft

*30 Mr P A MYBURGH asked the Minister of Defence.

- (1) Whether, with reference to his reply to Question No 11, standing over, on 4 April 1984, the South African Defence Force has any requirement for maritime surveillance aircraft, if so,
- (2) whether he or any member of the South African Defence Force has received any offers to supply these aircraft; if so, when,
- (3) whether he has investigated the possibility of acquiring this equipment for the South African Defence Force, if not, why not, if so, with what result,
- (4) whether he will make a statement on the matter?

The MINISTER OF DEFENCE

- (1) to (4) The honourable member is referred to my reply to his previous question

For written reply
233 *Hemond* Q.61.1737
Prison warders: charges
20/6/84

*988 Mrs H SUZMAN asked the Minister of Justice.

- (1) Whether any charges of assault were laid by prisoners against prison warders in 1983, if so, how many,
- (2) whether departmental inquiries were held into these charges; if not, why not, of so, what were the findings,
- (3) whether any persons were convicted, if so, how many?

The MINISTER OF JUSTICE

- (1) Yes, a total of 1 066 complaints were received

- (2) Yes, in terms of the Standing Prisons Service Orders, every complaint of assault must be properly investigated by the Commanding Officer and the report of the investigation and his finding and recommendation must be forwarded to Head Quarters together with a medical report indicating the nature and extent of the injury, if any

In respect of 777 complaints no substance could be found to institute any charges against any member of the Prisons Service.

Of the remaining 289 complaints a total of 45 were handed to the South African Police for further investigation while 244 complaints resulted in departmental trials in terms of Prisons Regulation 71(1)(hh) read with section 53 of the Prisons Act, 1959 (Act No 8 of 1959)

- (3) The findings regarding the formal charges were as follows

M L Sultan Technikon
Department
Applied Sciences
Art and Design
Building and Civil Engineering

Trials in terms of Prisons Regulation 71(1)(hh) read with section 53 of the Prisons Act

Number of convictions 130
Number of members found not guilty 114
Total 244

Charges investigated by the South African Police
Number of convictions 11
Number of members involved in cases which were closed because the complaints were unfounded 3

Number of members involved in cases in which the Attorney-general refused prosecution 18

Number of members found not guilty 8

Number of members involved in cases which are outstanding 10

Total 50

Grand total 294

X Hemond
Technikons
Q.61.1738
20/6/84

1000 Mr H E J VAN RENSBURG asked the Minister of Internal Affairs

How many students were enrolled for courses in each specified department at each technikon falling under the control of his Department in 1983 and 1984, respectively?

The MINISTER OF INTERNAL AFFAIRS

As at 31-12-83 As at 31-5-84
337 300
135 205
331 184

Prisons Service denies maltreatment claims

By Sue Léeman,
Pretoria Bureau

The Prisons Service has denied allegations of maltreatment made by inmates of the Krugersdorp Prison.

A letter addressed to The Star from prisoners at Krugersdorp prompted an investigation by the Prisons Service. A senior officer was appointed to hear the complaints of the 1 200 mostly short-term prisoners.

He concluded there was "no indication that any malpractices are being concealed by the head of the prison, who is a commissioned officer".

Prisoners' complaints and requests, he said, were noted in a register.

Those recorded for six months prior to the date of the letter "had no bearing on the allegations in the letter".

In the letter, unidentified prisoners claimed

- "Prisoners are being beaten 'for fun' by warders." During the Prisons Service investigation only one prisoner allegedly complained he was assaulted while working in the garden.
- "When he was questioned, it appeared he was assaulted by fellow prisoners but did not complain at the time for fear of reprisals," the officer said.

- "Prisoners are locked in single cells and kept without food for no reason." According to the Prisons Service, there were 19 cases during the first four months of this year, where dietary punishment was im-

posed and "in each of these cases the prisoner admitted guilt".

- "Prisoners who have been classified at other prisons are reclassified at Krugersdorp without their trade qualifications being taken into account." During the investigation one prisoner apparently claimed he was a qualified boiler attendant but was not being utilised as such. According to the Prisons Service there is no vacancy for a boiler attendant.

- "Sick prisoners and light labour prisoners are forced to work hard in the gardens." According to the Prisons Service, one prisoner complained during the investigation that although not medically fit he was forced to work, but when a formal statement was taken it appeared he had actual-

ly applied to be allowed to work

- "A-group prisoners are denied the contact visits to which they are entitled." The Prisons Service replied that A-group prisoners were receiving their usual quota.

- "B-group prisoners are sometimes demoted illegally to C-group for slight mistakes." The investigator said its registrar showed no prisoner had privileges suspended or was demoted in the past year.

A spokesman said in the past prisoners had written to the Press "to discredit their immediate authorities and manipulate the transfer of an officer who does his job. This opens the way for gang activity".

● See Page 11, World section.

A glimpse of life behind prison walls

By Sue Leeman,
Pretoria Bureau

In correspondence with The Star, the Prisons Service gave a brief glimpse into daily life behind the imposing walls of a South African prison.

The door of Krugersdorp Prison was opened a crack to show what kind of life a person leads once he has been convicted of a crime.

Although Krugersdorp's 1 200 prisoners are mostly short-term — and therefore not entirely representative of South Africa's more than 104 000 prison inmates — their story is nevertheless an interesting one.

Because most Krugersdorp inmates are serving less than two years, they are allowed one 30-minute visit a month from no more than two people at the same time. An extra visit by one person is granted in December.

A maximum of two letters may be written and two received by each prisoner every month, and most may spend up to R20 of their own cash or earned gratuities every month on food, toiletries and other items.

All prisoners serving longer than two years undergo an observation programme on admission. They are investigated by a team of professionals, and classified

A-group prisoners are allowed 30 40-minute visits a year, and may send 40 letters and receive 40 annually. They may spend R50 a month.

On the other hand, D-group prisoners may receive only 18 half-hour visits a year, and send and receive only 12 letters. Their spending limit is R20.

Unsentenced prisoners are allowed two 30-minute visits a week. Letters are unrestricted. Extra food, approved reading matter, clothing and bedding may be received from outside.

According to the Prisons Service, all complaints and requests are noted in a register and dealt with thoroughly.

LAWYERS ALLOWED

Regulations stipulate that the head of a prison must see every prisoner every day and investigate every request or complaint. Failure to do so is a disciplinary contravention.

A prisoner who contravenes prison regulations is liable to stand trial — within the prison — before a magistrate, or a commissioned officer of the Prisons Service.

Procedure is the same as in a magistrate's court, and the Prisons Service says prisoners are allowed lawyers.

Commissioned officers have to pass a course, and can try prisoners only for less serious offences such as disruption

of prison discipline.

Officers can impose a maximum sentence of 30 days' solitary confinement, with or without a period of dietary punishment (maximum 24 days).

A magistrate can impose a sentence of up to six months with a term of solitary confinement not exceeding 42 days. A total of 28 days in solitary can include dietary punishment.

On a programme of dietary punishment, the prisoner spends a number of days on "spare diet" — 200 grams of maize meal boiled in water twice daily, and 15 grams of soup powder boiled in water once a day — and a certain time on reduced diet, which is half his normal daily ration.

Solitary confinement prisoners are allowed two half-hour periods of open-air exercise a day.

According to the Prisons Service, no prisoner undergoes punishment without prior medical observation. "During punishment he is visited daily by the head of the prison, and also as often as practicable by the medical officer."

The Prisons Service says it adheres to health standards laid down during the First United Nations Congress on Crime in August 1955.

"In practice, the health service falls under the Department of Health in col-

laboration with the Provincial Administrations

"A district surgeon is appointed for every prison, or group of prisons, and all prisoners are examined on admission. District surgeons are assisted at most of the larger prisons by trained hospital personnel."

"Medical parades are held daily and prisoners are given prescribed medication by trained nursing staff. For specialised medical attention or surgery, prisoners are referred to provincial or other hospitals."

BALANCED DIET

The Prisons Service said prisoners had a balanced diet which was reviewed regularly by professional dieticians of the Department of Health and Welfare. Officers regularly tested the quality of the food.

It was policy to provide each prisoner "with the opportunity to develop himself, to learn diligence and acquire a zeal for work."

During 1982/83, 611 prisoners in South Africa registered for formal study ranging from Std 8 to post-graduate qualifications, and 1 611 were involved in literacy programmes. Last June, 2 366 were being trained in various trades, including signwriting, welding and cabinet making.

DISTURBING facts about the detention of children in South Africa have emerged during the current session of Parliament.

They include the detention of two pre-school children for nearly three years while the authorities worked out their race classification, the imprisonment of two girls between the ages of 10 and 11 as unsentenced prisoners and the arrest of a 10-year-old child in Cradock on a charge of public violence.

These grim facts are bad enough, but, even more disturbing, was that they were mostly black

The chief Opposition spokesman on justice, Mr David Dalling, said in an interview that "one of the problems is the total lack of sympathy seemingly given to child offenders and to mothers of children who are suspected of committing petty offences, such as the Pass Laws"

"A caring government would ensure that children are not put into prisons, except where no other alternative exists"

Mr Dalling also said that the information given in Parliament this year had highlighted a chronic shortage of places of safety for children and of social workers

The Hoexter Commission

Spotlight on children in South Africa's jails

ROM
28/6/84
253

BARRY STREEK in Cape Town

report said it had been told by the Chief Magistrate of Cape Town about the case of two pre-school children, which took the Department of Internal Affairs almost three years to classify the children as white

The children were in detention from June 12, 1978, to June 8, 1981, before they could be declared children in need of care and the case disposed of.

Mr Dalling has tabled a number of probing questions this year about conditions in South African prisons, particularly about overcrowding and the detention of children

In response to one of these questions, the Minister of Justice, Mr Kobie Coetsee, disclosed that the youngest sentenced prisoner on March 19 this year was between the age of 13 and 14, a "coloured" boy found guilty under the category of an economic of-

fence, in which "dishonesty is an element" (house-breaking, theft and car theft).

Of the 367 boys and 36 girls beneath the age of 18 who had been sentenced, four were classified as white

Of the 546 boys and 24 girls under the age of 18 detained as unsentenced prisoners, 19 boys and two girls were white

The two girls between the ages of 10 and 11 were being held for the economic offence in which dishonesty was an element.

The 10-year-child arrested in the troubled Cradock area was released after three days and the charges against him were withdrawn

But 21 other children between the ages of 14 and 15, who were also detained in jail for various periods, are to face charges of public violence and attempted arson

The Minister of Law and Order, Mr Louis le Grange, explained that the children had not been visited by a social worker while in the cells, because normally the services of social workers were requested by presiding magistrates

It was also revealed that last year 3 415 children and infants were either admitted to prisons with their

mothers or were born in prison last year, 11 of whom were white

The Minister of Justice, Mr Kobie Coetsee, also said there were 255 infants or children with their mothers in prison on May 31 this year.

The Hoexter Commission raised another problem with children "When juveniles were tried in court," it said, "their interests are often not adequately protected. By far the majority of accused persons in the juvenile court are legally unrepresented"

Daily, juveniles under the age of 18 appeared in court without the assistance of parents or guardians and this inevitably resulted in postponements and delays

In the absence of sufficient places of safety for children awaiting trial or sentence, the commission said, "many juvenile accused, especially non-whites, are detained in police cells".

These sad facts have given an indication of the extent of the detention of young children and the problems in the legal processes when juveniles are believed to have committed crimes.

It is a problem which has caused concern in the past. Calls for an inquiry into the

problem have been made by the Women's Movement for Peace and the Child Welfare Society

And the Leader of the Opposition, Dr Frederik van Zyl Slabbert, has called on the Prime Minister, Mr PW Botha, to justify laws that caused the detention of mothers under the Pass Laws

Last year, Dr Marion Jacobs of the Child Health Unit at the University of Cape Town Medical School, conducted a preliminary inquiry into the conditions of children in jail after the issue had been raised at a meeting of the Health Professional Committee of the South African Council for Child and Family Welfare

Despite a major problem with lack of information, she concluded that for neither juvenile offenders nor children in jail with their mothers "does the law appear to be sufficiently explicit to provide for the needs of children"

Dr Jacobs said the underlying premise was that the children in question should be incarcerated, but this premise needed to be questioned.

Mr Dalling also says that an in-depth investigation into the whole is clearly needed

The facts which have emerged this year have, indeed, emphasised the urgency of these calls for a thorough inquiry into the detention of children in South African prisons

Trialists
should be
freed, say
rally men

The "Rivonia Trialists", including Nelson Mandela and Walter Sisulu, should be freed as they had served 20 years in jail, according to the view adopted yesterday by speakers at a Soweto rally organised by the Release Mandela Committee to mark the 20th anniversary of the Rivonia Trial.

United Democratic Front treasurer Mr Mewa Ramgobin of Durban told the meeting that the South African Government refused to acknowledge these men were political prisoners and regarded them as criminals.

But he insisted the leaders were not people who did what they did to accumulate wealth or power for themselves.

"They did it out of conscience when the politics of negotiation and protest were made virtually impossible by the Nationalist Government."

Amid applause he declared: "It was the conditions of SA that caused our people to take up arms. Was it not then the Government that should have been tried for treason and sabotage?"

273

"The knot is the secret of it, really. We have to put it on the left lower jaw and, if we have it on that side, when he falls it finishes under the chin and throws the chin back; but if the knot is on the right-hand side, it would finish up behind his neck and throw his neck forward, which would be strangulation. He might live on the rope a quarter of an hour then."

"I do not now believe that any one of the hundreds of executions I carried out has in any way acted as a deterrent against future murder. Capital punishment, in my view, achieved nothing except revenge." — Albert Pierrepont in "Executioner Pierrepont: The Amazing Autobiography of the World's Most Famous Executioner" Pierrepont was official executioner in England for 25 years. In those years he carried out over 400 executions.

In August 1981 Mr David Dalling asked the following question in Parliament.

- On how many occasions during the latest specified year for which figures are available was it necessary to use
 - (1) Physical force or teargas in order to transport condemned prisoners from their cells to the gallows?
 - (2) What were the circumstances on each occasion?

The *Rand Daily Mail* subsequently reported on August 19 1981 that "Mr Dalling has withdrawn a series of probing questions about the method used in executions in South Africa after receiving a personal request to do so by the Minister of Justice."

Mr Dalling said the Minister feared that the questions had been tabled "were too unwise and further that the answering of them would serve 'no point'."

Mngondo hangings: a failure of justice?

In the absence of extenuating circumstances a judge is bound to hand down the death penalty upon a person convicted of murder. There are many who are in favour of a mandatory death penalty for certain categories of offence.

Enthusiasts point out that in such cases the denial of a judge's discretion in the matter of sentencing may be tempered by the wise use of the executive's power to reprieve offenders sentenced to death.

In South Africa, a person who is sentenced to death, having exhausted all his remedies through the courts, may petition the State President for clemency. Not everyone is aware of this possibility, however, and so a condemned person may hang without having petitioned the State President.

Mfansen Mngondo, a black man aged 24, was hanged on February 3 this year. On the day before his execution he applied to the Supreme Court for a stay of execution.

He had apparently discovered the possibility of petitioning the State President for clemency only on that day and requested the stay so that he could use this final channel of appeal. The application was refused.

His full story, which seems to exemplify a failure of the system of criminal justice, is as follows.

Mngondo was arrested and charged with the murder of his immediate superior at work.

The day after his arrest he confessed to the murder before a Justice of the Peace. In the confession he stressed that he had committed the murder because he had been told by a witch-doctor that the deceased was bewitching him.

Before Mngondo's case came to trial, an agreement was made between his counsel and the prosecution that the evidence of

the confession would not be relied upon and played no part in the trial. Mngondo was in due course convicted of murder by Mr Justice Irving Steyn.

In South African law, if a man is convicted of murder the law gives a judge no alternative but to hand down the death penalty unless extenuating circumstances are found.

Such extenuating circumstances, for example, may relate to the age of the accused, the circumstances of the crime, or even to the fact that the convicted man committed the murder out of a fear of witchcraft.

The latter, in part, is what Mngondo's advocate argued.

However, despite the fact that it was permissible to do so, the original confession (made five months earlier) in which Mngondo had explained that a fear of witchcraft had driven him to commit the crime, was not handed in to support the argument for extenuating circumstances.

Mr Justice Steyn concluded that the story of bewitchment, mentioned, as far as he knew, for the first time at the trial, was an afterthought — a story later concocted by Mngondo in an attempt to excuse the murder.

The judge overlooked the fact that Mngondo's companion, standing trial with him, had stated in court that, before they had committed the crime, Mngondo had complained to him that he was bewitched by the

man they subsequently killed.

Mr Justice Steyn rejected the argument that Mngondo believed that he was being bewitched, found no extenuating circumstances and, accordingly, sentenced Mngondo to death.

The matter went on appeal to the Appellate Division. Once again the confession was not handed in. The appeal failed.

On Thursday evening, February 2, the day before the execution, an urgent application was brought before the Supreme Court for a stay of execution so that Mngondo might petition the State President for clemency.

CONFESSION

The full story, including the details of the confession, was put forward. It was argued that, as the trial and appeal courts had not been able to consider all the material, Mngondo should be given a chance to have his sentence reconsidered in the light of the information contained in the confession.

This clearly showed, it was contended, that the allegation of witchcraft was not the afterthought that the trial court believed it to be.

The application for a stay of execution was refused by Mr Justice de Villiers. Mngondo was hanged the next day.

The facts of this case give rise to concern.

(1) It is hard to imagine how a stay-of-execution can be refused

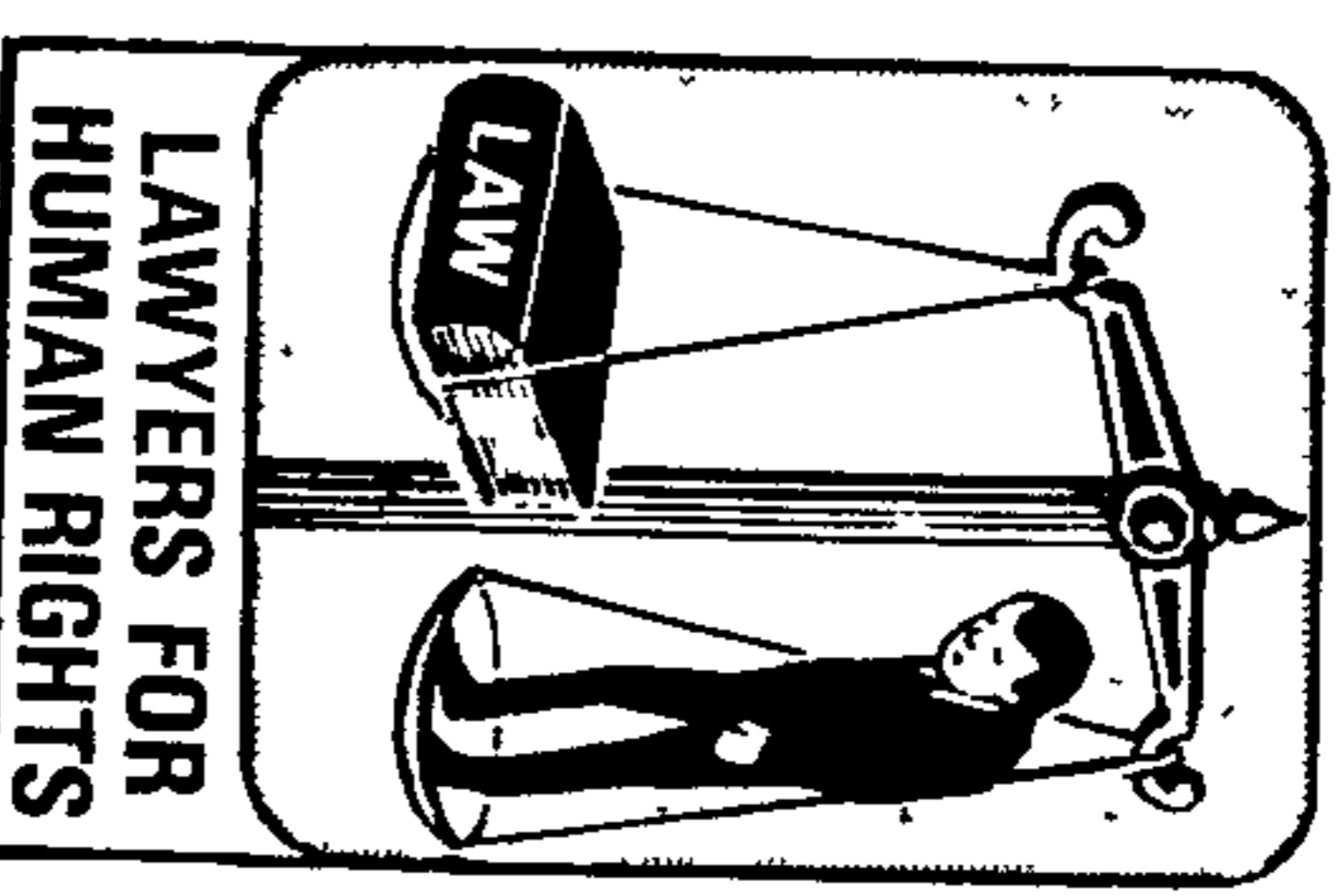
HANGINGS: THE LAST 10 YEARS

Calendar Year	Executions	Reprieves
1974	40	25
1975	68	12
1976	61	8
1977	90	3
1978	132	8
1979	133	5
1980	130	24
1981	96	24
1982	100	29
1983	90	*

More recent figures do not include executions in the independent states

* Information not available

Information obtained from the Department of Justice E Kahn "Death Penalty Statistics" (1981) South African Law Journal 421; De Rebus June 1988 and Hansard.



when a condemned man has not exhausted all his remedies to save his life

(2) Sometimes the justifications are offered that a condemned man should not be given false hope. This is not something the judge is being asked to decide. If a condemned man wants to petition the State President and use an avenue of appeal legally open to him, it is for the condemned man to decide what hope to attach to his petition.

(3) This case is all the more difficult to understand because Mngondo's petition would not have been an empty plea for mercy, but a petition demanding the State President's most serious attention

Compiled by Lawyers for Human Rights.

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Court releases 2 farm colony men

10/5/84 D. Dispatch
PRETORIA — Two Soweto men, who were declared "idle" persons by the Commissioner's Court and sent to a work colony, are to be released immediately by order of a full bench of the Supreme Court here

Mr Ishmael Sithole, 40, and Mr Peter Mokoena, 57, were declared "idle" persons and sent to the Voortrekkerhoogte farm colony for 18 months and 12 months respectively

Mr Justice Preiss, with Mr Justice Grosskopf and Mr Justice Schabert concurring, ordered the release of the two men pending the decision of a Natal Supreme Court on the interpretation of Section 29 of the Black (Urban Areas) Consolidation Act, Act 25 of 1945.

The Act has to do with the provision for "idle" or "undesirable" persons.

The outcome of the decision will have a far-reaching effect on how the Commissioner's Courts are to declare a person "idle" and when to send him to the work colony in the Transvaal

The case against Mr Sithole and Mr Mokoena came before the full bench by way of review

after two judges separately reviewed the cases

Mr Arthur Chaskalson SC, the director of the Johannesburg Legal Resources, Centre and Mr M S Navsa, were asked by the court to represent Mr Sithole and Mr Mokoena in the hearing

Mr Sithole was declared an "idle" person by the Johannesburg Commissioner's Court on March 27, 1981 — DDC

Life in SA prison 'inhuman and harsh'

Pretoria Correspondent

Newly-appointed Swapo secretary-general Mr Herman Toivo Ja Toivo has described life on Robben Island as "most inhuman and harsh".

He was giving evidence to the United Nations Commission for Human Rights sitting in Lusaka.

Mr Toivo described an incident in which he alleged that prisoners were beaten up and kicked about by white prison warders.

"There were about 28 of us. We were all beaten up. Then the white warders pulled the private parts of one of the prisoners in a most savage manner. He urinated blood but fortunately, he did not die."

He said the incident took place in May 1971.

FAR-FETCHED

Reacting to Mr Toivo's statement on Thursday, a Prisons Service spokesman, Brigadier Hennie Botha, said that no evidence of an incident of this nature could be found and the allegation was rejected as "far-fetched".

Mr Toivo claimed that the South African authorities released him in order to create divisions within Swapo.

The Prisons Service pointed out, however, that Mr Toivo was not officially released, but was handed to the Namibian prison authorities. He was released later by them.

ISOLATION

Mr Joivo said prisoners could be kept in solitary confinement for more than a year and claimed he was isolated from June 1971 until September 1972.

In reply, the Prisons Service said their records showed that Mr Toivo was indeed placed in a different section at that time due to a lack of discipline and bad behaviour.

Answering allegations that during the isolation period Mr Toivo was only allowed to read the Bible and to leave his cell for 30 minutes of exercise, the Prison's spokesman said that although a prisoner's basic rights would not be impeded, privileges such as general reading matter and participation in sports and other recreational activities would obviously be affected when a prisoner was punished for transgressing regulations.

The system according to which prisoners were allowed to buy items such as sweets and tobacco was operated according to strict rules and irregularities were not tolerated, he said.

Mr Toivo also claimed that warders often delayed giving prisoners medicines until they were very sick.

But the Prisons Service said daily medical parades were conducted and the Service had a proven record of maintaining exceptionally high standards as far as medical treatment was concerned.



1 This picture was censored last Saturday. A strange thing to happen when you realise the photo was taken in front of thousands of people in a public stadium during intervarsity.

2 A free-for-all at the same "game" — this legal This is because no "prisoners" are discussed somewhat rough scrum.

A bad law and an unh

A policeman's lot, as the song says, is not a happy one Nor is the lot of his quarry

And as for a newspaperman's lot, well it seems to contain all the troubles of the other two together The latter's lot is made a lot worse by a lot of bad law This law relates to the prohibition against taking and publishing pictures of prisoners

The pictures that surround this column illustrate just one legislative riddle that South African newsmen face almost daily

Photographers and editors keep finding that they have inadvertently broken a law which, as far as we know, exists in no other country on earth — and would be ridiculed out of existence in most free countries

The bewildering law, or rather

the combination of two often contradictory laws, are those which prevent local newspapers doing the normal job which the press is expected to do, even in many "non-free" countries

The riddle posed in our country is "When is a person a prisoner?"

The answer alters with circumstances

Indeed the law is so puzzling that most newspapers pay admissions of guilt the moment they are accused of breaking it

Some time ago we decided instead to test the matter in court a tedious, expensive, and hazardous business As we told the magistrate

"We ask for a ruling because of the utter confusion over what photographs of prisoners, persons in custody and detainees may or

18 | 8 | 84

UNDERCURRENT AFFAIRS

BY HARVEY TYSON

may not be published in terms of the Prisons Act, the Police Act, and other laws"

We pointed out at least seven apparent anomalies in just two Acts — not least of them being the fact that the Prisons Act did not regard an escaped prisoner as a prisoner, but the Police Act appeared to do so

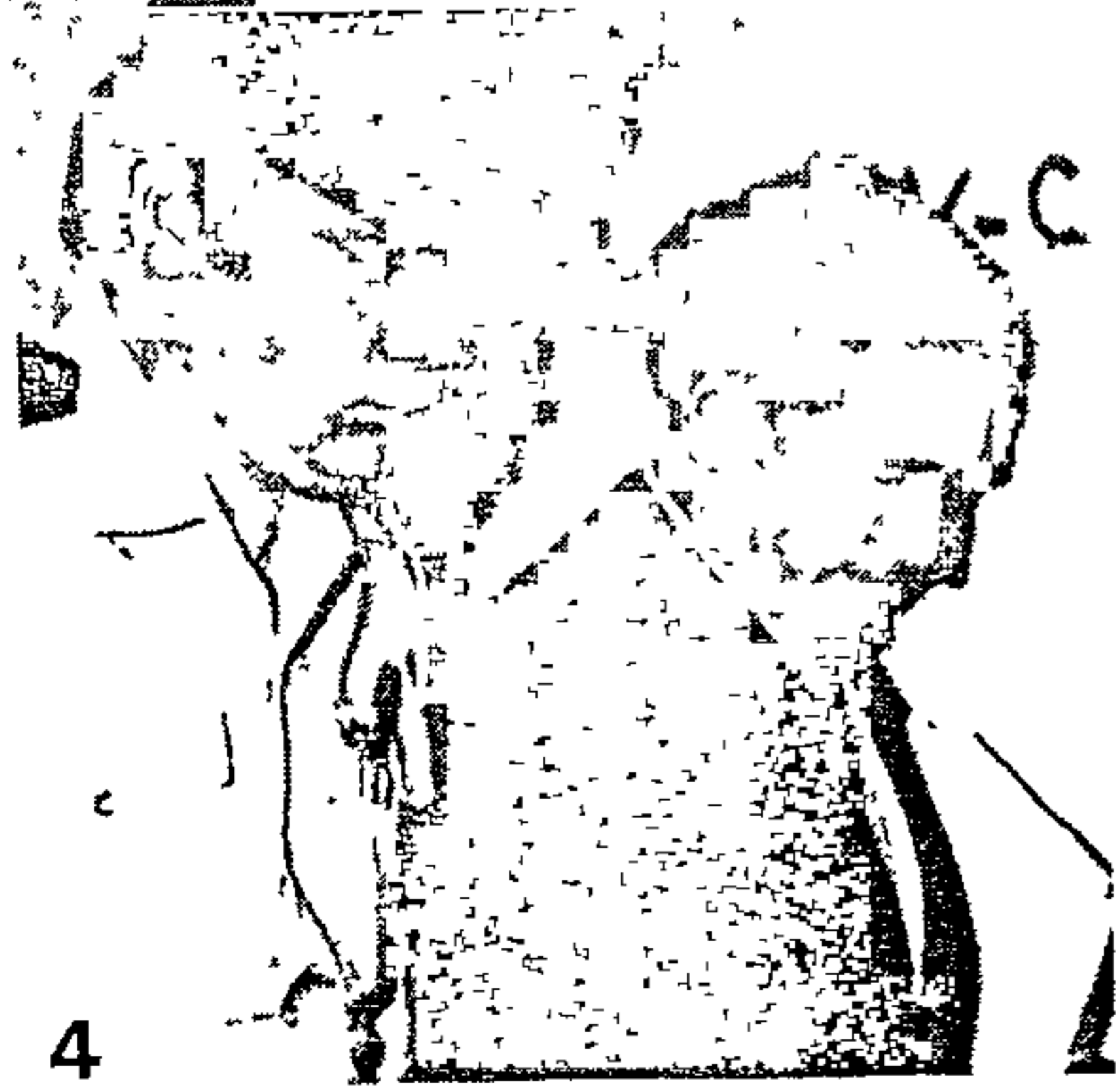
The Court may have been equally puzzled In any event it did not even attempt the ruling asked for Instead the verdict

without elaboration, was — and discharged

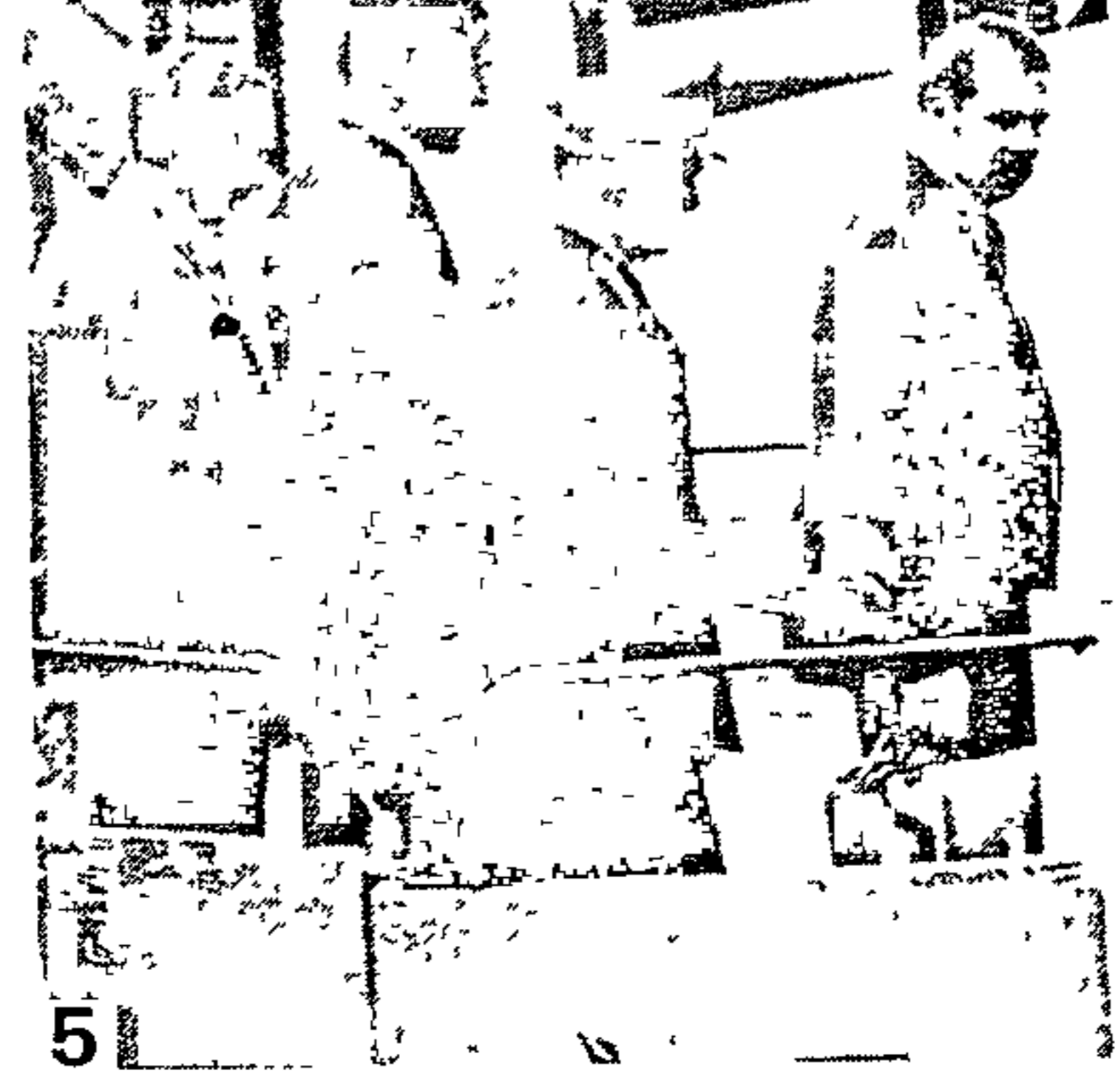
Meanwhile the prosecution the Press continues Sev-tors, including those su-Government policy, hav-criminal charges on this score

Examine some of the e-on this page

Picture No 1. The str de "prisoner" at the time placed in a police van



4 Prisoner Eschel Rhoodie, manacled and photographed with police escort on his way to the police cells. This picture was taken in France — and therefore was legal.



5 Released from jail, Eschel Rhoodie returns to South Africa, unmanacled, but under police escort. This picture was illegal at the time — because it was taken in South Africa



6 Here was a type of incident out of hand — because dozens of cameras. On her painful bottom,



2

A free-for-all at the same "game" — this picture was legal. This is because no "prisoners" are discernible in this somewhat rough scrum.



3

Incident on the steps of St George's Cathedral, Cape Town, in 1972. In those days part of the censorship system did not operate.

Star ~~253~~ ~~253~~ ~~253~~ 253
 d an unhappy lot...

DERCURRENT AFFAIRS
 HARVEY TYSON

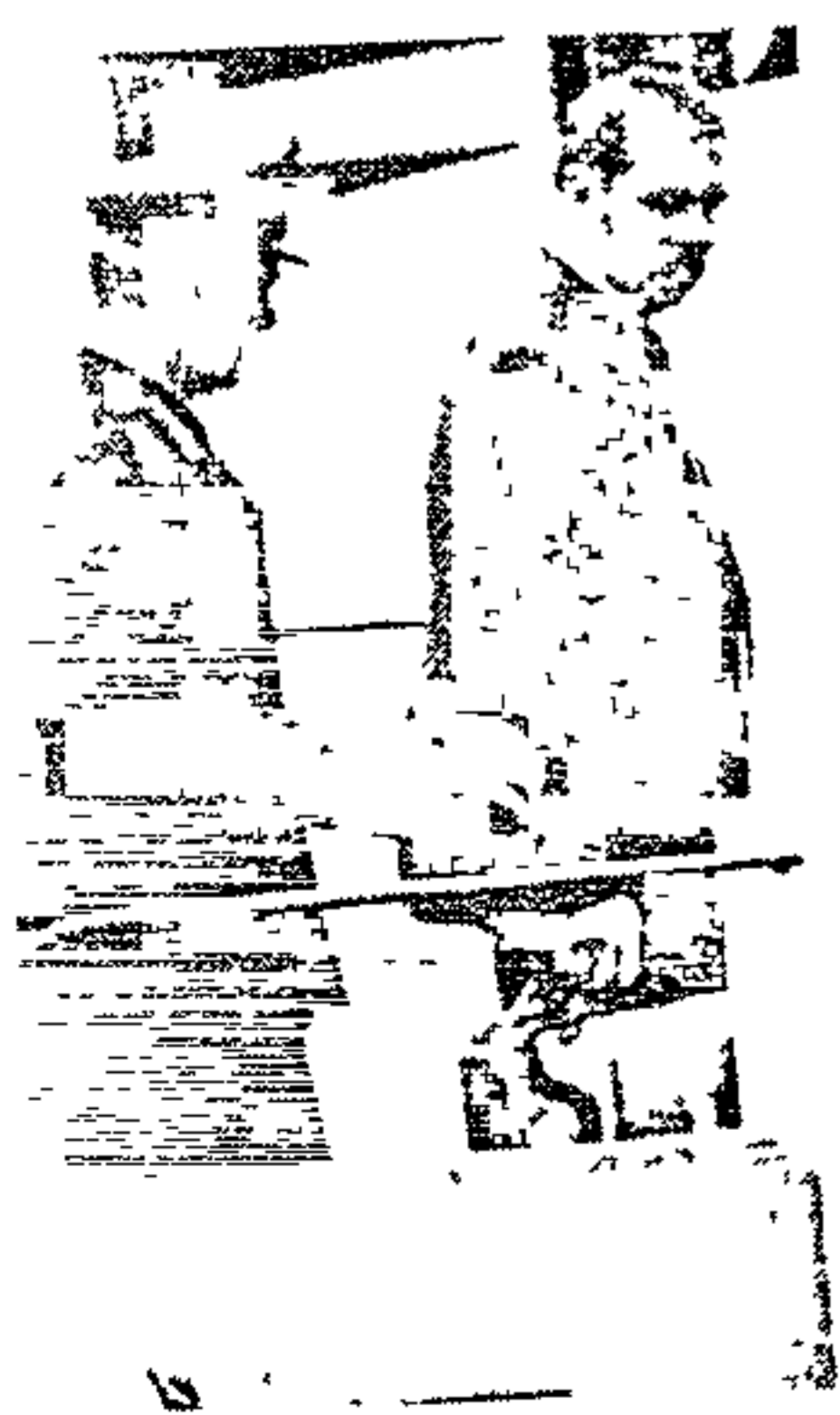


not be published in terms of Prisons Act, the Police Act, "her laws" pointed out at least seven anomalies in just two — not least of them being that the Prisons Act did not treat an escaped prisoner as a criminal, but the Police Act applied to do so. The court may have been puzzled. In any event it did not even attempt the ruling for. Instead the verdict

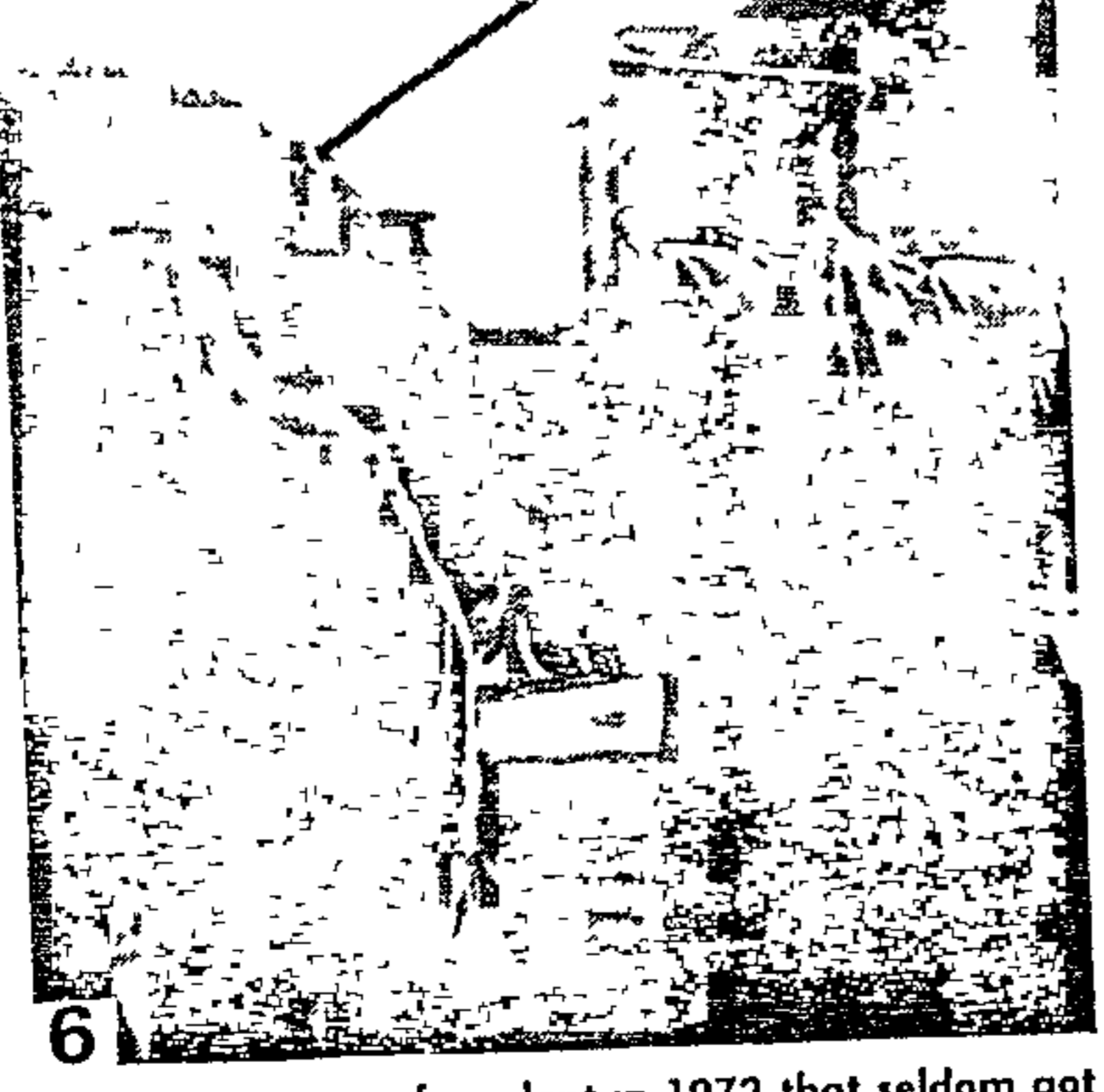
without elaboration, was Guilty — and discharged. Meanwhile the prosecution of the Press continues. Several editors, including those supporting Government policy, have faced criminal charges on this invidious score. Examine some of the examples on this page. Picture No 1 The student was a "prisoner" at the time and was placed in a police van. Thus the

photograph turned out to be illegal for the period of his technical detention. Even taking such pictures is illegal. How can the photographer know if a person is a prisoner or not? What is clear is that the police van to which an arrested person is conducted is "a prison", and pictures of people beside such a van are subject to total, not temporary ban. Picture No 2. Police move in with quirts (the new mild instrument that replaces sjamboks and batons) to return some of the medicine some raucous students had been dishing out to civilians (A girl reporter of The Star was among those assaulted by revelers. So was an SABC cameraman). This picture, taken by The Sunday Express, was legal. The irony is that the use of the quirt, in

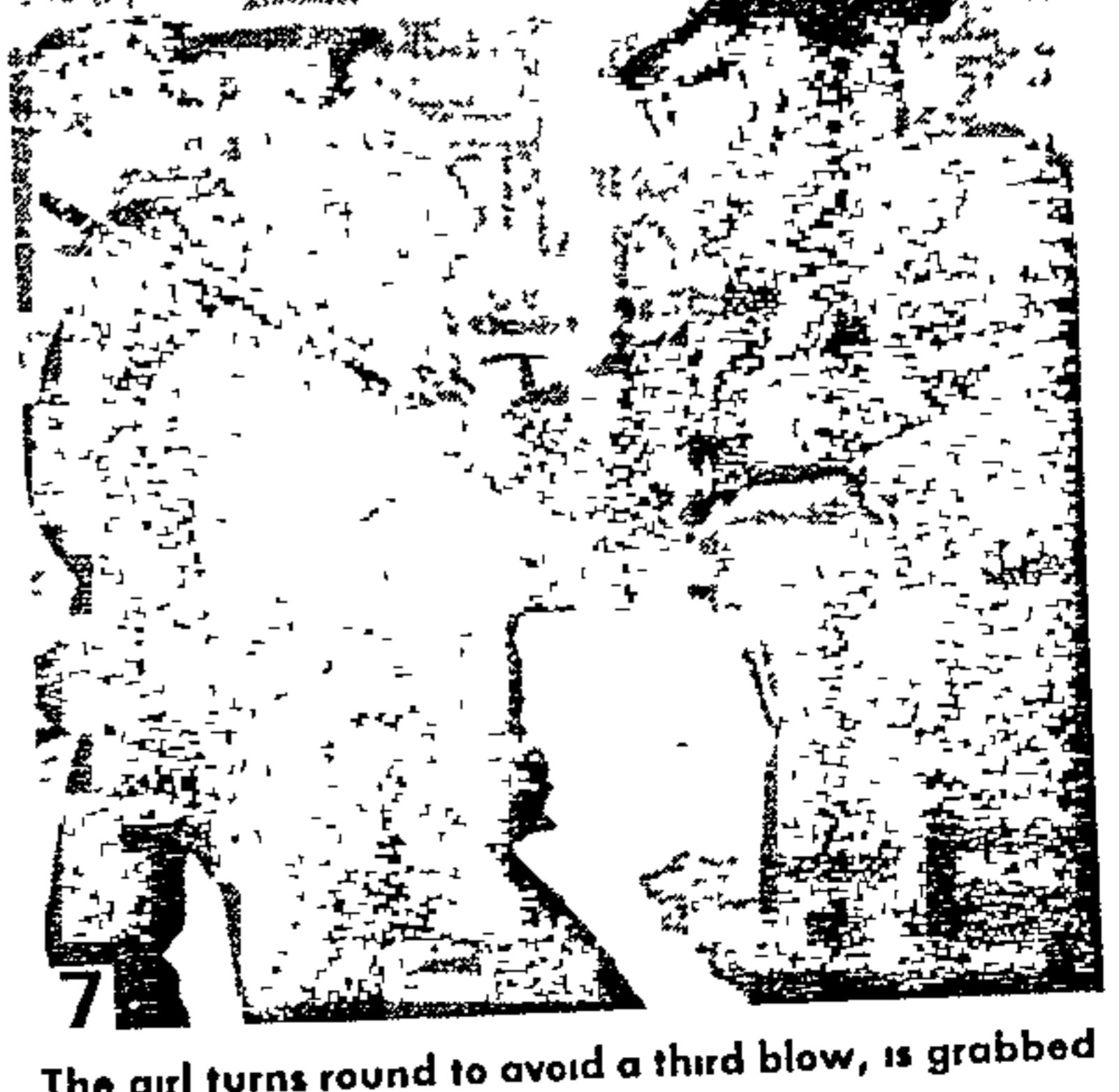
a country like Britain, would have led to a national crisis. None of pictures shown here (most from Star files) led to a major outcry in our society. Picture No 3. Here is a major exception. Because incidents such as this occurred on the steps of St George's Cathedral and close to Parliament there were many protests about police actions at the time — and as many counter-accusations from the Government. The other photographs and their captions speak for themselves. But if one picture is worth a thousand words in most parts of the world, that cliché is not true here. A strange mixture of regulations sees to that. Perhaps the new "reform" Parliament will try to restore some normality.



6. Rhodie returns to South Africa under police escort. This picture was taken at the same time — because it was taken in South Africa.



6. Here was a type of incident in 1972 that seldom got out of hand — because of the beady eyes of dozens of cameras. On Wits campus a girl clutched her painful bottom, unaware of more to come.



7. The girl turns round to avoid a third blow, is grabbed by the throat — and is struck on the back by another policeman.

Warders accused of death beating

253
S. Times
19/8/84

By BENNIE VAN DELFT

GRUESOME details of how a prisoner was allegedly beaten to death by two prison warders and a farmer have emerged for the first time in a court case.

In evidence before the magistrate's court at Vredendal, about 300km from Cape Town, the State alleged that the prisoner, Willem Alberts, 20, was repeatedly assaulted over a period of five days.

He eventually died on Easter Monday last year.

The three accused are Mr Cornelis J J Agenbag, 56, of the farm Afsaal at Vanrhynsdorp in the northwestern Cape, and sergeants Frederick Smit and Daniel van Rhyne, both of the Department of Prisons.

All three pleaded not guilty to a charge of culpable homicide.

They allegedly assaulted the prisoner between March 31 and April 4, last year, by punching him, hitting his head and body with a stick, kicking him and hitting him with a rubber baton.

According to the State, the prisoner died as a result of the repeated assaults.

Several fellow prisoners testified that they had witnessed the beatings.

An inmate told the magistrate he had seen Mr Alberts being taken from his cell to an office.

Just before the door of the office was closed, he saw a baton being raised and coming down on the victim.

Although the office door was closed, the witness could hear the sound of blows.

Kicked

Fellow prisoners also told the court Mr Alberts was repeatedly kicked and hit by the accused while working on Mr Agenbag's farm.

In an affidavit handed in to the court, Mr Agenbag explained that he normally made use of prison labour.

"The prison authorities at Vanrhynsdorp were helpful in providing me with such labour."

"I fetched prisoners at Springbok on March 26. Among them was Mr Alberts."

"This prisoner was lazy and produced services of a poor quality. I felt compelled to lay charges against him with the prison authorities at Vanrhynsdorp."

"I complained about him at the local jail on March 31. A Sgt Smit promised that he would give the case his attention — which he then did."

Mr Agenbag explained in his statement that a Sgt van Rhyne visited his farm at Vanrhynsdorp on April 4.

"I complained again about the prisoner's behaviour. Sgt van Rhyne took up the case. Later that evening I regarded it necessary to take the prisoner to a doctor at Vredendal."

Ambulance

"Apparently that same night Mr Alberts was taken by ambulance to the Groote Schuur Hospital in Cape Town."

"I was informed later that Mr Alberts had died and that I had to remove the body from Cape Town to Vloosdrif — which I did."

The trial will continue at the Malmesbury Regional Court on November 12 for further evidence by the State pathologist, Dr Leendert van Ieperen, and the investigating officer.

The prosecutor, Mr Gideon Rossouw, is then expected to close the State's case.

Mr A J Burger is appearing for Mr Agenbag, while Advocate Roelof van Riet is defending the two prison warders.

Since the start of the case, the two prison warders have been transferred elsewhere. Sgt Smit is now working at Caledon, while Sgt van Rhyne has been posted to Worcester.

SA gallows claims 14 in one week

By Sue Leeman,
Pretoria Bureau

Fourteen men were hanged at the Pretoria Prison last week, bringing the total number of people who have been executed this year to 76.

All 14 went to the gallows for murder. Of these, three were members of the African National Congress executed for high treason, which had also involved the deaths of people.

A total of 178 — the overwhelming majority of them black — remain on death row waiting to hear the outcome of appeals or pleas for the State President's clemency. Two are women.

Between January and June this year 62 people were sent to the gallows. During the same period last year 45 people were hanged.

South Africa has often drawn fire for its policies on capital punishment, particularly in cases involving high treason.

In 1980 alone, 130 people went to the gallows, which caused one legal expert to dub South Africa "a dreadfully homicidal society."

Accomplices

Executions began on Tuesday with Frank Rebane Rivers and his accomplices Peter Lebajoa and Joseph Themba Segoto who were hanged for murder along with Amos Beli Dlamini and Harvey Henry Dube, also for murder.

Abdool-Aziz Bashir and Ndubasi Botha Nkhwa-shu, who Bashir hired to kill his wife, also went to the gallows on Tuesday.

On Friday morning Steven Katiti, who had been found guilty on one count of murder and one count of robbery with aggravating circumstances, was hanged, along with Meshack Mngomezulu, Martin Mlangeni, Stanley Tyobeka and Malcolm Qabaka — a quartet found to have committed murder together.

Richard Mokoena and Michael Siphon Nzimande were also hanged for murder.

The Star

MEMORANDUM
REGIONAL
SECTION

JOHANNESBURG WEDNESDAY AUGUST 22 1984

733 *See*

Convicted Soviet spy Ruth Gerhardt (41) who is currently serving a 10 year jail sentence, has undergone an operation at the HF Verwoerd Hospital in Pretoria.

An informed source told *The Star* that the wife of the former officer commanding the SA Naval Dockyard in Simonstown, Dieter Gerhardt (48), had a lump removed from a breast.

The SA Prisons Service in Pretoria confirmed that Ruth Gerhardt was admitted to the HF Ver-

Operation for Ruth Gerhardt

woerd Hospital on August 20. She underwent a minor operation and has already been discharged.

"She is in good health," a prisons spokesman said. The lump was benign

and she has returned to prison in Pretoria. The Gerhardts were convicted of high treason in the Cape Supreme Court in December last year.

Dieter Gerhardt is serving a life sentence for having spied for the Soviet Union for 21 years. His wife Ruth, a Swiss national, was found guilty of spying over a period of 13 years.

The couple's six-year-old son Gregory is being cared for by relatives in Switzerland.

Man dies after workout

Valiant attempts by Johannesburg ambulance staff to save the life of a man who collapsed during a workout in a Hill-brow gymnasium, failed last night when he died shortly after his arrival at hospital.

Mr Pierre Venter (31), of Melrose North, had been a regular at the Sam Busa Health Studio in Kotze Street for about four years.

Last night he apparently had a heart attack during his weightlifting routine. Witnesses said the sales representative staggered and slumped to the ground, hitting his head sharply against a barbell which was lying behind him.

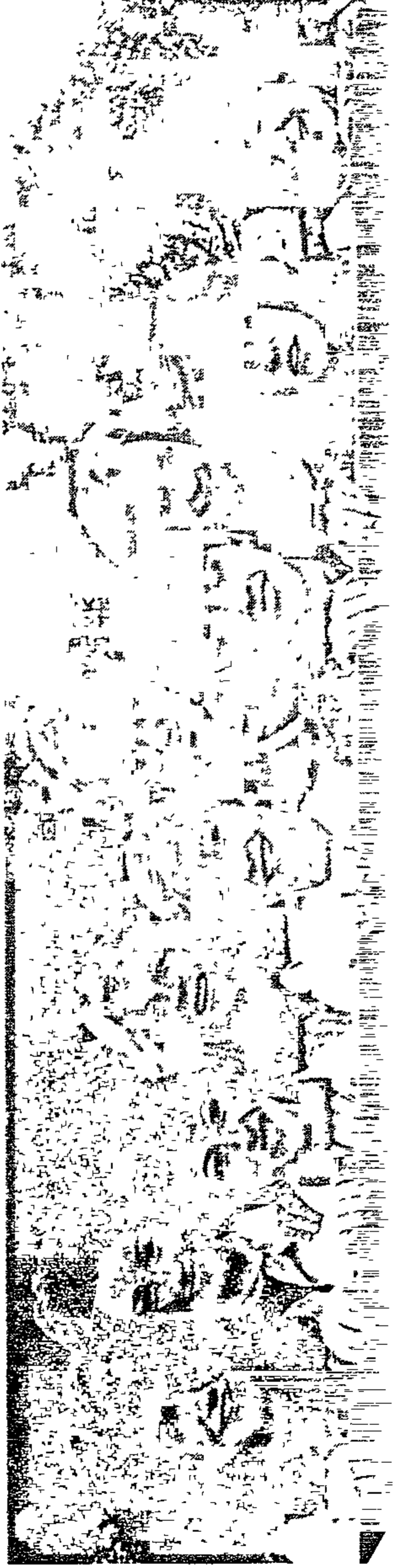
Johannesburg Ambulance Service staff were at the gym within minutes and gave emergency aid.

Mr Venter was then rushed to Johannesburg Hospital's casualty section where he died shortly afterwards.

The owner of the gym, Mr Cecil Grigst, said "Pierre came into the studio about three times a week and pushed weights. He was a very quiet but likeable guy."

"No one heard him complain about feeling unwell, which made his death more of a shock," Mr Grigst said.

Man students have a final interview for Miss S. S. S. S. S.



Injured prisoner claims R30 000

Pretoria Correspondent

An inmate of the Pretoria Central Prison has sued the Minister of Justice for R30 000 compensation after losing two fingers in the prison's carpentry workshop

The prisoner and former policeman, WSJM Bouwer, was sawing a piece of wood. It snapped and his right hand was pulled into the machine, according to papers before court

His middle finger was amputated completely and his index finger was amputated at the middle joint. He lost the tip of his thumb and the saw cut into the knuckle of his ring finger, which will no longer bend

28 8/84
Bouwer, who was 23 when the accident happened 2½ years ago, claimed a Prisons Service sergeant was negligent because he did not properly supervise Bouwer, whom he knew was not qualified to work the machine

He also claimed the saw was in a poor and dangerous condition

Gardening and working with tools, his two hobbies, as well as any sports in which one needs to use both hands, were now out of the question.

He used to play golf, cricket and rugby and was a shottist

Mr Justice Stegmann reserved judgment in the matter.

Suzman visits TIC leaders in prison

253 By Sol Makgabutlane *SKW 29/8/84*

Outspoken Government critic Mrs Helen Suzman yesterday visited two detained leaders of the Transvaal Indian Congress (TIC) at the new Diepkooof Prison, and said the two were fit and had no complaints about their treatment in custody.

Mrs Suzman, together with MP Mr Peter Soal (PFP Johannesburg North), visited Dr Essop Jassat, TIC president, and Dr Ram Saloojee, TIC vice-president.

"We had a half-an-hour conversation. The two were fit and had no complaints about their treatment in prison."

"I believe that locking up these people when they simply exercised a lawful right of peaceful protest made things worse for the Indian elections and encouraged people to stay away from the polls yesterday."

Mrs Suzman hoped the two doctors, as well as other people locked up in terms of "preventive detention laws, would be released immediately".

'Death to the death penalty' is lone crusader's battle cry

253



IRIS BALTSOUCOS — "The death penalty is against God's will."

"Death to the death penalty" is the rallying cry of Johannesburg's Mrs Iris Baltosoucos

Small in stature, big in obsession, Mrs Baltosoucos, a Linden housewife, began her one-woman crusade for the revocation of the death penalty seven years ago after she saw the anguish suffered by condemned men and their families

She does not believe it is fitting retribution for the pain caused to victims and their families

"The death penalty is against God's will and those who invoke it are themselves guilty of a terrible crime," she says

She believes it was the divine hand that led her to rush in where angels fear to tread — into the potentially dangerous area of Western Coloured Township's gangland

She believes the coloured youths to whom she offers a haven, sympathetic counsel and assistance, are lost children, not gangsters

Years of personal research and intense involvement with those who face the death penalty,

A Johannesburg housewife, Mrs Iris Baltosoucos, is leading a one-woman crusade for the revocation of the death penalty. She told MARIKA SBOROS that an execution is something from which a family never recovers.

have turned her into a fanatical fighter for penal reform in South Africa. She attends court cases when asked to by family members of people accused of a crime, liaises with legal teams and gives moral support to bereaved families

She has worked closely with attorneys who have been successful in obtaining a stay of execution for their clients

Through the voluntary social work she does with coloured children in trouble with the law, she has developed a rehabilitation programme which defies the notion that there are criminals who will not benefit from rehabilitation

A major part of her programme is spiritual counselling "The importance of my work is in bringing Christ to the people," she says. She has strong ideas about South Africa's judicial system and "prays

every day" that the death penalty will be revoked, or at least reviewed by Parliament as soon as possible

"Judicial authorities should not resist pressure for re-trials. This would not discredit the legal system, but would enhance the true standing of the South African judicial system," she says

"Considering there are so many loopholes, there must be serious thought given to taking Criminal Procedures Act 327 back to Parliament for review as soon as possible"

She agrees with the view of Albert Pierrepoint, England's official executioner for 25 years, who said "I do not now believe that any one of the hundreds of executions I carried out had in anyway acted as a deterrent against future murder. Capital punishment achieves nothing except revenge"

A criminal lawyer who cannot be named for ethical reasons, agrees with Mrs Baltosoucos and says he is disturbed by the increasing number of death penalties meted out by the courts

"It doesn't seem to me that the death penalty is deterring people from committing capital offences," the lawyer says.

The Star Bureau

LONDON — Mr David Kitson, former member of the Umkonto we Sizwe high command who served a 20-year jail term in South Africa, is to start a lecture tour of Britain soon

The tour is being sponsored by his union, the Amalgamated Union of Engineering Workers, Technical Administrative and Supervisory Section, by the African National Congress and by an organisation called South Africa the Imprisoned Society

He will speak about his experiences in South Africa, concentrating on his 20 years

ANC to help sponsor British talks concentrating on his 20 years in jail

Kitson for lecture tour

as a prisoner of the government he had tried to overthrow

Not all his comments will necessarily be negative

This week the left-wing *New Statesman* carried a lengthy interview with Mr Kitson as a prelude to his lecture tour

At one point Mr Kitson said South African prisoners had more rights in relation to their civil society than did

British prisoners. "This is because international opinion looks at South African prisons as a measure of the state of civil liberties."

However, there was a sharp contrast between the privileges of the country's white and non-white prisoners

Through their degree courses, the white political prisoners with him obtained the most unlikely books.

"If it wasn't written by Marx, then they didn't know it was no good they didn't react to names like Krautsky or Althusser or Perry Anderson."

Mr Kitson said that, somewhat surprisingly, he was allowed to start an arts course in Russian and English. However, after the first year the Russian was stopped

By the end of their sen-

tences, the prisoners were not suffering "exceptional physical discomfort"

Towards the end of his term, Mr Kitson found many young Afrikaners decided they could avoid military training (and be well paid in the process) by becoming prison warders

"There was a flood of young men who did not give a damn. We used to make tea for them

and share our food. "Sometimes, after a night out, one of them would stagger into jail, open empty cell and sleep all and we would have to him up."

The day before his release Mr Kitson went shopping, clothes, accompanied by warders

He found black shop assistants, black traffic police and he found that they all treated politely by white

"I know a lot of dre. things go on out of sight. Soweto and the bantustans but I was surprised by courteous way my warders treated them"

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"Monday I grabbed a quick lunch at the office and, flipping through my Star, noticed that water restrictions were here to stay. I hoped that Susan wouldn't notice. It would only encourage her well-meant efforts to turn our garden into a conglomeration of desert cacti."

"Tuesday, thanks to the previous day's Star article, Jonathan and I were off to buy cactuses at lunch time. I was sure he'd grow to love them. Anyway, they reminded me of that trip to Arizona he'd been promising me."

"Wednesday, while still picking cactus thorns from my fingers, I received

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British talks concentrating on his 20 years in jail

FOR LECTURE TOUR

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but I was surprised by the
courteous way my warders
treated them"



David Kitson (right) with Herman Toivo ja Toivo, founder of Swapo, at an Anti-Apartheid Movement meeting in London recently.

Black miners vote to strike Monday

By Carolyn Dempster, Labour Reporter
Black mineworkers have shown strong support for the first legal strike on South African gold mines

The results of the ballot conducted by the National Union of Mineworkers (NUM) on eight Chamber of Mines gold mines in the Transvaal and Free State started to filter through last night and today after nearly a week of voting

If the miners follow their votes, as many as 40 000 will refuse to go underground on Monday — the date set for the start of the strike
In a sudden separate development, the union settled the coal mines dispute on the eve of the second conciliation board meeting with the Chamber of Mines today

Mr Cyril Ramaphosa, general secretary of the union, said NUM members on five collieries had agreed to accept the offer made at the first conciliation board meeting

He said that, although the wage offer had not been increased substantially, the reduction in hours proposed by the chamber

lunch at the office and, flipping through my
ions were here to stay. I hoped that Susan
encourage her well-meant efforts to turn our
of desert cacti."

vious day's Star article, Jonathan and I were
e. I was sure he'd grow to love them. Anyway,
o Arizona he'd been promising me."

king cactus thorns from my fingers, I received
shed just read in The Star that the Rand

Consulate 329
six will stay
wait and see

● From Page 1.
has guaranteed that the fugi-
tives will not be asked to leave
the consulate but has added that
Britain can serve only as "a
channel of communication" and
not as an intermediary

But Labour Party leader Mr
Neil Kinnock and the British
Anti-Apartheid Movement have
urged British Prime Minister
Mrs Margaret Thatcher to inter-
vene directly

"I am certain you would not
wish to be responsible — direct-
ly or indirectly — for the renew-
ed detention without trial of
people whose only 'crime' is to
seek basic freedoms," Mr Kin-
nock has told Mrs Thatcher

The Star Bureau

ANC to help sponsor British talks concentrating on his 20 years in jail

Kitson for lecture tour

LONDON — Mr David Kitson, former member of the Umkonto we Sizwe high command who served a 20-year jail term in South Africa, is to start a lecture tour of Britain soon.

The tour is being sponsored by his union, the Amalgamated Union of Engineering Workers, Technical Administrative and Supervisory Section, by the African National Congress and by an organisation called South Africa the Imprisoned Society.

He will speak about his experiences in South Africa, concentrating on his 20 years

as a prisoner of the government he had tried to overthrow.

Not all his comments will necessarily be negative.

This week the left-wing *New Statesman* carried a lengthy interview with Mr Kitson as a prelude to his lecture tour.

At one point Mr Kitson said South African prisoners had more rights in relation to their civil society than did

British prisoners

"This is because international opinion looks at South African prisons as a measure of the state of civil liberties."

However, there was a sharp contrast between the privileges of the country's white and non-white prisoners.

Through their degree courses, the white political prisoners with him obtained the most unlikely books

"If it wasn't written by Marx, then they didn't know it was no good they didn't react to names like Krautsky or Althusser or Perry Anderson."

Mr Kitson said that, somewhat surprisingly, he was allowed to start an arts course in Russian and English. However, after the first year the Russian was stopped.

By the end of their sen-

tences, the prisoners were not suffering "exceptional physical discomfort"

Towards the end of his term, Mr Kitson found many young Afrikaners decided they could avoid military training (and be well paid in the process) by becoming prison warders

"There was a flood of young men who did not give a damn. We used to make tea for them

and share our food

"Sometimes, after a wild night out, one of them would stagger into jail, open an empty cell and sleep all day and we would have to wake him up"

The day before his release, Mr Kitson went shopping for clothes, accompanied by two warders

He found black shop assistants, black traffic police — and he found that they were all treated politely by whites

"I know a lot of dreadful things go on out of sight in Soweto and the bantustans, but I was surprised by the courteous way my warders treated them"



David Kitson (right) with Herman Toivo, founder of Swapo, at an Anti-Apartheid Movement meeting in London recently.

Death of 11: prison warder fined R3 000

Σ Post (253)
2/10/84

BLOEMFONTEIN — A 20-year-old Goedemoed prison warder whose negligence caused the death of 11 men when the vehicle he was driving collided with a train in the Rouxville district last year, was fined R3 000 (or 18 months) by a Bloemfontein Regional Court yesterday

Nicholaas van Zyl was also sentenced to a further six months suspended for three years

Van Zyl had pleaded guilty to culpable homicide. He admitted he had been negligent in not keeping a proper lookout immediately before the collision at the level crossing on November 29

Those who died in the collision were Mr L S Lategan, Mr R Manzi, Mr J Zonke, Mr J Motuni, Mr M Makanzimo, Mr E Viva, Mr I Dael, Mr O Fuyizwe, Mr T L Ndlulula, Mr L S Seekoei and Mr T S Maqona

They were all in the back of the vehicle except for Mr Lategan and another warder (not identified in court) who were in the van's cabin.

Van Zyl said he was looking at Mr Lategan who was demonstrating how his motorcycle had been damaged in a collision

When he looked to his front again, he was already on the railway line and noticed a moving locomotive to his right. He had not noticed road signs at the crossing

It had been raining softly but he had had an unrestricted view. He said he had been travelling between 50 and 60 kilometres an hour

Van Zyl was given until May 1, 1986, to pay the fine in monthly instalments of R150. He is a first offender.

It was submitted in mitigation of sentence that he was seriously injured and unconscious for a week after the collision. He could only get about by means of crutches — Sapa

253 Poet v Prison boss

SOUTH AFRICA'S top public servant and the country's most famous exiled poet have become involved in a remarkable biff-and-bat over democracy.

Breyten Breytenbach, jailed for nine years for terrorism, has accused the Secretary-General of the State President's Office, Dr Jannie Roux, of being a fanatic. And Dr Roux has rejected Mr Breytenbach's charges outright.

The bizarre rumble stems from the period when Mr Breytenbach was serving time in Zonderwater Prison, and Dr Roux — an ambitious young Prison's Service officer — was a deputy commissioner of prisons.

In his recently published book, "The True Confessions of an Albino Terrorist", Mr Breytenbach refers to the then General Roux as "Master Basie" and has harsh words to say about his political philosophes and psychological methods.

This month's edition of the PFP mouthpiece Deurbraak highlights Mr Breytenbach's claims and says it gives chilling insight into a man in a most influential position.

Mr Breytenbach describes "Master Basie" as a "short, fat, bald, fanatic wearing glasses but quite young still". The ambitious young officer was earmarked for the highest offices in the Prison's Services.

General Roux was the instigator of what the prisoners called



Breyten Breytenbach... exiled poet

Bizarre
Echo of
Breyten's
term as
a convict

Dr Jannie Roux... rejects charges



By BRIAN POTTINGER

"Psycho-City" — a special wing for psychopathic prisoners at Zonderwater Prison

Mr Breytenbach claimed the prisoners had no privileges and were treated with Pavlovian techniques that had them standing up and cheering when the opposing side scored a goal — "very unnatural behaviour for any prisoner, let alone the psychopaths". Mr Breytenbach said he be-

lieved Dr Roux was intrigued by him and perhaps he wanted to communicate

Beliefs

The last time the general and the poet met, according to Mr Breytenbach, was at a late-night meeting at Pollsmoor Prison when it was only himself and General Roux present

"Master Basie gave me a spine-chilling but quite coherent exposure of his own political beliefs. I should not say beliefs — maybe these were more in the way of reactions

"He was curiously needing to justify and defend his position although I had not said a word of we are living in a dramatic period of exceptional importance, having to face and combat extraordinary challenges, we cannot afford to be manacled by concepts such as 'democracy' or

Criticism

But yesterday, Dr Roux rejected Mr Breytenbach's claims although confirming he had spoken to Breytenbach a number of times as part of his routine duties as a prison official

"The representations of what I said are devoid of all truth. They do not reflect my thinking on democracy either then or now"

Dr Roux also rejected the criticism of "Psycho-City" and said although certain Pavlovian techniques were used, it was untrue to say they were strange. It was also untrue to say the prisoners were deprived of privileges

Prison

List of awards for jailed Mandela growing longer

(253) E. Post 11/10/84

NEW YORK — Nelson Mandela now has three honorary doctorates in law, many national decorations, citizenship and the freedom of many cities around the world

A document issued to coincide with the arrival of Archbishop Trevor Huddleston at the United Nations shows the jailed African National Congress leader has been awarded honorary doctorates by universities in New York state, Belgium and Lesotho

His wife Winnie has been awarded an honorary doctorate by a university in Philadelphia

Decorations awarded to Mandela range from the Simon Bolivar Prize for Liberation (which he shared with King Juan Carlos of Spain) and the Dr Bruno Kreisky award for Human Rights Efforts, to Cuba's Playa Giron award, India's Jawaharlal Nehru award for International Understanding, and East Germany's Star of

International Friendship

Among the cities of which he is an honorary citizen or freeman are Rome, Aberdeen and Glasgow

The document issued at UN headquarters discloses a host of other "Free Nelson Mandela" commemorations

Various civic gardens throughout Britain have been renamed "Mandela Gardens" Universities have renamed common rooms and halls after him and two universities apparently have "Mandela Bars"

In East Germany, an entire high school has been renamed the "Nelson Mandela School"

Archbishop Huddleston, president of the British Anti-apartheid Movement, says a long list "is growing every day" as he presses his international campaign for Mandela's release

Mandela has been in jail for 22 years — Sapa

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ITN stringer charged under Prisons Act

Staff Reporter

A CAPE TOWN-BASED International Television News (ITN) stringer-camera man, pleaded not guilty in the Magistrate's Court yesterday to two charges of contravening the Prisons Act by filming Pollsmoor Prison and Robben Island.

The State alleged that Clifford Noel Bestall, 36, of Gordon Street, Gardens, had filmed the prison and island without

authority from the Commissioner of Prisons. The court had an in-loco visit to the SABC in Green Point yesterday to view the films.

Mr Bestall told the court in evidence that after returning from filming the Berg River Canoe Marathon on July 16 last year, he had gone to Signal Hill to film Robben Island and then to the top of Ou Kaapse Weg to film Pollsmoor Prison.

He was acting on a request from the ITN agency in Johannesburg to get film of Robben Island and Pollsmoor Prison for footage to be used in an ITN news broadcast in London to commemorate the imprisoned Nelson Mandela's birthday.

Immediately after filming the prisons he had gone to D F Malan Airport and airfreighted the two films to the ITN agency in Johannesburg. The following day, a

Sunday, they had been sent to the SABC for processing and transfer on to video.

The SABC had alerted the police, who had confiscated the films.

Mr Bestall said in evidence that he had known permission had to be granted by the Prisons Department, but had presumed this was the ITN agency's responsibility.

He had used his own discretion in deciding what to film and had

filmed Robben Island and Pollsmoor in relation to its residential surroundings, leaving it up to the editors of the film to choose what they had wanted to use.

The Southern Africa correspondent for ITN, Mr Peter Sharp, who is based in Johannesburg, said in evidence that he had informed Mr Bestall of the London office's request for film of the prisons two weeks before the time when the film would

be needed, but said he would confirm this and give Mr Bestall the go-ahead closer to the time.

Mr Sharp said that unfortunately a few days before confirming with Mr Bestall that he should go ahead with the filming, he himself had had to travel to Zimbabwe to report on a "big story which was breaking in Matabeleland".

He had handed over the running of the agency to Mr Michael Hanna, who

had been employed with the agency for only a short time, briefly telling him about the Mandela story but neglecting to remind him to get permission for the filming.

Judgment will be delivered on October 26 and Mr Bestall was warned to appear.

Mr D A Duraan was the magistrate Mr W C Viljoen prosecuted. Mr D Kuny, SC, assisted by Mr D Uys of Bell, Dewar and Hall of Johannesburg, represented Mr Bestall.

Mr Cliff side th Cou

11 children in jail because parents cannot be traced

253

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Staw 18/10/84

Eleven mourners under the age of 18 have been in jail in Vereeniging for almost a month because their parents cannot be traced, lawyers say

They were among 584 people arrested at a funeral in September. Many children and teenagers were released without charge into the custody of their parents at the instruction of the Attor-

ney-General

But those whose families could not be traced were still in custody, lawyers said this week, as the condition of parental custody could not be met

They appealed for parents whose children had disappeared to contact church leaders who would help them ascertain whether their youngsters

were among those in the cells

A spokesman for the West Rand Police Division, which controls the Vereeniging area, has confirmed the youths are still in police custody

● Concerned parents should contact Father Edward Lennon at the Catholic Church in Sebokeng Zone 14. Phone (016) 37-1621

178 wait in the shadow of the noose

Hangings reach 97 this year

Pretoria Bureau

Ninety-seven people have been executed at Pretoria Central Prison so far this year

A total of 178 people, the overwhelming majority of them black, are now on death row awaiting the outcome of appeals or pleas to the State President for clemency

Between January and June this year 62 people were hanged. During the same period last year 45 people were sent to the gallows.

By August this year, 76 people had been executed and there were 178 people on death row.

Among those executed this year was strychnine poisoner, Gabriel Ernst Kriel (42), who was sentenced to death in 1982 for the murder of a servant woman on his Na-boomspruit farm.

Those who wait in the shadow of the hangman's noose include Hannes Theron, a Keimoes farm-

er and former police reservist sentenced to death in March last year for the "merciless" killing of a former senator, Dr A J Visser.

Also on death row is Benjamin Moloise, sentenced to death for the murder of a Mamelodi security policeman.

He was found to have lived and associated with a known African National Congress (ANC) insurgent.

Philip Khehla Magoso (31), dubbed the "Pantihose killer", was sentenced by the Maritzburg Supreme Court to death five times for murdering five women, whom he also raped.

Vincent Stuurman and former Transvaal middleweight boxing champion, Cameron "Kangaroo" Adams, have been granted several 11th hour stays of execution, pending the outcome of appeals to the State President.

John Verity received

the double death sentence for killing his wife and seven-year-old daughter.

The majority of people are sentenced to death for murder, but there are eight other crimes that carry the death sentence.

They are rape, kidnapping, treason, child stealing, robbery with aggravating circumstances, housebreaking with aggravating circumstances and attempted robbery or housebreaking with aggravating circumstances.

The imposition of the death sentence is at the discretion of the judge, except where an accused is convicted of murder without extenuating circumstances.

This carries a mandatory death sentence.

There are two exceptions to this rule, one being the case of a woman found guilty of murdering her newborn child and the other that of an offender under the age of 18 years.

253
Staw

29/10/84

253
Prisoner 'not on
hunger strike' 24/10/84

Staff Reporter

A CATEGORICAL denial by the South African Prisons Service that a Pollsmoor prisoner awaiting trial, Mr Trevor Wentzel, was on a hunger strike, was inadvertently omitted by the Cape Times yesterday.

The original report, giving Mr Wentzel's wife as the source of the reported hunger-strike, quoted a spokesman for the liaison office of the Prisons Service as saying that the hunger strike claim was "devoid of all truth".

In the process of compression of the report in

sub-editing, the Prisons Service denial was left out, which is regretted.

Seeking to verify the facts, the Cape Times approached the Prisons Service for comment concerning Mr Wentzel, chairman of the Ravensmead Youth Organization (Rayso), on three occasions during the past week.

Mr Wentzel has been charged with terrorism, alternatively arson, following the petrol-bomb attack on the home of House of Representatives candidate Mr John "Hansie" Christians on August 22.

In reply to the first approach by the Cape Times on October 18 after a claim that Mr Wentzel had been on a hunger strike since October 16, the Prisons Service said:

"It is confirmed that prisoner Trevor Wentzel is awaiting trial at the Pollsmoor Prison and that he has already appeared in court on more than one occasion. It is denied that he is refusing to take his meals. The allegation that he is on a so-called "hunger strike" is therefore not true."

The Prisons Service repeated this statement when the Cape Times approached the spokesman for a second time on October 21.

Approached again on October 22, the Prisons Service said: "The allegations that the awaiting-trial prisoner Trevor Wentzel is refusing to take his meals is devoid of all truth."

Yesterday the service said that at no stage had Mr Wentzel refused to eat, and "he had his ordinary meal this morning".

25/10/84 (28) D. Aspath
Support for death row view

JOHANNESBURG. — Lawyers for Human Rights yesterday backed a judge who said two men had been sitting on death row for too long

The chairman of the organisation, Mr Jules Browde, said this was but one of the reasons why he was opposed to the death penalty

In refusing leave to appeal to Cameron "Kangaroo" Adams and his gang mate Vincent Stuurman, Mr Justice D.

J Curlewis said he believed it "completely wrong that a person sentenced to death should stay one minute longer than necessary in the death cell"

The men have spent two years and eight months in death row while attempts have been made to save them from the gallows

Mr Justice Curlewis said the role of the Department of Justice in allowing the matter to

"drag on and on was very disturbing"

Mr Browde said he believed the death sentence to be "completely inconsistent with the norms of civilised society"

He added, however, that while the death sentence was accepted procedure, he believed any length of stay in death row would be worthwhile should there be "any chance of reprieve" — DDC

Prisons ⁽²⁵³⁾ Act: Man ^{C-Timo} fined R300 ^{27/10/84}

Staff Reporter

A CAPE TOWN-based Independent Television News (ITN) producer was yesterday fined R300 (or 100 days) in the Magistrate's Court on two counts of contravening the Prisons Act by filming Pollsmoor Prison and Robben Island.

Clifford Noel Bestall, 36, of Gordon Street, Gardens, previously pleaded not guilty to two charges of filming the prisons without authority from the Commissioner of Prisons.

Bestall, a stringer-cameraman at the time, said that after he had returned from filming the Berg River Canoe Marathon on July 16 last year, he had gone to Signal Hill to film Robben Island and then to the top of Ou Kaapse Weg to film Pollsmoor Prison.

He had acted on a request of the ITN agency in Johannesburg to get film of Robben Island and Pollsmoor Prison for

footage to be used in an ITN broadcast in London to commemorate Nelson Mandela's birthday.

He had acted on the assumption that the agency's Southern African correspondent, Mr Peter Sharp, had obtained the necessary clearance.

Immediately after filming the prisons he had airfreighted the two films to the agency in Johannesburg who had sent the film to the SABC for processing and transfer on to video. The SABC alerted the police, who confiscated the films.

The magistrate, Mr R A Duraan, said Bestall had not acted as a reasonable man and the State had proved his negligence beyond reasonable doubt.

In mitigation of sentence, Mr D Kuy, SC, for Bestall, said his client had filmed from public places and there had been no question of subterfuge or secrecy or actions of an underhand nature. The conviction was of a highly technical nature and should be attached to the agency.

The prosecutor, Mr W C Viljoen asked that the court impose a "stiff fine".

"The attention of this film was not personal, but it was intended to be broadcast. Secondly it was of a political nature. A stiff sentence in this case would make other pressmen aware that they must be more careful."

Passing sentence, Mr Duraan said it was clear that the legislature had put the duty on the person filming to obtain the necessary permission.

He ordered that the films be forfeited to the State.

Mr Kuy, assisted by Mr D Uys, instructed by Bell, Dewar and Hall of Johannesburg, appeared for Bestall.

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Sisulu and ANC men may go free

28/10/74
253
S. Star
Carolyn Dempster

LEADERS of the "old-guard" ANC — including Walter Sisulu — may soon be freed.

This is revealed in an interview published in the latest issue of the quarterly publication Leadership SA, by Minister of Law and Order Mr Louis le Grange.

Mr Le Grange says that attention is presently being given to the position of some of these men — sentenced to life imprisonment in 1963 — primarily because of their advanced age.

"We are having a good look at the whole spectrum, what their health is like, what the influence is that they may still exert, in what sense are they still regarded as leaders by their own people."

"I think of men like Mr Walter Sisulu or Mr Govan Mbeki who are already about 70 or over 70."

"Some of these people may today be a spent force. In that sense we must ask ourselves seriously if they should still be kept in prison."

The Minister cautions that his comments should not be seen as the basis for hope of imminent release.

"If you ask me if there are still any good reasons to imprison some of the old guard then I say 'yes'. On the other hand, I can assure you that we consider their position from time to time."

However, the situation regarding imprisoned ANC leader Nelson Mandela would have to be regarded in a different light, says Mr le Grange.

"He is a person of about 64 who is enjoying good health... and he is regarded by many blacks in South Africa — blacks who favour the viewpoints expressed by the old ANC and other organisations — as their leader."

"I think he is a man of influence. So one can't discuss the position of Nelson Mandela simultaneously with the position of some of the other men who are already elderly, and who are definitely not in the same leader category as Mandela himself."

He adds in the interview that the government is still as determined as ever to wipe out any form of militant operation in South Africa.

"As long as the ANC operates as a militant organisation, we will hit them as hard as we can."

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Govt: Mandela case is different

Political Staff

NELSON Mandela, the jailed leader of the African National Congress, is not a South African citizen — he is a Transkeian.

The Minister of Law and Order, Mr Louis le Grange, said this in an interview in which he discussed the possibility of the releasing of ANC prisoners serving life sentences

Mr Le Grange told Leadership SA that Mandela "is, of course, a Transkei citizen — he is a Xhosa from Transkei."

"He is also a member of one of the well-known Transkeian families"

He said the position of Mandela was different from some of the other prisoners, who were already elderly and "who are definitely not in the same leadership category as Mandela himself"

"But that does not mean that the government does not also consider his position"

"It has been done in the past, and his position will be considered on a regular basis in the future," he said

In Mandela's case, the government of Transkei would have to be considered "in any developments or any decision that we would like to take"

When it was suggested that Mandela's relative, President Kaiser Matanzima, might not be happy to see him in Transkei, Mr Le Grange replied "I wouldn't really say that. But we will definitely consider him. If we want to make any move in respect of Nelson Mandela, we will definitely consider the President of Transkei beforehand"

(Report by B. Streek, 77 Burg Street, Cape Town)

Govt to release ANC old guard?

By BARRY STREEK

THE possible release of "old guard" African National Congress leaders from prison was being considered by the government, the Minister of Law and Order, Mr Louis le Grange, has said in an interview

But who are the "old guard"?

The most famous is undoubtedly the ANC's leader, Nelson Mandela, who turned 66 in July

Rivonia

Mandela was already in jail — for leaving South Africa without a passport and inciting people to strike — when his other colleagues in Umkonto we Sizwe (Spear of the Nation), the ANC's military wing, were arrested at Rivonia in July 1963

Mr Le Grange mentioned Walter Sisulu, former secretary-general of the ANC, who is now 72, and Govan Mbeki, former Eastern Cape organizer of the banned organization, who is now 74.

Other members of the "old guard" who are serving life sentences are Raymond Mhlaba, now 64; Denis Goldberg, 51, Ahmed Kathrada, 55, Elias Motsoaledi, 60, and Andrew Mlangeni, 58

Life sentences

At present, five of them — Mandela, Sisulu, Mlangeni, Mhlaba and Kathrada — who were sentenced to life imprisonment on June 12, 1964, are in Pollsmoor Prison in Cape Town

Denis Goldberg is held in Pretoria Central Prison and the others are on Robben Island

Nelson Mandela has been widely honoured outside South Africa — he has had a street named after him in London, a bust of him has been erected in Dublin, a square has been named after him in Amsterdam, he has been given honorary citizenship of Rome and he has been granted numerous honorary doctorates and awards

'Influence'

In the interview in Leadership SA, Mr Le Grange admitted that Mandela was regarded by many black people as their leader and "he is a man of influence"

When the United Democratic Front (UDF) was formed in August last year, Mandela was the first person to be nominated as an honorary patron

But the government has been unmoved by this status at home or abroad

Mr P W Botha made it clear last year that he would ignore the campaign calling for Mandela's release and Mr Le Grange said Mandela's position could not be considered in the same category as the other men "who are already elderly"

Royal family

Nelson Rolihlahla Mandela was born into the Tembu royal family on July 18, 1918, and is, according to custom, the uncle of Paramount Chief Kaiser Matanzima, president of Transkei

But at Fort Hare University Mandela renounced his tribal link, and was suspended in his third year in 1940 — along with the president of the exiled ANC, Oliver

Tambo — after a protest

From then, on Mandela was actively involved in the ANC, which he joined in 1944, and became a key figure in the ANC Youth League, which urged greater militancy in the organization

During the Defiance Campaign of 1952, in which 8 500 people deliberately broke apartheid laws, he had his first brush with the law, receiving a nine-month sentence

Banned

During that year, he was elected Transvaal leader of the ANC and was promptly banned and ordered by the government to resign from the organization

But he continued to be active and played a role in the adoption of the Freedom Charter in 1955. A year later, he was among the 156 people charged with treason. They were acquitted five years later

When his banning order expired in 1961, a year after the ANC was banned, Mandela again became active and was the leading speaker at the All-in Africa Conference held in Maritzburg to oppose the "whites only" republic which was formed in that year. After this he went underground, travelled extensively throughout South Africa and the rest of the world

'Black Pimpernel'

He also became known as the "Black Pimpernel" as he eluded capture by the security police

During this period he organized and was appointed commander of Umkonto we Sizwe, but after 18 months of underground activity he was arrested in Natal and received a prison sentence of five years

In 1963, the ANC hide-out in Rivonia was discovered and along with seven other people he was sentenced to life imprisonment

Today, Mandela is studying for a doctorate by correspondence

One visit

He is allowed one outside visit a month, often by his wife, Winnie, a political figure in her right, who is banished to the Free State town of Brandfort

Walter Max Ulyate Sisulu was a founder of the Youth League and secretary-general of the ANC from 1949 to 1954

He was born in 1912 at Engcobo in Transkei, which he left in 1929 to work as a labourer in the Transvaal. He joined the ANC in 1940

He was one of the planners of the Defiance Campaign and was tried twice for his involvement, receiving a nine-month suspended sentence in 1952

Two years later, he was banned and ordered to resign from the ANC

Like Mandela, Sisulu was charged in the 1956 treason trial

Sisulu was convicted of furthering the aims of the ANC in 1963, but was released from jail, pending appeal. He disappeared and was rearrested at Rivonia

His wife Albertina is one of the three presidents of the UDF, and his son Zwelake, who is in the United States on a

Nieman scholarship, is a former president of the Media Workers' Association of South Africa (Mwasa).

Govan Archibald Mvunyelina Mbeki was born in Transkei in 1910, the son of a relatively prosperous cattle owner

Fort Hare

With a scholarship from the Transkei Bunga, he went to Fort Hare, obtaining a BA and a diploma in education

He then earned a B Ed in Social Studies in 1940 through Unisa

He has written two books, Transkei in the Making (1939) and South Africa the Peasants' Revolt (1964)

He taught after leaving university, but was dismissed for engaging in politics. He then opened a store in Idutywa and was elected for a four-year term to the Bunga

He eventually became editor of New Age and was active in the ANC in Port Elizabeth

Detained

He was banned and then detained during the 1960 Emergency

He was detained in solitary confinement in 1962, charged under the Explosives Act, but was acquitted

He immediately went underground and was rearrested at Rivonia

His son Thabo is a key figure in the exiled ANC movement

Raymond M Mhlaba, who was born in Fort Beaufort in 1920, was an active trade unionist in Port Elizabeth where he joined the Communist Party in 1943 and the ANC a year later.

'Europeans only'

He was arrested during the Defiance Campaign for leading a group of people through a "Europeans only" entrance to the New Brighton station. He was rearrested at Rivonia

Dennis Goldberg, who was born in 1933, was active in the Congress of Democrats in Cape Town. He was convicted at the Rivonia trial

Ahmed Mohamed Kathrada, who was born in 1929 in the Western Transvaal, received his first jail sentence at the age of 17 for civil disobedience

He was involved in the Defiance Campaign and was charged with treason in 1956

House arrest

After being placed under house arrest in 1962, he disappeared and was rearrested at Rivonia

Elias Mathope Motsoaledi, who was born in 1924 near Middelburg in the Transvaal, was an active trade unionist, becoming a key figure in the South Africa Congress of Trade Unions (Sactu) and a member of the Communist Party as well as the ANC.

He was first banned in 1952 and later detained for three months during the 1960 emergency and then in 1963 under the 90-day law, and was jailed at the Rivonia trial

Andrew Mokete Mlangeni, who was born in Johannesburg in 1926, joined the Youth League in 1951 and was ANC regional secretary in the Johannesburg area between 1958 and 1960

Mlangeni was arrested in the Rivonia raid in 1963

Solidarity calls for ANC leaders' release

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Down Correspondent *sfu* 1/11/84

DURBAN — Solidarity, the official opposition in the House of Delegates, has called on the Government to release the jailed ANC leaders — Nelson Mandela, Walter Sisulu and Govan Mbeki

Solidarity law and order spokesman Mr Mao Rajab was responding today to an interview in the magazine, *Leadership SA*, in which the Minister of Law and Order, Mr Louis le Grange, said

there was a possibility that some of the jailed leaders may be released

Mr Rajab said the ANC leaders had been imprisoned for more than 20 years.

"Whatever their offences, they have paid a penalty far more than South African law usually exacts from a prisoner," he said

The release of the men would have a great effect on public opinion throughout the world

"They could also help bring about peace in South Africa," he said

#A 253 103
No negotiations to
release Mandela
says Chief George
D. Dapatch
6/11/84

EAST LONDON. — Transkei was not negotiating with South Africa for the release of ANC leader Nelson Mandela, the Prime Minister of Transkei, Chief George Matanzima, said yesterday

"The matter was discussed some time ago, but there are no talks at the moment," he said.

The question of Mandela's release was raised in a recent interview with the Minister of Law and Order, Mr Louis le Grange, who said the

government was considering the continued detention of the ANC "old guard"

In the interview in the magazine, Leadership SA, the minister said Mandela was still "a man of influence" and that he was a Transkeian citizen

Mr. Le Grange said Mandela was a member of "a well-known" Transkeian family and Transkei would be consulted if the government made a decision about his continued imprisonment.

Asked if Mandela was a Transkeian citizen, Chief Matanzima said "He was born here in Transkei, but citizenship is a restrictive term"

Chief Matanzima said Mandela was his uncle according to tribal custom

Asked if Mandela would be restricted should he be released and sent to Transkei, the prime minister said he would not answer "hypothetical questions" — DDR

CAPL T.M.S 17/11/80

Farmer, warders fined for assault

Staff Reporter

A FARMER and two prison warders were found guilty in the Bellville Regional Magistrate's court yesterday of assaulting a paroled prison labourer with intent to do him grievous bodily harm

Cornelis J J Agenbag, 56, of Afsaal farm in Vanrhynsdorp, and sergeants Frederick Smit, 32, and Daniel van Rhyn, 45, were each fined R1 000 (or 100 days) and given four-month prison sentences suspended for four years on condition that in this time they were not found guilty of assault with intent to do grievous bodily harm

All three had beaten parolee labourer Willem Albert, 20, in separate incidents on either March 31 or April 4 last year, the court found. Albert died in hospital almost two weeks later

The magistrate, Mr I S C van Graan, said the charge of culpable homicide had not been established beyond reasonable doubt

"The cause of death could not be determined, but it was 'compatible with multiple injuries and the consequences thereof,'" he said, quoting the pathologist's report

"It could not be determined which of the assaults, if any, caused his (Albert's) death," he said "There was no common intent in the assaults."

In finding that the men did have the intent to do grievous bodily harm, Mr Van Graan said the court had to take into account that the deceased was very small. He said Albert was 1,54 metres tall, weighed 36kg and "had the body build of a child"

Mr Agenbag was prevented by court order from making further use of prison labourers or parolees. In sentencing the two warders, the court took into account the "disadvantageous consequences" their conviction would have

Colonel M C van Tonder of the Department of Prisons had said in mitigating evidence that those who were found to have assaulted prisoners were usually dismissed, as a matter of policy. A departmental investigation was under way

Mr G Rossouw appeared for the State. Mr R van Riet, instructed by the State Attorney's office, appeared for sergeants Smit and Van Rhyn. Mr A J Burger appeared for Mr Agenbag

Fined warders not dismissed

By Andrew Beattie,
Pretoria Bureau

STAR 253
20/11/84

Two prison warders who were last week fined R1 000 each for beating a convict to death have not been dismissed, but have been "transferred to other institutions", a spokesman for the SA Prisons Service said yesterday.

Sergeants Frederick Smit and Daniel van Rhyen, both of the Department of Prisons, and a farmer, Mr Cornelis J J Agenbag (45), of Vanrhynsdorp in the North-Western Cape, were convicted in the Bellville Regional Court on Friday.

The three men were each fined R1 000 (or 100 days) and sentenced to four months' imprisonment, suspended for four years, for repeatedly assaulting a prisoner, Willem Alberts (20), over a period of five days last year.

All three denied charges of culpable homicide.

The magistrate, Mr J van Graan, heard that between March 31 and April 4 last year the men had separately kicked and punched the prisoner and had beaten him with a stick and a baton.

The court's finding was that although the sum total of the assaults had caused the prisoner's death, it could not be proved beyond doubt that the offence amounted to culpable homicide. The exact cause of the prisoner's death could not be established and it could not be determined exactly which assaults had caused his death.

The prisoner had been beaten after Mr Agenbag had complained that he was lazy and rendered service of a low quality, the court heard.

"The customary departmental inquiry into the actions of the two prison warders was being instituted," the spokesman said.

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Work camps for rioters— HNP paper

PRETORIA — The Herstigte Nasionale Party mouthpiece, *Die Afrikaner*, has proposed that black rioters be sent to labour camps as a solution to the current unrest.

Die Afrikaner says its own investigation indicated that many rioters were involved in the unrest because "they had too much free time on hand." Labour camps could end "this boredom of blacks."

The newspaper says the country can no longer afford the loss of property, life and labour caused by unrest and adds that rioters could, with great success, be sent to labour camps "for a number of years."

The newspaper's editor, Mr Z B du Toit, declined to comment when asked for more details on the proposed camps. He also declined to comment on a comparison between the proposed camps and Hitler's labour camps.

The newspaper also called for a paramilitary unit under the Commissioner of Police to deal with unrest. — Sapa.

No comment on leg iron allegations

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Stou
6/12/84

The Prisons Service today declined to confirm or deny allegations that a hospitalised detainee was being kept in leg irons

Last night Mr Trevor Manuels, acting general secretary of the United Democratic Front, told a public meeting in Mayfair that he had seen Mr Popo Molefe in hospital and that he was being kept in leg irons. He added that when the guard had to go to the toilet Mr Molefe was handcuffed to the bed.

Mr Molefe, a UDF official, is being held under Section 28 of the Internal Security Act. He was recently admitted to the Florence Nightingale Hospital with a lung infection.

"It is the Prisons Service policy not to comment on details concerning the treatment or circumstances of individual prisoners," said Brigadier J.C. van Zyl of the Prisons Service.

He said the Prisons Service was responsible for safe custody of a prisoner or detainee.

"It is extremely difficult to maintain a proper balance between the requirement to maintain security on the one hand, and the human factor on the other hand. It therefore seems that there are certain realities in this regard which the public simply has to live with," said Brigadier van Zyl.

At last night's meeting Mr Manuels also claimed that the police and SADF had killed 170 people since August.

A police spokesman in Pretoria described the claim as "absurd".

"The total number of people killed in the unrest now stands at 93. It is not possible for people to be shot dead in police action without there being a record of it," the spokesman said.

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Courts urged to help keep kids out of jail

By CHRIS FREIMOND
Political Correspondent

THE courts could do more to reduce the number of children sent to prison in South Africa, according to a study released this week by the Institute of Criminology at the University of Cape Town.

The study, "Children in Prison in South Africa", by the director of the Institute, Professor Dirk van Zyl Smit, and Ms Fiona McLachlan, was commissioned by the Swiss-based Defence for Children International.

It examined the plight of children under the age of 18 in prison as convicts, as awaiting-trial prisoners, or in prison with their convicted or awaiting-trial mothers.

The report submitted that many children convicted or awaiting trial in prison would be more suitably dealt with by the courts as being "in need of care" in terms of the Children's Act.

Courts had the power to do deal with children in this way in terms of the Criminal Procedures Act and as a result the child would be removed from the criminal justice system and no criminal conviction would be recorded, the report stated.

Many children who appeared in criminal courts came from emotionally and financially deprived backgrounds and were "in need of care", but were in practice not receiving the necessary protection.

In many cases presiding officers were unaware that a child was "in need of care" because the necessary facts were not reflected in evidence or police records. Probation services were also seldom used.

The report quoted replies to questions in Parliament which showed that on March 19 this year there were 403 sentenced juveniles in prison and 570 unsentenced, of whom 98,7% and 97% respectively were black.

Of those sentenced, 54,6% had committed "economic" crimes, 39,7% "violent" crimes and 5,7% "other" crimes.

The report stated that a survey in 1981 showed that 70,6% of juvenile convictions were for theft. About 94% of them were black.

The report included interviews with former child prisoners. Some said they were at times incarcerated with hardened adult prisoners and alleged they were assaulted, raped and abused by the older prisoners.

The wide-ranging restrictions of the Prisons Act make it difficult for details of the interviews to be published.

In a preface to the report, Prof Smit said he hoped the work would provide the basis for a reduction and eventually the total exclusion of juveniles from the adult prison system.

A spokesman for the Department of Justice in Pretoria said the report would have to be studied before comment could be made.

SAFETY Times 20/12/84
Safety
of jailed
children
causes
concern

By BARRY STREEK

A WIDE-RANGING University of Cape Town study into the jailing of children in South Africa has found there is "little real protection to children in the criminal justice system"

It says the potential consequences for child political offenders are "disturbing" and that adult prisons, where most juveniles are held, are "unsuitable for the detention of children"

The study also found that 97 percent of juvenile prisoners are black (coloured, Indian and African)

It was written by a Johannesburg attorney, Ms Fiona McLachlan, and Professor Dirk Van Zyl Smit, the director of UCT's Institute of Criminology, which published the report

Praised

In the study, which was released this week, the prisons department was praised for its "greater openness"

It said the 1984 statistics for children in jail on a single day "show that there appears to have been a significant decline in the number of sentenced juveniles in particular"

"On the other hand there was an increase in the number of children admitted to prisons with their mothers"

The study said the detention of children in adult prisons was inevitably an emotive issue and prisons everywhere were "grim places"

"Especially horrifying are large bare cells designed for adults but filled with juveniles"

The report said juveniles sent to prison "are introduced to prison gangs, whether it be in the cells with awaiting-trial inmates or as sentenced prisoners"

It also said "Children are not granted any special protection in terms of security legislation"

● The chief liaison officer of the South African Prisons Services, Brigadier E C van Zyl, said that although it was the ideal to incarcerate young offenders in separate institutions, where this was not possible and they had to be kept in the same institution, the prison authorities tried at all times to keep children separate from adult prisoners.

'Contaminating'

Everything possible was done to prevent contaminating influence by hardened criminals

Prisoners serving sentences of two years and longer were subject to observation and after being classified according inter alia to the nature of the offence and the sentence imposed, they were transferred to other prisons, he said

This classification was to forestall contamination through negative influence and to keep them productive and, where possible, to provide vocational training for those with the necessary aptitude

● More reports, page 19

Juveniles: Call for prison reform

C.F. 20/12/84 253

FAR-REACHING reforms on the detention of children in South African prisons were called for yesterday by Professor Dirk Van Zyl Smit of the University of Cape Town. He said the age of criminal responsibility should be raised from seven to 14, urged the creation of special facilities for the detention of children and said mothers with infant children should not be jailed for technical offences such as pass laws.

Professor Van Zyl Smit, director of UCT's Institute of Criminology, was

commenting on the findings of a study, "Children in Prison in South Africa", written by Johannesburg attorney Fiona McLachlan and released yesterday.

The professor returned recently from the Detention of Children International conference in Florence, Italy, where the detention of children in adult prisons throughout the world was discussed and where he presented a paper on the study.

He said yesterday that there were three categories of children detained

in prisons — infants admitted with their mothers, unsentenced juveniles aged between 10 and 18 and sentenced juveniles. The solutions suggested for the detention in South Africa were being applied elsewhere in the world.

"Even in liberal countries like Holland and Germany, you will find juveniles in prisons, but not on the same scale as South Africa. One finds other countries very, very reluctant to sentence mothers with their children.

"It was noteworthy dur-

ing my visit to Pollsmoor that very many of the mothers with infants were being detained because of contraventions of the influx-control regulations, squatting and so on.

"While in terms of the daily prison population the percentage of influx offenders is relatively small, in terms of annual admissions they are a very significant element not sent to prison, a large part of the problem at this level would disappear."

He said additional places of safety, other

than prisons, should be provided for unsentenced juveniles.

"I believe that the prison authorities would welcome this. It is significant that 97 percent of the unsentenced juveniles in prison on March 19, 1984 were black (coloured, Asian and African). It would therefore appear that the institutions are desperately needed for suspected black juvenile offenders."

Professor Van Zyl Smit called for two major reforms for sentenced juvenile prisoners

He said the age of criminal responsibility should be raised considerably.

"A minimum age of at least 14 would be a desirable reform."

Another reform desirable was the creation of secure institutions for juveniles who had committed serious crimes.

"Such institutions should only be used for juveniles convicted of crimes such as murder, because closed institutions are not generally ideal for rehabilitation," Professor Van Zyl Smit said.

Child detention: Law examined

By BARRY STREEK

THE law did not encourage the police or the courts to find alternatives to detaining children in prison, a University of Cape Town study has concluded.

The choice of placing a child in the care of his or her custodian as an alternative to detention was a discretionary one "and may be affected by the police's desire or ability to find the custodian", Ms Fiona McLachlan, a Johannesburg attorney, said.

The study, "Children in Prison in South Africa", which has been published by UCT's Institute of Criminology, said it had found in earlier research that many children were kept in police custody even when the whereabouts of their parents were known or subsequently determined.

'Discretionary'

"Because the alternatives are discretionary, the (Criminal Procedure) Act does not encourage the police or court to find means other than detention to obtain the juvenile's presence at his/her trial," she said.

Although accused people had a right to legal advice from the time of arrest, there was no duty on the court to inform the accused of this fact.

The State did not provide free legal counsel to indigent accused, except for capital offences when pro Deo counsel was appointed, but accused people could apply for free legal aid.

Most juvenile accused would fulfil the requirements for free legal aid yet most had never heard of it.

"Many juvenile-accused are also unaware of their right to a lawyer. Even if they are, they do not contemplate engaging an attorney for fear of the expense.

"One can only speculate at the chances of a fair trial for a young child alone in court conducting his/her own defence within complex technical principles of the criminal procedure."

The Supreme Court had, however, tried to ameliorate the situation by stating that prosecutors had a duty to bring certain facts to the court's attention when the accused was a young child with no legal assistance, who relied on the prosecution for a fair trial.

Courts had to warn parents to attend proceedings provided they were in the

same magisterial district as the court and they could be traced without undue delay.

However, "if the legislature intended that a child appearing in court alone without either the presence or assistance of a parent to be the exceptional case, it has failed dramatically."

Ms McLachlan felt the law was inadequate because it provided easy, yet perfectly legal means of securing a child's attendance in court without his or her parents.

In one research, it was found that where the court was in a white area and the black residential areas fell outside the magisterial district, parents were absent in 85,2 percent of the cases involving children.

"It can therefore happen that race becomes a determining factor under such conditions.

"This situation is unsatisfactory for those children who need the legal assistance and/or moral support of their parents.

"It is also unsatisfactory for parents who need to know what is happening to their children.

"Parents are legally responsible for their children yet in South Africa a child as young as seven could be arrested, detained, tried, convicted and sentenced without his/her parents' knowledge.

"This is particularly disturbing in a system that provides little support and no compulsory legal representation for young accused."

'Place of safety'

The law provided important alternatives to pre-trial detention for juveniles. A child under 18 could be referred by the police or court to a place of safety or to the care of the person in whose custody he or she was.

"In practice these alternatives to detention may provide little relief to children.

"For many juveniles and their parents, bail is not feasible for financial reasons.

"The authorities may also have reason to believe that a young accused may not appear in court if given only a warning to appear or summons."

In rural areas referral to a place of safety was impractical or it meant a long journey.

INSIDE MAIL

Bringing up kids in a prison cell . . .

"I AM 28 years old and was arrested in 1981 and 1982 because I do not have a pass to live in Cape Town I was convicted in the commissioner's court.

"In 1981 I spent five weeks in prison, and in 1982 I spent four weeks in prison, plus paid a fine of R80 Both times I was arrested, two of my children accompanied me to gaol The third child stayed with friends

"The last time I went to prison, in 1982, my children were about four-years-old and two-years-old and neither was breastfed

"When the police arrested me, I was given no choice as to what to do with my children I was never taken to the Aid Centre or given any advice by anyone

"Both children were ill when I went to prison They were vomiting and had diarrhoea

"I was allowed to take them to the prison hospital, where I saw a nurse who gave them some medicine It was not the right medicine for their problems I saw no doctor

"There were many of us in the cell . . . about 30 or 40

"There were no benches in the cell and we were each given a mat and two blankets for sleeping We slept on the mat on the cold cement floor as there were no beds

"During the day we had

A report published this week by the Institute of Criminology at the University of Cape Town gave an insight into the conditions and treatment of children, and mothers with children, in South African prisons. Some were interviewed about their experiences. This is Irene's story . . .

to work in the prisons We had to clean our own cell, then scrub the walls and floors and clean the windows in the rest of the prison

"The children stayed with us all the time When I was busy cleaning floors and walls, I would tie the baby on my back and the older one would just stand next to me.

"Neither we nor the children ever went outside for exercise We spent all those weeks either inside our cell or working inside the prison

"The children were never supervised by anyone else nor did they ever spend time outside the prison with family or friends There were no toys or books for the children in our cell

"I had no visitors while in prison and received no food from outside The warders confiscated the food I took with me to prison I do not think friends were allowed to bring food or clothing

"I was given no change of clothing, either for myself or for the children, apart from one napkin for the baby which I had to give back when I left

"Early in the morning, at about 5am, we were woken and allowed to go to the bathrooms to wash We had a short time to wash ourselves, the babies and our clothes and ourselves. There was hot water.

"We always had to hurry because there were lots of people

"We would fasten blankets with a safety-pin around us while we washed our clothes and waited for them to dry. We had to hang them on the windows of our cells or spread them over the mats on the floor to dry.

"We were given no special clothes for the babies Children received the same food as us

"In the mornings we had mealie meal, skim milk, a little bread and black coffee with no sugar

"At lunchtime, we ate mealie rice, usually with a little meat We had vegetables once a week and no fruit at all

"In the evenings, we had porridge, mealie meal, coffee and a slice of dry bread, though sometimes it was spread with fat

"All our warders were women They were not very

nice to us, but they never harmed the children

"There were also a few awaiting trial prisoners in our cell, but they gave us no trouble and were nice to the children

"I think the time in prison was hard for the children The baby had bronchitis by the time I was released.

"We received far too little food and I need special baby food like Lactogen or Nestum for the baby If we asked for more food, it was refused We also needed more blankets"

Other women interviewed had similar experiences, according to the report

One who went to prison with twins told the authorities that one of the babies was ill It was admitted to hospital in Cape Town with measles

The second subsequently went to hospital with suspected measles, but was transferred to another hospital with a lung complication, possibly caused by the effects of tear gas

The woman complained that neither she nor her husband were notified of the child's transfer

A 16-year-old mother was imprisoned for four months, she had a one-week-old baby

According to the report, all the women interviewed intimated that they would rather have arranged for their children to be cared for by family or friends, but admitted under questioning that if the conditions had been better, they would have chosen to have the children with them

Prisons Dept response

INCLUDED in a lengthy response to the report this week (published fully in the Rand Daily Mail on Wednesday), the Prisons Department said it was the policy of the department to admit wholly dependent children to prisons with their mothers and to accommodate them at State expense for as long as it was considered to be physically and/or psychologically essential

All prisoners, as well as babies and older children, were physically examined by a doctor as soon as possible after admission and as often as necessary thereafter

Prison nurses routinely recorded the children's weight and were in daily contact with the younger children, helping the mothers with this care

Pretoria declares rabies alert

Pretoria Correspondent

Veterinary authorities have issued a rabies alert for eastern Pretoria after three dogs involved in a fight with a meercat had to be destroyed

Areas affected are Erasmusklouf, Waterkloof Glen, Waterkloof Glen Extensions 2 and 8, Constantia Park, Garfontein, Newlands, De Beers and Menlyn

Dog owners must have their animals inoculated next Thursday or Friday.

"There is no need to panic at this stage but all cats and dogs whose last rabies vaccination was more than a month ago must be treated," said Dr Chris Coetzee of the Directorate of Veterinary Services

Jail system has 'little protection for children'

CAPE TOWN — A University of Cape Town study into the jailing of children in South Africa has found that there is "little real protection to children in the criminal system"

The report, written by a Johannesburg attorney, Mrs Fiona McLachlan, and Professor Dirk van Zyl Smit, the director of UCT's Institute of Criminology, says the potential consequences for child political offenders are "disturbing", and that adult prisons, where most juveniles are held, are "unsuitable for the detention of children"

EMOTIVE ISSUE

The study praised the Prisons Department for its "greater openness"

It said the 1984 statistics for children in jail on a single day "show that there appears to have been a significant decline in the number of sentenced juveniles, in particular"

"On the other hand, there was an increase in the number of children admitted to prisons with their mothers"

The study said the detention of chil-

dren in adult prisons was inevitably an emotive issue and prisons everywhere were "grim places".

It said juveniles sent to prison are introduced to prison gangs, and "children are not granted any special protection in terms of security legislation"

The chief liaison officer of the South African Prisons Services, Brigadier EC Van Zyl, said that though it was the ideal to incarcerate young offenders in separate institutions, where this was not possible and they had to be kept in an adult institution, the prison authorities tried at all times to keep the two groups separate

He said everything possible was also done to prevent influence by hardened criminals

Prisoners serving sentences of two years and longer were subject to observation, and after being classified according to the nature of the offence and the sentence imposed, they were transferred to other prisons — Sapa

Went home for Christmas a year ago. Warzoly

West Rand

CAPE TOWN 21/12/84 (253)

Boys tell UCT survey of rape in prison cells

By BARRY STREEK

NINE teenage boys have told researchers from the University of Cape Town how they were forced to suffer degrading and violent treatment at the hands of older prisoners

The boys were interviewed in the study, "Children in Prison in South Africa", which has been published by UCT's Institute of Criminology. All nine came from "poor and emotionally deprived homes".

Peter, a 14-year-old from a poor coloured township, said he had been detained a cell with five other boys with gangsters who often fought.

"Sex is often forced on you and you have to obey, especially if that person is a member of one of the powerful gangs."

He alleged that the police "hit us often to make us give a statement."

"When we were taken to court in the police van and while we were in the gate ('hole' — the cell beneath the court) waiting to appear, we were thrown in with all the other criminals, adults too, and that's when they try to rob, assault and rape us," he said.

Dennis, 17 — who had never been to prison before — said he did not like the "boss" of the cell and when he refused

their sexual advances, he was told they "would make a woman of me."

"He was then apparently raped and later found himself in a hospital. He is now physically and mentally disabled."

He has since instituted action against the Minister of Police with the help of a private firm.

● The chief liaison officer of the SA Prison Service, Brigadier E C van Zyl, said that the service had not been approached for comment on the findings from research based on interviews with ex-prisoners whose statements had not been verified.

"It is the duty of the head of the prison to see every prisoner daily, to investigate complaints and requests submitted by prisoners and as far as possible, dispose thereof," he said.

Complaints, which the head of the prison is unable to deal with are submitted to the commanding officer. Furthermore, prison inspectors, magistrates and judges, visit prisons regularly.

"It must be pointed out that all sentences of corporal punishment are subject to review by the Supreme Court. Prisoners have the right to be presented by lawyers."

Nelson Mandela free in 1985?

CARE TRUSTS
27/11/84
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Own Correspondent
JOHANNESBURG — Although the Christmas amnesty for prisoners announced by the State President, Mr P W Botha, excluded leaders of the African National Congress (ANC), some observers believed the chances were strong that

the government would release Nelson Mandela next year

Mr Botha said 44 long-term prisoners, including two political prisoners, would be released by the end of the month in a special Christmas amnesty

According to a liaison

officer for the Department of Prisons, Brigadier Erika van Zyl, another 41 long-term prisoners will be released under the same amnesty in the coming two years

The amnesty will apply only to prisoners over 65 with specified prison terms which began after December 14 this year, and not to life-term prisoners such as Mandela

Two political prisoners are among the 44 who will be freed. They are aged 76 and 78 respectively and are serving terms of less than 10 years each

First-time offenders

The amnesty will apply only to first-time offenders who have served at least a quarter of their sentences and to other prisoners who have served at least a third of their terms

Brigadier Van Zyl said it was not the policy of the Prisons Department to give the names of those who would be granted amnesty

The amnesty is the first since the 20th anniversary of the Republic in 1981

Political offences

Brigadier Van Zyl said the crimes of the 85 long-term prisoners who would qualify for freedom ranged from political offences to theft and culpable homicide

There has been speculation in recent weeks that the government is preparing for direct talks with representatives of the ANC

Strong signs pointing to such a move have been noticed in National Party circles in the past month

Many observers believe that it will be virtually impossible for the government to negotiate with the organization without releasing some of its imprisoned leaders

Mandela was jailed for life in 1964

'Exciting era ahead for SA'

Own Correspondent
PRETORIA — South Africa was on the threshold of an exciting era of peace and prosperity for all its people, said the State President, Mr P W Botha, in his Christmas and New Year message.

Mr Botha said 1984 would be recorded by South African history as a year of meaningful constitutional development

He said the commencement of the Constitution represented a further step in the country's endeavour to create a just constitutional arrangement for all peoples and communities in the country

"The government is also committed to advance, in consultation with black communities and their leaders, their continued constitutional development," Mr Botha said

"This is essential to achieve co-operative co-existence"

Mr Botha said social stability and progress were prerequisites for internal peace and security

"Stability and progress will remain priorities in the planning of the future

"Where unrest and discontent is the result of deliberate attempts to create disorder for the sake of radical political gain, the government is determined to maintain law and order in a just



President Botha

and effective way," Mr Botha added

Deliberate attempts to disturb the peace and quiet in the country had been seen recently in the country, said Mr Botha

Order had been restored because of the diligence of the country's security services

Mr Botha expressed his and the government's "sincere appreciation" to the members of the South African Police and Defence Force for their devoted service and loyalty to the country and its peoples

"They have ensured that the Republic was at all times protected from internal and external attacks on our security"

Mr Botha said the country's task of fostering co-operation inside the country was made difficult by a Soviet-inspired hate campaign

Mandela 'no' to Transkei offer

CAPE TOWN 28/12/84 (253)

By BARRY STREEK

NELSON MANDELA, jailed leader of the African National Congress, has emphatically rejected a fifth attempt to have him released in Transkei.

According to reports in yesterday's Beeld and Burger newspapers, the offer to Mandela, who is serving a life sentence, was made to him by his nephew, Transkei's President Kaiser Matanzima.

President Matanzima has been involved in all

previous attempts to negotiate a deal for Nelson Mandela to be released in Transkei and they have all been rejected out of hand.

The latest offer, reportedly made by President Matanzima to Mrs Winnie Mandela, the ANC leader's wife, in Umtata last week, was conveyed to him in Pollsmoor Prison near Cape Town when she visited him this week.

A "sharply worded" letter rejecting the offer was written to President Matanzima by Mr Mandela, but according to the two newspapers, the South African Minister of Law and Order, Mr Louis le Grange, refused permission for the letter to be quoted.

Mr Le Grange was also reported to have refused to make any comment.

Yesterday, however, Department of Law and Order spokesmen declined any comment on the reports and said the matter was the responsibility of the Departments of Justice and Prisons.

A Department of Justice spokesman in turn referred inquiries to the Department of Prisons.

Statement

A Department of Prisons spokesman said a statement would be issued later.

Mr Mandela's lawyer, Mr Ismael Ayob, was in London and could not be contacted. Mr Ayob's partner, Mr Akber Ayob, was out of town and also could not be contacted.

However, in March when the last offer Mr Mandela to be released to Transkei was made, Mr Ayob said Mr Mandela rejected the homeland system and would not stay in any homeland in any circumstances.

"He would return to Johannesburg immediately," Mr Ayob said then.

The March offer also involved two other prominent ANC leaders in prison, Walter Sisulu and Govan Mbeki.

The latest offer was also reported yesterday to have involved other political prisoners — in-

cluding Sisulu and Mbeki — and that each would have been freed to "independent" homelands, where they would be free to move about.

Yesterday, Mrs Albertina Sisulu, Sisulu's wife, said she was unaware of any release offer to her husband, but her son Anthony was in Cape Town this week to visit his father. Mr Anthony Sisulu left Cape Town yesterday and Mrs Sisulu said "He may return with some news."

However, in March Mrs Sisulu said "They will have nothing to do with a release of this kind. They feel everyone, and not just the so-called Xhosa prisoners, should be released."

"They will also not agree to be restricted anywhere, because they believe they belong in South Africa as a whole."

On two previous occasions when offers to Mandela have been made, the South African Government has denied that his possible release had been under consideration.

But in a recent interview with Leadership SA, Mr Le Grange said his release had been considered in the past and "will be considered on a regular basis in the future."

He also said then that Mandela was a Transkeian citizen and because of this the Transkei Government and President Matanzima would have to be consulted in any developments or decisions.

● The Department of Prisons refused to comment yesterday on reports that Mandela had refused a renewed offer of release from prison to reside in the Transkei.

And President Matanzima denied that the offer was ever made.

President Matanzima said yesterday that he had been visited by Mrs Mandela last week, but this was to discuss family matters.

He said that if Mandela were to be released, he would always have a home in Transkei.

EX-ANC

stalwart

among 44

granted

amnesty

By KHULU SIBIYA

FORMER African National Congress member Martin Ramokgadi, 74, was released this week following State President P W Botha's Christmas Amnesty

Another unidentified political prisoner is among 43 long-termers due to be released by Monday

Mr Ramokgadi had served six years and eight months of his seven-year prison term

He spent 10 years on Robben Island previously

He was convicted in 1978 with six other ANC members in the mammoth Pretoria Palace of Justice trial which lasted 16 months

Mr Ramokgadi originally appeared with 12 others. Six were acquitted of charges under the Terrorism Act, including exiled journalist Joe Gqabi - who was later assassinated in Zimbabwe

Judge Myburgh said Mr Ramokgadi had given him the "greatest problem in determining what should be an appropriate sentence"

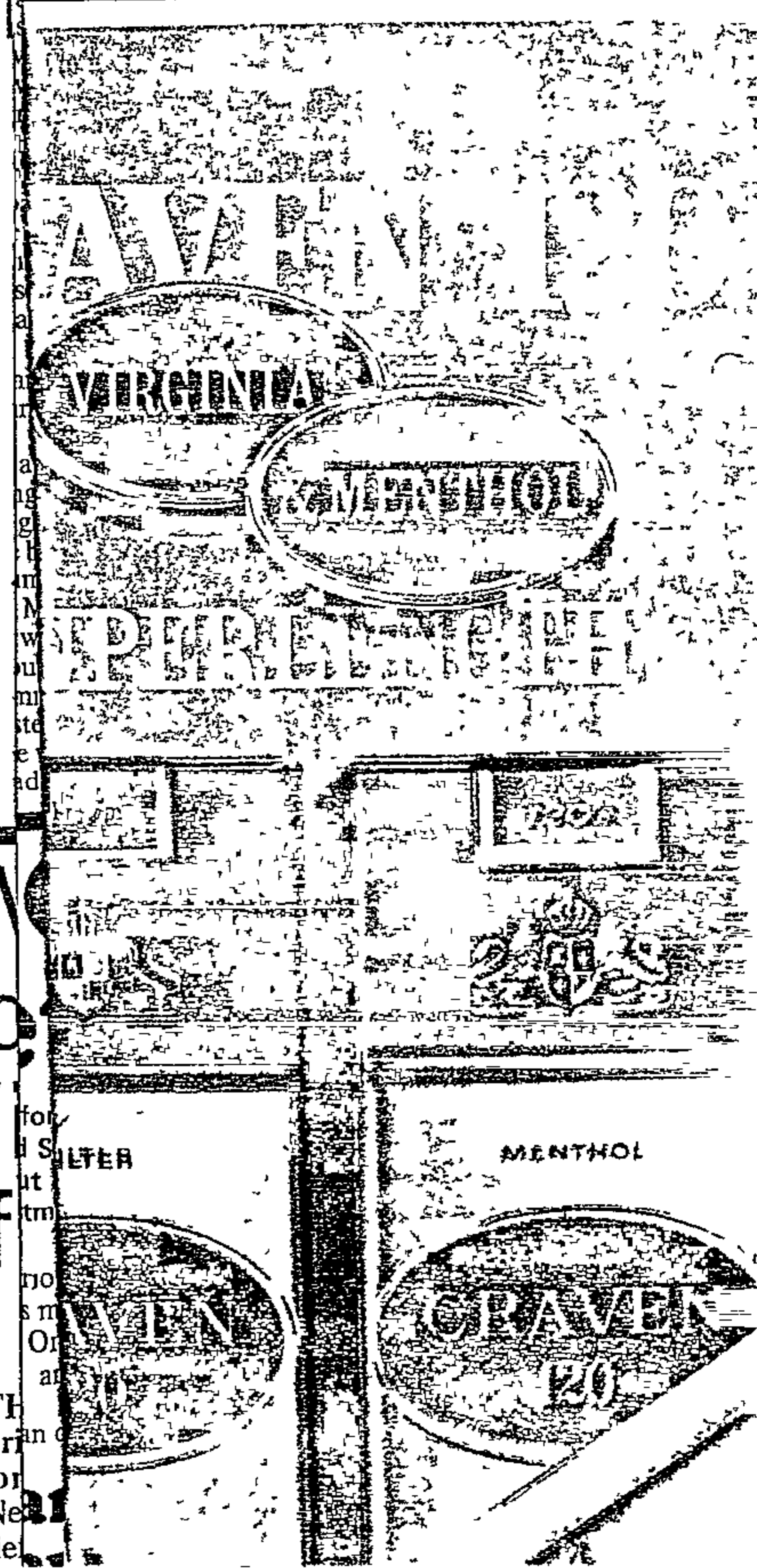
The Prison Department has declined to reveal the name of the other political prisoner. However, they said he is a 78-year-old man, who has served six years of his eight-year prison term

There is speculation that he could be Elias Motsoaledi of Mzimhlophe, Soweto

The United Democratic Front has described Mr Botha's Amnesty as a "well-orchestrated propaganda exercise to create favourable international publicity for the Government"



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an - Page 5



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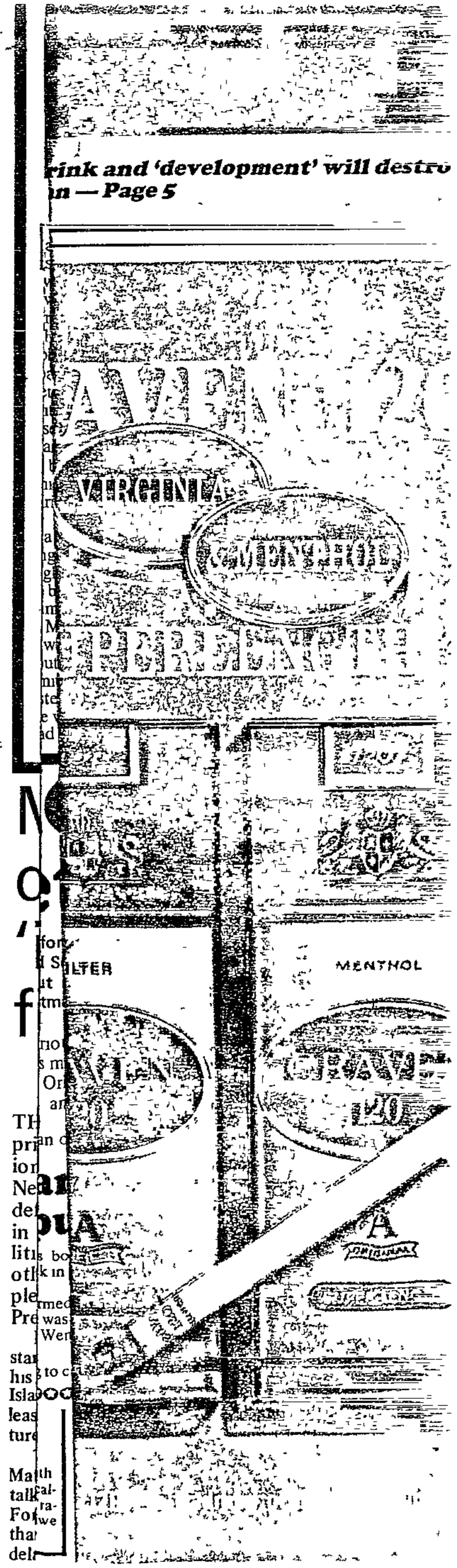
The United Democratic Front has described Mr Botha's Amnesty as a "well-orchestrated propaganda exercise to create favourable international publicity for the Government".

"The fact that there are only two political prisoners among the scores of common law prisoners being released, is proof that the Government has no intention of releasing political prisoners," said UDF general secretary Popo Molefe

He said the Government had no mercy for opponents of apartheid

Mercenary and jailed leader of the abortive Seychelles coup Mike Hoare is also due for release.

rink and 'development' will destroy
in — Page 5



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PUBLIC SECTOR-GOVT. - PRISONS

1985

(Top line nominal wages; lower line real wages in 1980 and current date: 12/84)

MOTOR VEHICLE BODY MINIMUM BASIC WEEKLY RATES

Job Title	1974	1975	3/76	7/77	11/78	6/79	7/80	7/81	8/82	11/83	10/84	Current	Real	% Change												
General Op	14.03	15.41	18.40	20.24	22.54	27.14	35.42	47.38	51.06	69.00	26.13	26.57	30.26	26.17	24.99	26.15	27.06	30.59	35.36	33.24	40.14	69.00	Current	Real	+50.8%	
Journeyman	63.48	63.48	63.48	76.36	76.36	76.36	76.36	100.28	120.52	144.44	144.44	166.06	118.21	109.45	104.41	108.62	94.27	88.58	99.98	104.08	107.79	94.04	96.60	Current	Real	-19.8%
Char	12.19	13.57	13.57	13.57	14.72	20.24	26.22	32.66	34.96	40.48	22.70	23.40	22.32	19.30	16.75	17.08	20.18	22.64	24.37	22.76	23.55	40.48	Current	Real	+1.8%	
Machine Setter	44.16	44.16	44.16	52.90	52.90	58.42	67.16	80.50	100.74	100.74	115.00	82.23	76.14	72.63	75.25	65.31	67.77	66.96	69.52	75.18	65.59	66.90	Current	Real	-20.1%	
Operative Gr BV	30.36	30.36	30.36	36.34	36.34	40.02	46.00	59.80	74.98	80.50	96.60	56.54	52.34	49.93	51.69	44.86	46.43	45.86	51.64	55.96	52.41	56.20	Current	Real	-2.4%	
Operative Gr CV	23.92	23.92	23.92	28.52	28.52	31.28	35.88	46.46	57.96	62.10	92.00	44.54	41.24	39.34	40.57	35.21	36.29	35.77	40.12	43.25	40.43	49.51	Current	Real	+18.0%	
Operative Gr DV	23.92	23.92	23.92	28.52	28.52	31.28	35.88	46.46	57.96	62.10	85.10	44.54	41.24	39.34	40.57	35.21	36.29	35.77	40.12	43.25	40.43	49.51	Current	Real	+9.1%	

JUSTICE . . . hanged by the 'dreadfully homicidal society'

Nineteen Eighty-Four was a year during which 39 South Africans appeared in courts throughout the country, charged with high treason, and 24 were charged with terrorism.

In addition, 115 convicts were hanged at Pretoria Central Prison.

By Andrew Beattie
Pretoria Bureau

These statistics were confirmed by a spokesman for the Department of Justice this week.

He said that, of the 39 charged with high treason, 10 were convicted, and there were 20 cases outstanding at the end of last year.

Eleven people charged with terrorism were convicted, and six cases were still outstanding.

Another four people were charged with assisting terrorists and all were convicted.

The spokesman pointed out that several of the people charged with high treason or terrorism might have been convicted of assisting terrorists under the Internal Security Act.

The record amount of hangings in a year in South Africa is 130 during 1980, a figure that prompted a legal expert to label South Africa "a dreadfully homicidal society".

The Detainees' Parents Support Committee has claimed that 1 093 people were detained under security legislation in South Africa and its homelands during the first 11 months of last year, the largest detention figure in a single year this decade.

Of these, the committee claims, 13 were convicted in courts of law after being released from detention.

More than 400 were acquitted, according to committee calculations, and at least 150 are still awaiting trial.

During 1980, says the

committee, 995 people were detained, and 453 in 1983.

The Department of Justice spokesman said the department last year solved its professional staff shortage a serious problem during the year, which at times threatened to increase the overburdened courts' workloads.

4/1/85
Star HA 253
**Passport is
withdrawn**

The Minister of Home Affairs has withdrawn the passport of a Soweto member of the Release Mandela Committee (RMC)

Mr Jabu Ngwenya, treasurer of the RMC in the Transvaal, yesterday said he had returned from Natal on Wednesday to find two security policemen at his Senaoane home

They served him with a notice advising him that his passport had been withdrawn "with immediate effect" and that he was "called upon to surrender the document to the officer serving the notice"

A spokesman for the Department of Home Affairs would not comment on the withdrawal of Mr Ngwenya's passport

253 S. Express
13/1/85

Doctor faces medical ban after terror conviction

By JO-ANNE RICHARDS

A YOUNG doctor, who served six years on Robben Island for a political offence, is now threatened with being struck off the medical roll

Dr Aubrey Mokoape, a Durban general practitioner, has been accused of improper or disgraceful conduct by the South African Medical and Dental Council because of his conviction under the Terrorism Act

He was one of six former leaders of the banned SA Students' Organisation and the Black People's Convention convicted and jailed after a marathon trial in 1976

Inquiry

A political conviction has never before been used as grounds for a disciplinary inquiry by the medical council

If he is found guilty, the council could strike him from the roll, either temporarily or permanently.

Dr Mokoape appeared before a disciplinary committee of the council yesterday, but the inquiry was postponed to February 20

Counsel for Dr Mokoape, Mr E D Moseneke, asked for a postponement to prepare for the inquiry, which would have "far-reaching" implications

Dr Mokoape and his Durban attorneys, Baqwa and Company, said in a statement the implications of the case "will impinge on the whole definition of medical ethics"

"At stake here is not only the career future and livelihood of an individual, but the entire professional world"

Mr Moseneke said the obvious question was whether professional bodies could



● Dr Aubrey Mokoape and Ché, the youngest of his three children, at yesterday's hearing

make what amounted to political decisions

Dr Joe Veriava, who attended the hearing, said the inquiry made it appear the council was "an extension of the South African repressive machinery"

Detention

Dr Veriava was one of the doctors who recently brought an action in the Pretoria Supreme Court in an attempt to force the council to hold an inquiry into the medical treatment of Mr Steve Biko before his death in detention

"It appears to me that the council is indirectly trying to tell doctors that they should

not be involved in any kind of political activities which are extra-parliamentary," he said

Mr Moseneke said that although the case had no precedent in the medical world, there had been cases in which attempts were made to bar lawyers because of their political actions

But, as in the Supreme Court action brought by Nelson Mandela against the Transvaal Law Society, the court had found that a political conviction did not necessarily constitute unprofessional conduct

Mr Sydney Kentridge SC will appear for Dr Mokoape in February

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Star 17/1/85

Prisons have new philosophy on rehabilitation of convicts

By Zenaide Vendeiro

The Minister of Justice, Mr Kobie Coetsee, has approved in principle a policy of classifying prisoners according to their rehabilitation potential

Speaking in Bloemfontein yesterday, Mr Coetsee said it would be naive to approach the problem of overcrowded prisons "purely from a fiscal and accommodation angle"

The Prisons Service, he said, was geared to minimise recidivism (relapse into criminality) and promote a healthy integration of former prisoners

into society through programmes such as vocational training, constructive recreation and educational upliftment. The results of these programmes had been positive and not negligible

Against the background of the problem of overcrowded prisons and the perspectives gleaned from research, he had approved in principle "a two-streamed philosophy with regard to the classification and subsequent treatment of prisoners"

"This philosophy is based on the premise that the prison population can

basically be divided into two broad categories, namely those with good rehabilitation prospects and those with weak prospects

"The aim is that emphasis should, in the case of the good prospects category, fall on minimum security and maximum involvement in programmes which may even be extended into the private sector

"This policy envisages scarce manpower and funds being utilised more effectively — even as far as the planning of new

prisons and projects is concerned.

"It is foreseen that the implementation of the new policy will result in the long-term in the construction of more relatively open-type institutions which can be built at a lower cost than the conventional maximum security prison"

A spokesman for the Minister said the Prisons Service was "engaged in the process of further studies, research and refining (the existing classification system to adapt it to the new philosophy in the course"

CAPE TIMES 18/1/85 (253)

Court told of prison killing

Staff Reporter

A PRISON gang leader told the Cape Town Supreme Court yesterday how two members of an opposition prison gang strangled and held down a fellow convict while a fourth prisoner slit the man's throat with a razor blade

The gang leader, who may not be identified in terms of an order by Mr Justice Baker, was giving evidence in the murder trial of Xholani Mo-

ses, 21, "Whitey" Malgas, 23, William "Kidkraai" Mate, 47, and "Naughty Boy" Ntonto, 37, all of Brandvlei Prison, Worcester

They pleaded not guilty to murdering Sam Mbewu, 30, in a cell at Brandvlei Prison on December 30, 1983

Responsible

Moses, Malgas and Ntonto claimed they were asleep in their bunks at the time of the killing. Mate, described

as the prison gang "judge" by the gang-leader witness, claimed he was responsible for the strangling and throat-slitting but said he had "not meant" to kill Mbewu

The witness testified that shortly before the killing Malgas had left his bunk to stand behind Mbewu who was involved in a card game with Moses, Mate, and a fourth prisoner

Mate had suddenly leapt on Mbewu, grabbed him around the neck and produced a belt from inside his jacket. Slipping the belt around the screaming victim's neck, Mate had ordered Malgas to "grab the other end"

He and Malgas had then begun pulling on either end of the belt as their victim writhed in agony

The witness said he did not attempt to prevent the killing as Mbewu was a "Fransman" belonging to no particular prison gang

"If he'd been a member of my gang we would have helped him," he said

'Voetsak'

A passing warder who had screamed at the attackers to leave their victim was told to "voetsak" by Mate, the witness added

The attackers had then left their victim

But, seconds later Mate had remarked that "the dog still lives," and had returned with Malgas to the barely-breathing man whom they again strangled while Mr Moses had produced a razor blade and begun sawing at the man's throat

The trial continues this morning

Mr Justice Baker sat with two assessors, Mr D Noren and Mr B L O'Leary

Mr Maartens was assisted by Mr C J Vermeulen

Mr C de Kock appeared for Moses; Mr L Malan for Malgas; Mr T Payne for Mate and Mr L Conradie for Ntonto

I saw prison strangling, warder says at murder trial

Staff Reporter

A PRISON warder told the Supreme Court today that three prisoners strangled a fourth with a belt and cut his throat while he was powerless to intervene

He was giving evidence at the trial of Xholani Moss, 21, Whitey Malgas, 23, William Mate, 47, and Naughty Boy Ntonto, 37, who have pleaded not guilty of murdering Sam Mbewu in Brandvlei Prison, Worcester, on December 30 1983

Warder H J Lakay said he heard a disturbance in cell 9 during the "quiet time" before prisoners went to sleep

He peered through the window of the cell and saw Moss, Malgas and Mate struggling with Mbewu

He was unable to stop the fight because he did not have the key In ad-

dition, it was dangerous for warders to enter the cells alone

Mbewu fell to the ground with his head towards the window

While Malgas and Mate throttled him with a belt, Moss clamped a hand over Mbewu's mouth and sawed his neck with a "small sharp object"

The three accused walked to the basin and washed their hands

They returned and attacked Mbewu again.

Warder Lakay said he summoned his superior by walkie-talkie and, when help arrived, they entered the cell

He identified three of the accused as gang members, either of the 26s or 27s He said there had not been trouble between the gangs at the time.

Back to nowhere

27/1/85
#A 253 C. P. 20

By MONO
BADELA

A FORMER veteran of the ANC's military wing Umkonto Wesizwe, Thomson Zenjani Daweti, has returned home after spending 21 years on Robben Island — to find that a town councillor is living in his Timisi location home near Fort Beaufort

The 62-year-old former ANC activist, who looks surprisingly fit, spent most of his sentence in the same section with ANC leader Nelson Mandela. He told City Press in an exclusive interview that he and his wife were now homeless

He said he learnt that the house in which he grew up, and which belonged to his



DAWETI Homeless

mother, had been taken from his sister only a few months before his release

The sub-economic house is owned by the East Cape Development Board.

Mr Daweti said, he intends to get his home back.

He now lives with his sister Mrs Nosecond Njobe

His former house is now being occupied by town councillor Makwezi Gabashe

Mandela remains vibrant, says MP

By IAN HOBBS
London

NELSON MANDELA, the banned ANC leader, remains vibrant, authoritative and totally uncowed after nearly 22 years of imprisonment in South Africa.

This is the opinion of the British Euro-MP, Lord Nicholas Bethell, who was allowed to visit Mandela at Pollsmoor Prison where he is serving life imprisonment.

Lord Bethell's visit was allowed shortly after a similar request by Senator Edward Kennedy was refused by the South African Government.

In the Mail on Sunday of Fleet Street today, Lord Bethell said he found the tall, lean and silver-haired political prisoner in good spirit.

Conservative peer Lord Bethell, an avid anti-communist, was granted a lengthy and relatively unrestricted meeting with Mandela.

Talked freely

He said they ate together and talked freely.

Senior prison officials were present, said Lord Bethell, but it was Mandela who seemed the most assured man — he stood out as the senior man present.

Lord Bethell, who said he had pleaded with the South African Government to release Mandela on humanitarian grounds, said he found him in good health and spirit.

The article dwelt extensively on the generally acceptable prison conditions and Mandela's fortitude.

The opinions expressed to him by Mandela and reported in the article may not be quoted in South Africa.

Lord Bethell said Mandela had lived up to his image of a black folk hero and probably the world's most famous political prisoner. He concluded that he had found him a man of inner strength and exhilarating company.

(253) Star
28/1/85

Mandela: support is not whole-hearted

LONDON — The London campaign to free Mr Nelson Mandela will be given fresh impetus by the prominent publication of an interview with him in a major British newspaper, *The Mail on Sunday*

The newspaper gave two pages to what it called a world exclusive interview with Mr Mandela, jailed leader of the outlawed African National Congress sentenced to life in 1962 after the Rivonia sabotage trial.

The article was written by Lord Bethell, vice-chairman of the European Parliament's human rights sub-committee.

He wrote to the South African Government asking for permission to visit Mr Mandela in Pollsmoor Prison, near Cape Town. To his surprise, the Government agreed.

Lord Bethell found Mr Mandela in good health, well treated in a prison that looked like a redbrick university which, say the South African

By John D'Oliveira,
The Star Bureau

authorities, is as good as any in the world.

But this, said Lord Bethell, did not lessen the basic injustice of keeping in jail for more than 20 years a man who was no murderer, whose only crime was conniving at blowing up electricity and water installations and advocating the overthrow of apartheid.

The newspaper backed Lord Bethell with an editorial which said it unhesitatingly joined all throughout the world who demanded the immediate release of what it called the undisputed leader of the black population of South Africa.

However, like Lord Bethell and Amnesty International, the newspaper could not give whole-hearted support to a man who favoured violence to further his political cause . . . and Mr Mandela had con-

firmed again that he believed violence was justified.

However, said the newspaper, a great violence was being done to Mr Mandela by keeping him in prison and a great violence was being done to his people by denying them political rights.

In his article Lord Bethell spoke of Mr Mandela as self-assured and healthy, a man who took joy in his prison garden and praised senior prison officers.

The problem was that Mr Mandela still supported the armed struggle and this was why human rights organisations like Amnesty International would not campaign for his release.

Lord Bethell wrote: "It means, too, that his case makes a bad impression on the South African parole board since he shows no repentance for his past actions; rather the contrary"

Mr Mandela explained to Lord Bethell that the armed

struggle had been forced on blacks by the South African Government.

South Africa's State President, Mr P W Botha, last week called for dialogue between South Africa's black community and its Government.

"The world will treat these words with scepticism," said the newspaper, "but perhaps we should be prepared to trust the Government more if Nelson Mandela were invited to take his place at the head of his people at that forum.

"With him locked up in prison, and there apparently for ever more, this forum will be seen for what it is: a cynical exercise in public relations by South Africa."

X Report restricted

● The Internal Security Act and the Unlawful Organisations Act compel The Star to restrict this report

ARGUS 29/1/85

253

ERE

Jail killing: I'm being smeared, says accused

Staff Reporter

AN accused in the Worcester prison-murder trial claimed today that the authorities and a prison gang "lieutenant" had plotted to "smear" him.

Whitey Malgas, 23, told the Supreme Court, Cape Town, he was not involved in the assault on fellow prisoner, Sam Mbewu, who was throttled and had his throat slit in Brandvlei Prison, Worcester, in December 1983.

Malgas, Xholani Moss, 21, William Mate, 47, and Naughty Boy Ntonto, 37, have pleaded not guilty to charges of murder.

Malgas said there were two reasons why the "lieutenant" had testified against him. He said "He was a member of a rival gang and he was told to by the prison authorities."

Today Mate accepted sole responsibility for the killing.

He said he was playing cards with Mbewu when a dispute arose over the ace of diamonds.

"I knelt on his upper arms and throttled him. I took off his prison belt, knotted it round his neck and pulled it tight."

(Proceeding)

Mandela: Pika talks of a sympathetic response

WASHINGTON — South Africa's Foreign Minister, Mr. Pika Botha, is reported to have said he believes his Government will respond sympathetically if jailed African National Congress leader Nelson Mandela denounces violence as a means to gain political objectives. Mr. Botha's comment was made jointly to two American

The Star Bureau

linked. Mr. Botha's comment to possible release of Mandela. Frankel reported that Mr. Botha held out the possibility that his Government might respond positively to recent published remarks by Mandela offering a truce between his outlawed resistance movement and the Government in return for meaningful talks on South

that if Mandela denounced violence as a means to achieve political objectives there would be at least a sympathetic consideration of the matter. Van Slambrouck tied Mr. Botha's comment to speculation in South Africa that the Government was considering freeing Mandela.

Frankel added that Mr. Botha described as a very delicate matter an interview published in London last weekend in which Mandela made his offer of talks. In discussing he was not commenting officially for his Government, Frankel reported, "Mr. Botha said he believed

Africa's future. In the *Washington Post*, Glen Frankel said Mr. Botha was referring to an offer by Mandela for talks with the Government. In the *Christian Science Monitor* Paul van Slambrouck

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Nats sceptical of Mandela truce offer

253
S for 30/1/85

Political Staff

CAPE TOWN — The Government is taking a low-key and sceptical approach to reports that former African National Congress leader Nelson Mandela has offered to call a truce and negotiate — on condition that the organisation is unbanned.

And it is clear the Government is still not prepared to release him from prison.

A spokesman for President Botha's office said today that it would take more than just a statement of intent before the Government would sit down and talk to the ANC.

Hard-and-fast evidence was needed over a "considerable period of time" that violence had been abandoned.

VIOLENCE

But the spokesman added "The position of the President is quite clear. If the ANC stops its campaign of violence, we will sit down and talk."

"If they do not stop their violence, we will not talk to them."

The reported truce offer by Mandela was disclosed in Parliament yesterday by Mrs Helen Suzman (PFP, Sandton).

She said Mandela had conveyed his message to Conservative peer Lord Nicholas Bethell during an interview at Pollsmoor Prison this month.

Mandela explained to Lord Nicholas that the armed struggle had been forced on blacks by the South African Government.

"And if they want us to give it up, the ball is in their court,"

Mandela said "They must legalise us, treat us like a political party and negotiate with us."

"Until they do, we will have to live with the armed struggle. It is useless simply to carry on talking."

Mandela said that if there were talks along the lines he suggested, the ANC would declare a truce.

Mrs Suzman appealed for the release of Mandela and other jailed ANC members.

It is understood the Government is unlikely to even con-

sider their release unless they are prepared to give an undertaking that they will virtually retire from politics.

The Government is not willing to allow Mandela to become a rallying point, or to have a situation where it would be forced to re-arrest him for activities he might become involved in.

The Minister of Law and Order, Mr Louis le Grange, is expected to deal with the issue when he speaks in Parliament during the No-Confidence debate this afternoon.

President Botha, who will take the adjournment of the debate this afternoon and speak in detail tomorrow, could also deal with the issue.

In her speech, Mrs Suzman said the international campaign for punitive action against South Africa had reached tidal wave proportions in the United States.

She said South Africa faced the prospect of growing international isolation because of its racial policies.

There was a "veritable flood" of legislation in preparation in the US on disinvestment and economic relations.

INVESTMENTS

She said legislation already in operation in the US — which had "huge investments" in South Africa — included

- A ban on the sale of Krugger rands in the US
- Prohibition of bank loans to the South African Government, except for purposes to "uplift blacks"
- A ban on new investments in South Africa

Mrs Suzman said it was the epitome of self-deception to believe that the opening address to Parliament by President Botha, in which he promised a negotiating forum for urban blacks, would halt the campaign.

It was also wrong to believe that the Reagan Administration would save South Africa from international isolation — because there was a Democratic majority in the US House of Representatives.

RDM 30/1/85 (253)

Ban on bail removed

By ANTON HARBER

IN A most unusual move, the Attorney-General of the Transvaal yesterday withdrew the certificate preventing bail being granted to Mr January Radebe, a student leader facing charges of subversion and terrorism.

Mr Radebe, a leader of the Congress of SA Students (Cosas) in Sebokeng, was released on R1 000 bail.

Mr Radebe, meanwhile, has laid charges of attempted murder against a school-teacher who allegedly stabbed him earlier this year.

Mr Radebe was allegedly stabbed shortly after schools reopened this year. He has

laid charges against Mr Hugh Paul Dolo, a teacher at Tukela High School, Sebokeng.

Mr Radebe was arrested shortly after the stabbing and appeared in court on January 17. He was charged with subversion and terrorism, offences which carry sentences of up to 25 years.

Mr N Neethling, Attorney-General of the Transvaal, issued a special certificate in terms of the Internal Security Act preventing bail being granted.

However, Mr Radebe's lawyers, Priscilla Jana and Associates, made representations to Mr Neethling and the certificate was withdrawn yesterday.

Mr Radebe must report to a police station twice weekly.

Detainees 'tell of torture'

By ANTON HARBER
Political Reporter

THE Detainees Parents' Support Committee (DPSC) received a steady flow of allegations of assault and torture of detainees during 1984, according to a paper delivered at a health conference last weekend.

The paper, delivered by a DPSC representative at the conference of the National Medical and Dental Association (Namda), described 1984 as "one of the worst periods of repression in

South Africa"

It compared 1984 with the period of the Sharpeville State of Emergency in the early 1960s and the period of the 1976/7 student uprising.

More than 1 100 people — mostly pupils, students, teachers and political and community workers — were detained.

The paper pointed out that 62% of the detainees were charged, but by the end of the year only 1,1% had been convicted.

In 1983, only 15% of all

detainees were charged.

The paper also warned that there was no sign that this year would bring a decrease in repression.

The most alarming new development in 1984, according to the paper, was the introduction of closed-circuit television in the cells at John Vorster Square.

By late yesterday, the SAP division of public relations had not replied to a request for comment on the allegations.

PHONE NUMBERS

Classified Ads	32330
All other EL	
Depts	26141
King	23282
Williams	22391
Town	25004
Mdantsane	611611
Queenstown	4040
Umtata	2500

CAPE TOWN — The Minister of Law and Order, Mr Louis le Grange, said yesterday Mrs Helen Suzman (PFP Houghton) had tried to create a false impression of the jailed ANC leader, Nelson Mandela.

Speaking during the no-confidence debate in the House of Assembly, Mr Le Grange said Mrs Suzman, in a speech on

Tuesday, had tried to imply that Mandela was eager to negotiate with the South African Government and was in favour of the African National Congress laying down its weapons

During her speech

calling for the release of Mandela and political detainees, Mrs Suzman quoted a British Conservative Party peer, Lord Nicholas Bethell, as saying Mandela had told him during an interview at Pollsmoor Prison

Mr Le Grange said Mrs Suzman had not quoted other parts of Lord Bethell's comments.

that he was prepared to call a truce and negotiate with the government if the ANC was unbanned

Mr Le Grange said Mrs Suzman had not quoted other parts of Lord Bethell's comments.

She had not said that Mandela still supported an armed struggle and was unrepentant of the deeds for which he was sentenced to life imprisonment, Mr Le Grange said

Mrs Suzman had also He added that there

not mentioned that Mandela was adamant the ANC should be treated like any other political party and that he was a self-confessed socialist, the minister said

He added that there

were 132 people presently facing charges under Article 29 of the Interim Security Act. These people faced charges including from treason to other serious contraventions of the act

"These are the people the honourable member for Houghton wants released in the name of PFP," Mr Le Grange said — SAPA

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Mandela unrepentant — minister

253

Mandela unlikely to accept P.W. offer

ARGUS 1/2/85

By TOS WENTZEL
Political Correspondent

253

MR Nelson Mandela, the jailed African National Congress leader, is unlikely to accept President P W Botha's release offer unless the ANC is legalised.

This was the impression in political circles today following Mr Botha's statement in Parliament yesterday that the Government would consider the release of Mr Mandela provided he unconditionally rejects violence as a political instrument

A source close to Mr Mandela today also pointed out that he had consistently maintained that, unless the ANC was legalised, what the movement calls its "armed struggle" would continue

In Government circles, too, there were doubts about whether Mr Mandela would accept the President's condition

Offer to ANC

He will not be willing to cut himself off from the ANC by accepting conditions for his own release

On the other hand, the Government recently made an offer to the ANC that it would be willing to talk if it abandoned violence as a policy

Nationalist politicians pointed out today that a recent article by Lord Nicholas Bethel on a visit to Mr Mandela gave the impression that Mr Mandela still supported the "armed struggle"

According to that article, which was published in a British newspaper, that was why the human rights organisation Amnesty would not campaign for his release

But there has also been a suggestion that he would be willing to have the ANC call a truce while it was negotiating with the Government

The Minister of Justice, Mr Kobie Coetzee, has said that Mr Botha's speech would be relayed to Mr Mandela and others in jail

Cause of violence

When questioned by Mrs Helen Suzman MP in the Assembly yesterday Mr Botha said his offer could be extended to certain other political prisoners

She said "It should be understood that South Africa has much to gain if Mandela is free. It would remove a major rallying point against this country"

Mrs Suzman said that some of the other prisoners she had in mind to be covered by Mr

Botha's offer were a number sentenced to life imprisonment in 1964 at the Rivonia sabotage trial, such as Dennis Goldberg, Walter Sisulu, Govan Mbeki, A

Kathrada and Raymond Mhlaba

Others sentenced to life at that trial were Elias Matsa-ledi and Andrew Mlangeni

Dr F van Zyl Slabbert, Leader of the Opposition in the Assembly, welcomed Mr Botha's announcement

He said "This is a far more reasonable and tolerant attitude than has been the case before. The final choice as to what Mr Mandela should do about this offer is, of course, his own

"It is significant that the offer is extended to other so-called political prisoners as well. I believe it would be appropriate for the State President to apply this approach to banned individuals and organisations such as the ANC and PAC

"If this is combined with a clear programme of action to dismantle apartheid and discrimination, I believe the climate for the politics of negotiation rather than confrontation and violence will improve dramatically"

Mr Allen Hendrickse, chairman of the Ministers' Council in the House of Representatives, welcomed the move but said it was regrettable to note from the President's announcement that Mr Mandela was apparently still committed to violence

Meanwhile, the United States has expressed the hope that the South African Government will engage in a dialogue with the ANC

'Credibility as a political leader would be destroyed'

Black leaders doubt PW's Mandela offer

253. Star
By Gary van Staden,
Political Reporter

1/2/85

The United Democratic Front said today that it had serious doubts about the practicality of the Government offer to release Nelson Mandela and said that for him to accept the offer would entail breaking a deep commitment to the African National Congress and rejecting all he had fought to achieve.

"Mandela is known for strong views on apartheid and his deep commitment to the ANC. We cannot see him making a pledge of the nature expressed," the UDF said in its statement

The organisation was reacting to a Government offer to release the jailed ANC leader on condition that he rejected violence as a means of changing South Africa's political structure

"For Mandela to make such a pledge would mean he must distance himself from the ANC and his entire political struggle to date," the UDF added

"In our judgment the offer will not be acceptable to the man"

The UDF said only the unconditional release of all political prisoners and the total dismantling of apartheid would bring stability and lasting peace

Langa Skosana reports that black leaders last night scoffed at the Government's offer.

They said the offer was a deal with strings attached and would cause Mandela to lose his credibility as a political leader.

Mrs Albertina Sisulu, whose husband, Walter, is serving a life sentence with Mandela, said the offer was unacceptable and called on the Government to release all political prisoners

Dr Nthato Motlana, chairman of the Soweto Committee of Ten, said Mandela was convicted because the Government was not prepared to give black people their rights

"It was because he told the authorities that blacks were slaves that he landed on Robben Island," Dr Motlana said.

It was, therefore, not right to link his release to acts of violence by the ANC.

Azanian Peoples Organisation (Azapo) PRO, Mr Imrann Moosa, said "Azapo does not see any reason for conditions to be attached to the release of political leaders. Azapo has maintained that the racist regime has absolutely no right to incarcerate anybody for his political views. We will not be satisfied with anything less than the repossession of the land"

The Leader of the Opposition, Dr Van Zyl Slabbert, yesterday welcomed the President's announcement that the government was willing to consider Nelson Mandela's release, reports Sapa

Conservative Party leader Dr Andries Treurnicht said it was in the interests of national security that the release of Mandela should not be considered

Violence has changed: has Nelson Mandela?

"I have dedicated my life to end white domination. It is an idea I hope to live to see realised, but, My Lord, it is also an idea for which I am prepared to die."

So ended a four-and-three-quarter hour address to the Pretoria Supreme Court 20 years ago — and Nelson Rolihlala Mandela was ready to go to jail.

Nelson Mandela — attorney, convicted saboteur and black leader who has, since then, become a symbol of the struggle for freedom in South Africa.

Mandela was offered his freedom this week, provided he turned his back on violence — the violence he deemed necessary to free black South Africa from apartheid.

But what are Nelson Mandela's views on violence? And is the violence the Government now wants him to reject of the same measure?

There are two major reasons why he will probably reject the Government's offer. First, he would never place his freedom above the demands of the liberation struggle.

Second, if he accepted the offer it would almost certainly open the rift in the African National Congress between those who think the time is right for negotiation and those who believe the only language the Government understands is that of plastic explosives.

This division of opinion has already placed severe strains on the ANC leadership and, if Nelson Mandela were to accept the offer and make a pledge of non-violence, he could do further damage to the organisation.

It is a situation that has the Government winning both ways.

This week the Government offered to release the jailed African National Congress leader Nelson Mandela, provided he pledged to reject violence as a means of bringing political and social change to South Africa. But what are Nelson Mandela's views on the subject and why did he commit himself to such a course in the first place? Political Reporter GARY van STADEN looks at Mandela's views on violence and how the nature of political violence has changed during the 20 years he has been in prison.

with little or nothing to be gained by the ANC or Nelson Mandela.

At the Rivonia sabotage trial in 1964, Mandela said that the ANC believed that, as a result of Government policy, violence by black people had become inevitable.

"Either we accept inferiority or fight it by violence — we choose the latter," he said in his court address.

"This decision was not easily made."

He added that the Government had cut off all other forms of struggle against the principle of white supremacy and suppressed black demands by resorting to violence themselves.

"Violence was the only way to succeed against the oppression and tyranny of the whites," Mandela told the court.

He added that the ANC was committed not to undertake anything violent but was prepared to depart from its policy to the extent that it would no longer disapprove of properly controlled sabotage carried out by the newly formed Umkhonto we Sizwe (Spear of the Nation).

"It was to be sabotage," he told the court, "not terrorism."

According to Mandela it was in mid-1961, after the ANC had been banned, that the organisation decided violence was inevitable.

"It would have been wrong for African leaders to continue with a policy of non-violence while the Government met black demands with violence."

Mandela said at the time that responsible leadership was necessary to control feelings and prevent an outbreak of terrorism.

"I did what I did because of my people, because of my experiences in Africa."

But is the violence Mr Mandela was prepared to accept as inevitable in 1964 the same as the violence which haunts South Africa in 1985?

In the wake of the offer to Mr Mandela, the ANC high command in London issued a statement saying that its urban insurgency campaign in South Africa would be stepped up, a clear indication of that organisation's feelings about the offer.

In 1964, Mr Mandela was clear on the question of violence.

"Strict instructions were given to Umkhonto we Sizwe that, on no account, were people to be killed or injured during operations," he said in his court address.

He denied throughout the Rivonia trial that the ANC and Umkhonto we Sizwe even had formal links. They were two separate organisations, he claimed.

Whatever the merits of that argument, Umkhonto we Sizwe is today regarded as the military wing of the ANC and has clearly departed from the instruction on deaths or injuries during sabotage operations.

So which measure of violence is Mr Mandela being requested to reject? The brand he espoused in 1964 or that which exists today?

In his own words Mr Mandela clearly rejected the latter in 1964. But would he have done so today or would he have seen it as merely a logical and inevitable escalation?

Whatever the answers, whatever the academic arguments about justifiable violence, of inevitable violence when a massive majority is kept in check by a minority, it will be a part of South African life for some time to come.

The fact is that, in 1964, Mandela told a court of law for all to hear that violence was the only way out for the black majority. For his part in that violence he was sent to prison for the rest of his life.

Twenty years later, the struggle for which he went to jail has not been won and it is unlikely that he will change his mind.

● The South African Institute of Race Relations has welcomed the Government's offer to release Mandela, reports Sapa.

In a statement issued in Johannesburg, the SAIRR's director, Mr JS Kane-Berman, said "We welcome the State President's constructive offer. In particular, we welcome the apparent indication that, should Mandela agree to President Botha's proposals, his release would not involve confinement to the Transkei."

The SAIRR also hoped the offer would lead to the release of all political prisoners.

Botha's offer likely to cover 7 Rivonia men

Own Correspondent
JOHANNESBURG — and anti-communist to a major proponent of broad political unity. He is 73 years old.

The government is not saying which jailed ANC leaders other than Nelson Mandela would receive their offer of conditional freedom.

However, it is believed the offer will include at least the seven men jailed with Mandela in the famous Rivonia trial.

When Mr P.W. Botha, the State President, made the offer in Parliament on Thursday, he said it applied to the other ANC leaders as well, but did not specify which

Spokesmen for the State President, the Department of Justice and the SA Prison Services were unable to say which other prisoners were included in the offer.

Helen Suzman
However, Mrs Helen Suzman, PFP spokesman on Law and Order, who originally asked Mr Botha in Parliament if the offer applied to the other ANC leaders, said yesterday that she thought it included at the very minimum those jailed with Mandela.

This would include:
● Walter Sisulu, originally from the Transkei and a former secretary-general of the ANC. Sisulu was a key leader of the ANC in the late 1940s and 1950s, who like Mandela shifted from being a firm "Africanist"

Oldest at 74

● Govan Mbeki, also a former member of the Umkonto we Sizwe high command, is at 74 the oldest of the Rivonia trialists. His health is reported to be uncertain.

● Denis Goldberg, 51, who was the only white convicted in the Rivonia trial and a member of the Umkonto high command.

Ahmed Kathrada

● Ahmed Kathrada, 54, who played an important role in the Defiance Campaign of 1952. He served an earlier sentence and a banning order before going underground to join Umkonto and being arrested at Rivonia.

● Ehas Motsoaledi, 60, was a trade unionist who served briefly as chairman of the Council of Non-European Trade Unions.

● Andrew Mlangeni, 58, a former ANC regional secretary. At the Rivonia trial he admitted to carrying messages for Umkonto, but denied being a member.

● Ramond Mhlaba, 64, from Fort Beaufort in the Eastern Cape. He was an active trade unionist and a member of the Communist Party.

● Mandela — anti-apartheid symbol, page 9

If he rejects, he's a revolutionary; if he accepts, he's out

How Botha's Mandela offer has put the ANC on the spot

LONDON — The conditional offer by South Africa's State President Mr P W Botha to release Nelson Mandela has put the African National Congress on the spot

If Mandela rejects the offer, South Africa will say its case has been proved. Mandela and the ANC are Russian-backed revolutionaries interested only in the total subversion of South Africa.

If he accepts, the ANC will be forced to disown him or give up the armed struggle.

Either way the ANC would be racked by internal tensions. Many observers be-

By Peter Mann,
The Star Bureau

I have Mandela in jail is more of an asset to the ANC than if he were released.

He has become a martyr and a rallying point.

He has been in jail for 22 years and is an international symbol of black opposition to apartheid.

His continued detention has been condemned by the entire world, which has noted that other political detainees such as Colonel Mike Hoare have been released under Presidential amnesty.

Nelson Mandela should be freed from prison with no conditions attached to his release, say a clear majority of dozens of readers who telephoned *The Star* Speak Out last night.

Of all the callers, 24 percent agreed with the conditions set by State President Mr P W Botha that Mandela must renounce violence before he would be released.

Thirty percent felt Mandela should not be freed under any circumstances.

- Mr B Donald of Johannesburg said "Release him unconditionally."

But it would be disastrous for the ANC if Mandela were to be released to find himself in conflict with his colleagues.

Mr Solly Smith, the ANC's chief representative in London, said "South Africa is trying to cause division between Mandela and the people."

The ANC is fighting back, saying Mandela is being held to ransom.

A hard-line statement issued in London by the ANC's external publicity director, Mr F Meli, ties Mandela firmly to the armed struggle.

"Nelson Mandela is leader of the ANC and the policy of the armed struggle was adopted by the ANC," said Mr Meli.

The ANC seems to have been caught slightly off balance by the South African offer.

Mr Meli's statement adds "Nelson Mandela was not convicted alone but with Sisulu, Mbeki, Kathrada, Goldberg and others. Botha says nothing about them."

It was pointed out to Mr Smith that the South African offer would apparently also extend to Walter Sisulu, Govan Mbeki, Ismail Kathrada and Dennis Goldberg.

"Those are only four," said Mr Smith.

"There are others. We want the unconditional release of all political prisoners,"

The ANC claims South

Africa is trying to sow division in their ranks and confuse international opinion.

That, says Mr Meli, is behind President Botha's offer to free Mandela.

Mr Meli adds "Mandela has been offered release on condition that he denounces the armed struggle — in other words he denounces the policies of the ANC or remains in jail."

Mandela, particularly in his recent meeting with Lord Bethell, seems to have come down on the side of ANC moderates.

For example, he expressed regret over the Pretoria bomb, saying it was a tragic accident

that civilians were killed and that it was not ANC policy.

President Botha believes the ANC is on the run.

The Nkomati Accord deprived it of bases in Mozambique.

General Magnus Malan has publicly said that 60 percent of all ANC attacks, including the Pretoria bomb, were planned and launched from Mozambique.

The ANC also finds it increasingly difficult to operate from Swaziland, where police are co-operating in arresting and deporting ANC guerrillas.

The ANC is also not welcomed in Lesotho

South Africa has in the past closed the border and launched reprisal raids to keep the ANC out.

President Botha obviously believed the time was ripe to offer Mandela conditional release provided he denounced the armed struggle.

It is an astute offer and leaves the ANC with several dilemmas.

If the offer is rejected, it will weaken the ANC's international support.

If it is accepted, it will create uproar among ANC Communist hard-liners and may split the movement.

The ball is firmly in the ANC's court.

Let him out or keep him in? Here's what YOU say

"It is absurd for a system which practises violence itself to expect to impose non-violent conditions on a man who has the right to his own convictions."

Mr Eric Bruce said Mandela would find it impossible to accept the conditions.

He added "I feel he should be released without conditions.

"Mandela has always wanted to talk Blacks want to talk. "Violence is an act of desperation when no one will listen."

Miss D Watson of Johannesburg "Release Mandela unconditionally."

with all other political prisoners.

"It should be understood that while this Government follows its own line of violence, it must not expect Mandela to relinquish his."

Mr C Booth said it was extremely arrogant of the State President to ask Mandela to renounce violence while the Government was instituting violence in the townships.

He went on "Mandela said he had exhausted all avenues before resorting to violence.

"Even then he supported attacks only on installations and so on."

Brakpan said "Release him unconditionally.

"His stand is not against all whites. It is against a section of lawmakers with whom he disagrees."

A lot of criminals are let out after shorter terms for far greater crimes than Mandela's."

Among those favouring a no-strings-attached release there was a strong feeling that the State President's offer was a political ploy to trap Mandela into staying in jail.

It was also felt Mandela now had the right to set his own conditions for release, or at least obtain

a commitment on the dismantling of apartheid.

Beryl Ellis supported a conditional release, saying "We want to hear what his latest views are and how he plans now to contribute to solving this country's problems."

Mr K Levine felt Mandela should be released on the conditions set out by President Botha.

"I think Mr Botha is moving in the right direction," he said "It's a noble step."

Mrs J Cox said Mandela should be freed only on Mr Botha's conditions, adding "He is only being asked to behave as a normal human being."

Mr Dave van Rooyen said "When the Rhodesian Government released Mugabe, Sithole and later Nkomo on similar conditions, they ended up leaving the country and returning as fighters."

"Mandela is bitter and there is no way to get it out of him. Violence is inevitable."

Mr W Woodrudge supported the release on condition Mandela did not engage in subversive activity.

"Violence won't solve the problem," he said "The country will not survive with or without the whites if there is violence."

Mr Ivan Mihalovich was one of those who wanted Mandela kept in jail.

He said Mandela was a Soviet soldier.

Mr M Depaiva said Mandela's release would make a laughing stock of the legal system.

"They must not think these guys change," he added.

Mr M Wright of Kensington "Botha should have his head examined. "Mandela is a terrorist who must live by the ANC code of violence against whites.

"In Russia the likes of Mandela are executed."

Mr M Sterhuizen of

Carletonville "We have
Bishop Desmond Tutu
outside giving whites a
lot of trouble already

"We don't need a Man-
dela to join him"

● Mr C Charles "You
can't change a person's
convictions. Mandela
won't change his violent
ANC convictions."

● Mr Victor Horner said
people would understand
if Mandela accepted the
offer.

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Suzman: the advantage of freeing Mandela

Veteran Progressive Federal Party MP for Houghton Mrs Helen Suzman gives her views on the "Free Nelson Mandela" offer

Until last week Nelson Mandela, the world's most famous prisoner as he has been called by Lord Bethell, vice-chairman of the European Parliament's Human Rights Group, still faced an indeterminate number of years, his life span, in prison.

He has already spent over 21 irreplaceable years in jail, almost all on Robben Island. And the first five years were under harsh conditions which would have broken the spirit of a

lesser man. There were vindictive warders and there was hard labour.

In short he suffered under a system designed to punish beyond the loss of liberty.

Over the years physical conditions have much improved for political prisoners due to a change of attitude by the authorities, the influence of the International Red Cross, which visits such prisoners regularly, and to long and sustained nagging by myself since I first commenced prison visiting in the sixties.

Today Nelson Mandela and five other politicals are in Pollsmoor Prison on the mainland

and privileges won on the island such as the all-important access to uncensored newspapers, a vital link with the outside world, have been extended to include contact visits with first-degree or close relatives.

But the essential factor of deprivation of liberty remains and will remain unless Mandela accepts the offer made by the State President, Mr P W Botha, in Parliament last week.

The offer in effect was release of Mandela and other prisoners in return for their undertaking to abandon violence to attain political objectives.

This offer can be seen as a trade-off to Mandela

la's statement to Lord Bethell when he visited him at Pollsmoor on January 21 that the African National Congress, of which Mandela is titular head, will call a truce, lay down its arms and negotiate with the South African Government if the ban on the ANC is removed.

(In 1960, after the Sharpeville massacre, the ANC and the Pan African Congress were declared unlawful organisations and went underground.)

Which comes first the unbanning or the undertaking?

Unless this is resolved, it is an impasse.

Clearly any offer other than his unrestricted re-

lease in South Africa is unacceptable to Mandela, and presumably the lifting of the banning order on his wife Winnie.

He totally rejected the offer by Chief Minister Matanzima to give his kinsman Mandela sanctuary in the Transkei.

Mandela does not recognise the independent black states of which Transkei is one.

Can Mandela first accept the State President's offer before the ANC is unbanned?

This is highly unlikely because Mandela would not consider that he has a lawful organisation through which to pursue his unshaken determination to continue the

struggle against apartheid.

State President Botha makes his offer from a position of strength, but Nelson Mandela has been gaining power.

It would surely be to South Africa's great advantage if this man were to be freed.

He would no longer be a rallying point for hostility against South Africa in the rest of the world.

He would be a symbol of change.

And most important he would provide the Government with a true leader of the blacks, with whom the dismantling of apartheid could be negotiated.

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Span

A change of mind later?

Mandela freedom: door is still open

By David Braun and Jo-Anne Collinge

Nelson Mandela's apparent rejection of President Botha's conditional offer of freedom may not necessarily close the door. The African leader could change his mind later.

The feeling in senior Government circles today was that, should Mandela's reported rejection be confirmed officially,

the Government would still be prepared to consider his release at a later date — provided he unconditionally rejected violence as a political instrument

However, a spokesman for the State President's Office said President Botha would not react to Mandela's reported decision — announced by daughter Zinzi in Soweto yesterday — until Mandela himself informed the Government officially

Mandela apparently waited until he had officially received President Botha's offer on Friday before making his decision. Mr Botha will now also wait until he is officially notified.

Mandela made it known yesterday that he would not agree to freedom on Pretoria's terms, and challenge the Government to unban the African National Congress, renounce violence, allow free political activity, and commit itself to dismantling apartheid

The views of Mandela (67) and other Rivonia trialists were relayed by his daughter Zinzi to about 9 000 people who attended a United Democratic Front rally in Soweto

Miss Mandela based her announcement on interviews her mother, Mrs Winnie Mandela, and family lawyer Mr Ismail Ayob had with Mandela in jail

What freedom?

She said "My father says 'I cannot and will not give any undertaking (to the Government) at a time when I and you, the people, are not free. Your freedom and mine cannot be separated. I will return' "

He is said also to have declared that he would be a member of the ANC until he died

Miss Mandela reported her father as saying "I am in prison as the representative of the people and of your organisation, the ANC, which was banned. What freedom am I being offered whilst the organisation of the people remains banned?"

● Rev Allan Hendrickse, leader of the Labour Party, said today that he found it regrettable that Mr Mandela had not accepted the conditions for his release.

He believed he could do more outside in terms of his leadership capabilities than being in jail while allowing the community to be divided.

Irrespective of the conditions he could have been a unifying factor, he said

● Leader of the Opposition in the Assembly Dr Van Zyl Slabbert said Mr Mandela's reply was not entirely unexpected, but still regrettable

● See Page 4.

Mandela's refusal no surprise to UDF, Sash

The refusal of conditional release by the leader of the African National Congress, Nelson Mandela, has come as no surprise to anti-apartheid organisations which are now looking to the Government to respond to Mandela's counter-demands

The publicity secretary of the United Democratic Front, Mr Terror Lekota said "We are proud that Mandela remains so absolutely committed to a meaningfully negotiated settlement

"We insist that the Government respond to his proposals that it abolish apartheid, release him and his comrades and allow exiles to come home so that a proper constitution can be worked out"

Mrs Albertina Sisulu, UDF president and wife of Pollsmoor prisoner Walter Sisulu, expressed satisfaction that, for the first time in more than 20 years, the views of the Rivonia trialists had been put directly to the people

This position was echoed by the national president of the Black Sash, Mrs Sheena Duncan

Mandela's refusal of the Government's offer would not lessen the pressure for his release, Mrs Helen Suzman said today

"South Africa would gain here and abroad if he were given an unconditional release

"It is a grim reflection on the apartheid system that a man chooses to remain in jail after more than 21 years imprisonment rather than lead a life of limited freedom under that system"

The *Sowetan* today commented in an editorial after Mandela's rejection of the offer that "the Government is preparing to harden its attitude to any action by the ANC"

2 prisoners accept offer of amnesty

Two life prisoners on Robben Island have unconditionally accepted the State President's amnesty offer and are to be released shortly.

A spokesman for the South African Prison Service said today the two men had accepted Mr P W Botha's offer. He said they would not be named until they were released, and could not give their release date

Nelson Mandela's full

statement

JOHANNESBURG — Nelson Mandela has responded to the conditional offer of freedom made in Parliament by the State President, Mr P W Botha

The response was read on Mandela's behalf by his daughter Zinzi at a function in Jabulani, Soweto, yesterday

"On Friday my mother and our attorney saw my father at Pollsmoor Prison to obtain his answer to Botha's offer of conditional release

'Strangers'

"The prison authorities attempted to stop this statement being made but he would have none of this and made it clear that he would make the statement to you, the people

"Strangers like Bethell from England and Professor Dash from the United States have in recent weeks been authorized by Pretoria to see my father without restriction, yet Pretoria cannot allow you, the people, to hear what he has to say directly. He should be here himself to tell you what he thinks of this statement by Botha. He is not allowed to do so. My mother, who also heard his words is also not allowed to speak to you today

"My father and his comrades at Pollsmoor Prison send their greetings to you the freedom-loving people of this our tragic land, in the full confidence that you will carry on the struggle for freedom

"He, with his comrades at Pollsmoor Prison send their very warmest greetings to Bishop Tutu. Bishop Tutu has made it clear to the world that the Nobel Peace Prize belongs to you who are the people. We salute him

"My father and his

comrades at Pollsmoor Prison are grateful to the United Democratic Front who without hesitation made this venue available to them so that they could speak to you today

"My father and his comrades wish to make this statement to you, the people, first. They are clear that they are accountable to you and to you alone, and that you should hear their views directly and not through others

"My father speaks not only for himself and for his comrades at Pollsmoor Prison but he hopes he also speaks for all those in jail for their opposition to apartheid, for all those who are banished, for all those who are in exile, for all those who suffer under apartheid, for all those who are opponents of apartheid and for all those who are oppressed and exploited

'Puppets'

"Throughout our struggle there have been puppets who have claimed to speak for you. They have made this claim, both here and abroad. They are of no consequence. My father and his colleagues will not be like them

"My father says I am a member of the African National Congress. I have always been a member of the African National Congress and I will remain a member of the African National Congress until the day I die. Oliver Tambo is much more than a brother to me. He is my greatest friend and comrade for nearly 50 years. If there is any one among you who cherishes my

freedom, Oliver Tambo cherishes it more, and I know that he would give his life to see me free. There is no difference between his views and mine

"My father says I am surprised at the conditions that the government wants to impose on me. I am not a violent man. My colleagues and I wrote in 1952 to Malan asking for a round-table conference to find a solution to the problems of our country, but that was ignored

"When Strijdom was in power, we made the same offer. Again it was ignored

Challenge

"When Verwoerd was in power we asked for a national convention for all the people in South Africa to decide on their future. This too was in vain

"It was only then, when all other forms of resistance were no longer open to us, that we turned to armed struggle

"Let Botha show that he is different to Malan, Strijdom and Verwoerd. Let him renounce violence. Let him say that he will dismantle apartheid

"Let him unban the people's organization, the African National Congress

"Let him free all who have been imprisoned, banished or exiled for their opposition to apartheid

"Let him guarantee free political activity so that the people may decide who will govern them

"I cherish my own freedom dearly, but I care even more for your free-

dom. Too many have died since I went to prison. Too many have suffered for the love of freedom

"I owe it to their widows, to their orphans, to their mothers and to their fathers who have grieved and wept for them. Not only I have suffered during these long, lonely, wasted years

"I am not less life-loving than you are. But I cannot sell my birthright, nor am I prepared to sell the birthright of the people to be free. I am in prison as the representative of the people and of your organization, the African National Congress, which was banned

"What freedom am I being offered whilst the organization of the people remains banned? What freedom am I being offered when I may be arrested on a pass offence?

'What freedom?'

"What freedom am I being offered to live my life as a family with my dear wife, who remains in banishment in Brandfort?

"What freedom am I being offered when I must ask for permission to live in an urban area?

"What freedom am I being offered when I need a stamp in my pass to seek work?

"What freedom am I being offered when my very South African citizenship is not respected?

"Only free men can negotiate. Prisoners cannot enter into contracts. Herman Toivoja Toivo, when freed, never gave any undertaking, nor was he called upon to do so

"My father says I cannot and will not give any undertaking at a time when I and you the people are not free. Your freedom and mine cannot be separated. I will return" — Sapa

President awaits formal reply from Nelson Mandela

PRESIDENT P W Botha was today awaiting a formal reply from jailed African National Congress leader Nelson Mandela to his conditional offer of release following an announcement yesterday that Mandela had rejected it.

A United Democratic Front meeting in Soweto was told that Mandela had made known that he would not accept freedom on Mr Botha's terms.

He in turn had challenged the Government to unban the ANC, to renounce violence, to allow free political activity and to commit itself to dismantling apartheid.

On Friday the Prisons Department presented Mandela with a copy of Mr Botha's statement in Parliament on January 31 as it was recorded in Hansard, the official record of Parliament.

A number of other long-term prisoners who are serving long sentences for security offences were also given such copies.

Not surprised

Two have accepted the offer. A Prisons Department spokesman said today that the names of the two would be made known when they were released.

The spokesman indicated that if a formal reply was received from Mandela it would be channelled through to the President's office.

The reply may also be presented to the President's office by Mr I Ayob, Mandela's lawyer who, with Mrs Winnie Mandela, visited him in Pollsmoor Prison on Friday.

Neither Nationalist politi-

cians nor anti-apartheid organisations were today surprised over Mandela's rejection of the offer.

Many Nationalists had expected this, they said, but thought it was worth making the offer as it showed the world that the Government was willing to negotiate on peaceful solutions.

The Leader of the Opposition in the Assembly, Dr F van Zyl Slabbert, said Mandela's reply was not entirely unexpected, but still regrettable.

Anti-apartheid groups are now looking to the Government to respond to Mandela's counter-demands.

Pressure stays

United Democratic Front publicity secretary Mr Terror Lekota said "We are proud that Mandela remains so absolutely committed to a meaningfully negotiated settlement."

Mrs Albertina Sisulu, president of the UDF and wife of Pollsmoor prisoner Walter Sisulu, said "Mandela's words are our feelings exactly. People must be released unconditionally."

Black Sash national president Mrs Sheena Duncan welcomed the fact that the release of the ANC men had become a matter of public debate and

that both parties had, for the first time, put their views.

Mrs Helen Suzman of the Progressive Federal Party said Mandela's refusal of the Government's offer would not lessen the pressure for his release.

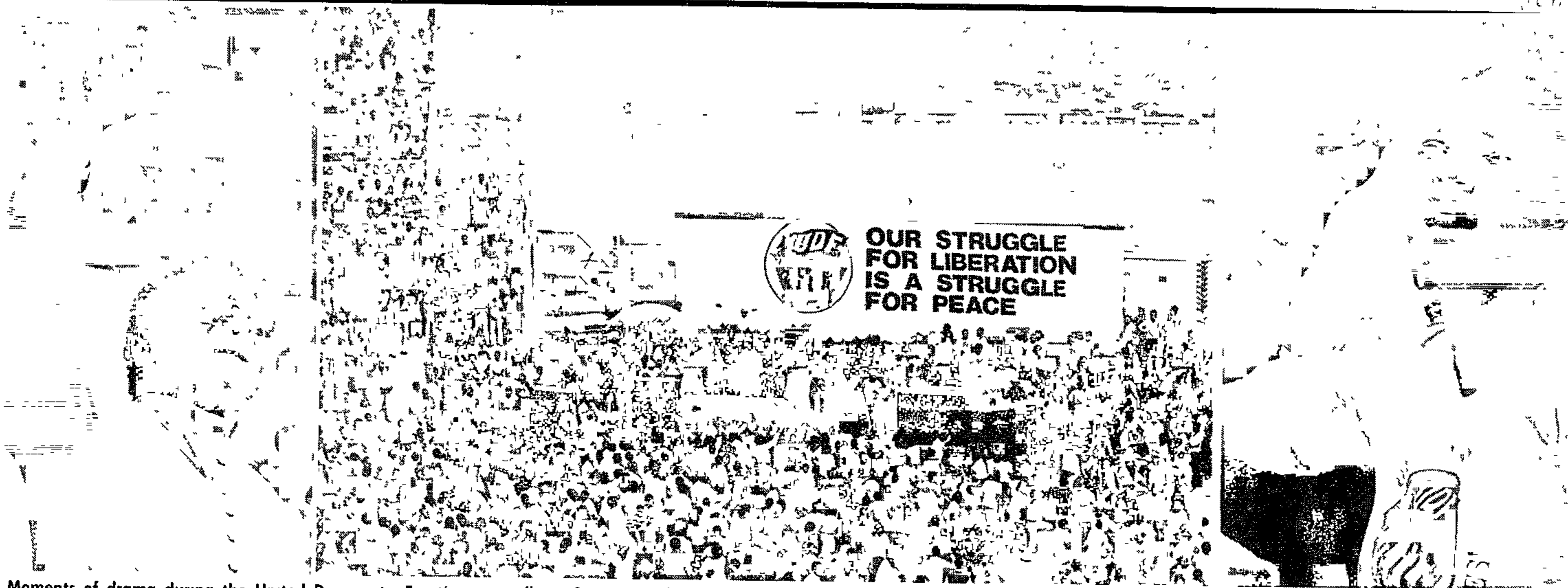
The Rev Allan Hendrickse, leader of the Labour Party, said today he found it regrettable that Mandela had not accepted the conditions for his release.

Bishop Desmond Tutu, head of the Anglican diocese of Johannesburg and patron of the UDF, told a rally in Soweto that he and others like him were leaders by default, since the true leaders had been jailed or exiled.

● Chief Gatsha Buthelezi's Inkatha movement yesterday joined the call for Mandela's unconditional release at a meeting in Mathlehong, Germiston.

It is reported from London that Mandela's rejection of President Botha's offer of conditional release is prominently reported without comment in most Fleet Street newspapers.

Several correspondents note that Mandela appeared to leave open the possibility of negotiations with the Government and a suspension of the "armed struggle" — Political Correspondent, Argus Foreign Service and Sapa.



Moments of drama during the United Democratic Front's mass rally in Soweto at the weekend. Left: Nobel laureate Bishop Desmond Tutu holds the Peace Prize medal up to the crowd, saying, "Take it it's yours." Right: Zinzi Mandela, daughter of Nelson, brings her father's message from jail. "I cannot sell my birthright, nor the birthright of the people to be free" Pictures by Juda Ngwenya.

First unban the ANC — Mandela

This is the full text of Nelson Mandela's response to the conditional offer of freedom made in Parliament by the State President, Mr P W Botha. It was read by his daughter Zinzi.

"On Friday my mother and our attorney saw my father at Pollsmoor Prison to obtain his answer to Botha's offer of conditional release.

"The prison authorities attempted to stop this statement being made, but he would have none of this and made it clear that he would make the statement to you, the people.

"Strangers like Bethell from England and Professor Dash from the United States have in recent weeks been authorised by Pretoria to see my father without restriction yet Pretoria cannot allow you, the people, to hear what he has to say directly. He should be here himself to tell you what he thinks of this statement by Botha. He is not allowed to do so. My mother who also heard his words is also not allowed to speak to you today.

"My father and his comrades at Pollsmoor Prison send their greetings to you, the freedom-loving people of this, our tragic land in the full confidence that you will carry on the struggle for freedom.

"He, with his comrades at Pollsmoor Prison, sends his very warmest greetings to Bishop Tutu. Bishop Tutu has made it clear to the world that the Nobel Peace Prize belongs to you, who are the people. We salute him.

"My father and his comrades at Pollsmoor Prison are grateful to the United Democratic Front, who without hesitation made this venue available to them so that they could speak to you today.

"My father and his comrades wish to make this statement to you, the people, first. They are clear that they are accountable to you and to you alone. And that you should hear their views directly and not through others.

"My father speaks not only for himself and for his comrades at Pollsmoor Prison but he hopes he also speaks for all those in jail for their opposition to apartheid, for all those who are banished, for all those who are in exile, for all those who suffer under apartheid, for all those who are opponents of apartheid and for all those who are oppressed and exploited. Throughout our struggle there have been

Rejection hits UK headlines

The Star Bureau

LONDON — Nelson Mandela's rejection of President Botha's offer of conditional release is prominently reported in most Fleet Street newspapers today.

The Daily Telegraph, makes it front-page news under the headline, "Mandela rejects lure of freedom." *The Times* publishes a front-page photograph of Bishop Desmond Tutu with Mandela's daughter, Zinzi, and *The Guardian* places the same photograph on an inside page.

The statement was also featured on radio and television.

Several correspondents note that Mandela appeared to leave open the possibility of negotiations with the Government.

puppets who have claimed to speak for you. They have made this claim, both here and abroad. They are of no consequence. My father and his colleagues will not be like them.

"My father says 'I am a member of the African National Congress. I have always been a member of the African National Congress and I will remain a member of the African National Congress until the day I die. Oliver Tambo is much more than a brother to me. He is my greatest friend and comrade for nearly 50 years. If there is any one amongst you who cherishes my freedom, Oliver Tambo cherishes it more and I know that he would give his life to see me free. There is no difference between his views and mine.'

"My father says 'I am surprised at the conditions that the Government wants to impose on me. I am not a violent man. My colleagues and I wrote in 1952 to Malan asking for a round-table conference to find a solution to the problems of our country but that was ignored.

"When Strijdom was in power, we made the same offer. Again it was ignored. When Verwoerd was in power we asked for a national convention for all the people in South Africa to decide on their future. This, too, was in vain.

'It was only then when all other forms of resistance were no longer open to us that we turned to armed struggle.

'Let Botha show that he is different to Malan, Strijdom and Verwoerd.

'Let him renounce violence.

'Let him say that he will dismantle apartheid.

'Let him unban the people's organisation, the African National Congress.

'Let him free all who have been imprisoned, banished or exiled for their opposition to apartheid.

'Let him guarantee free political activity so that the people may decide who will govern them.

'I cherish my own freedom dearly but I care even more for your freedom. Too many have died since I went to prison. Too many have suffered for the love of freedom. I owe it to their widows, to their orphans, to their mothers and to their fathers who have grieved and wept for them. Not only I have suffered during these long, lonely, wasted years.

'I am not less life-loving than you are. But I cannot sell my birthright, nor am I prepared to sell the birthright of the people to be free. I am in prison as the representative of the people and of your organisation, the African National Congress, which was banned. What freedom am I being offered while the organisation of the people remains banned? What freedom am I being offered when I may be arrested on a pass offence? What freedom am I being offered to live my life as a family with my dear wife who remains in banishment in Brandfort? What freedom am I being offered when I must ask for permission to live in an urban area? What freedom am I being offered when I need a stamp in my pass to seek work? What freedom am I being offered when my very South African citizenship is not respected?

'Only free men can negotiate. Prisoners cannot enter into contracts. Herman Toivo Ja Toivo, when freed, never gave any undertaking, nor was he called upon to do so.'

'My father says 'I cannot and will not give any undertaking at a time when I and you the people are not free. Your freedom and mine cannot be separated. I will return.' — Sapa

(253)
ANC prisoner
accepts PW's
release offer

By ELSABE WESSELS

A LONG-term political prisoner on Robben Island has accepted President P W Botha's conditional offer of release.

The man, whose name is being withheld, will be released soon, according to a spokesman for the Prison Services.

The man has served 20 years of a life sentence. His name will be made public only on his release, the spokesman said.

Public

The prisoner is the first to respond to an offer made 10 days ago to Nelson Mandela and other ANC prisoners granting them amnesty if they unconditionally rejected violence as a political instrument.

According to the spokesman, any reaction by prisoners to Mr Botha's offer would be handled through conventional Prisons Department channels.

Meanwhile, Mr Mandela's response to Mr Botha's offer will be made public at a United Democratic Front (UDF) rally in Soweto today.

He will also make known his position on negotiations with the Government, a UDF spokesman said.

The response will be read by his daughter, Zinzi, who received the text from her mother, Mrs Winnie Mandela, yesterday.

Mrs Mandela had travelled to Pollsmoor Prison to discuss the issue with her husband.

4 'Islanders' accept offer

Own Correspondent

JOHANNESBURG — The government's offer of conditional freedom applied to 15 political prisoners, four of whom have accepted it, according to an South African Prison Services spokesman

He added that the offer would be given to all political prisoners to read — regardless of how long their sentence was or how long they had served — and the "spirit" of it would apply to all of them

However, those who had served a "relatively short" part of their term would not be released immediately. Instead, the Release Board would take into account those who had reacted "positively" to the offer, the spokesman said

He would not say who the four prisoners were, except that they were all given life sentences, had served 20 years or more and were on Robben Island. He added that they would be released "soon"

Eight serving life on Robben Island

It was established last night that eight of the 44 political prisoners serving life have served more than 20 years and are at present on Robben Island

They include six members of the Pan Africanist Congress jailed in 1964 and two members of the African National Congress

The six PAC members are Jeff Masemola, Dimake "Pro" Malepe, Philimon Tefu, Isaac Mthimunya, Samuel Chibane and John Nkosi. The six are understood to have petitioned the State President for clemency last year

One ANC member, Wilton Mkwazi, was jailed in 1964 for his part in the formation of the ANC's armed wing, Umkhonto we Sizwe

The other person who fits the description is one of the eight who were jailed in the famous Rivonia trial, although it is not certain which one he is

Six of the Rivonia trialists — Nelson Mandela, Walter Sisulu, Ahmed Kathrada and Govan Mbeki — are known to be in Pollsmoor Prison and one, Dennis Goldberg, is in Pretoria Central Prison

It is uncertain which one of the others — Elias Motsoaledi, Raymond Mhlaba and Andrew Mlangeni — is on Robben Island

At least 15 of the 44 life prisoners are from SWA/Namibia. It has not been made clear whether these men have also had the freedom offer

No freedom 'unless ANC leader accepts conditions'

Mandela will stay in jail, ^{few} says PW

By David Braun,
Political Correspondent

Cape Town

President Botha said today that he could not order the release of jailed African National Congress leader Nelson Mandela and others while they remained committed to violence, sabotage and terrorism.

But he said he had approved the release of four "security" prisoners who had accepted his offer of freedom by renouncing violence as a means of furthering their political aims.

He added that the Government was still prepared to consider the release of prisoners if they accepted the conditions.

Mr. Botha said he had officially received the response of Mandela and "a few others" that they were not prepared to give such commitments.

Sabotage

Their continued imprisonment must now be attributed to their refusal to renounce their commitment to violence.

"The Government's and my attitude on this matter flow on the one hand from a concern for men who have spent a long time in prison; on the other hand, we cannot order their release if they remain committed to violence, sabotage and terrorism," said Mr. Botha.

He first made his offer of conditional release to Mandela and other long-term "security" prisoners in Parliament on January 31.

Undertaking

He said he and the Government were not insensitive to the fact that Mandela and others had spent a long time in prison.

He said the Government was willing to consider Mandela's release provided he gave an undertaking that he would not make himself guilty of planning, instigating or committing acts of violence for the furtherance of political objectives, and conduct himself in such a way that he would not have to be arrested again.

By TOS WENTZEL, Political Correspondent

PRESIDENT P W Botha announced today that African National Congress leader Mr Nelson Mandela and a few other long-term "security" prisoners would remain in prison because they refused to give undertakings renouncing violence for political ends.

He said their continued imprisonment must now be attributed to their refusal to renounce their commitment to violence. Four prisoners who had accepted the offer of conditional release would be freed.

Mr Botha referred to his statement last month in which he said the Government was willing to consider Mr Mandela's release provided he gave an undertaking to renounce violence as a political tool

He added that Mr Mandela — not the Government — was standing in the way of his freedom

Mr Botha said today "As indicated then, this also applies to other prisoners of the same category who have spent a very long time in prison

"I have now received the response of Mr Mandela and a few others to the effect that they are not prepared to give such commitments. Their continued imprisonment must, of now, be attributed to their refusal to renounce their commitment to violence

"My attitude"

"The Government's and my attitude on this matter flows on the one hand from a concern for men who have spent a long time in prison. On the other hand we cannot order their release if they remain committed to violence, sabotage and terrorism

"The Government, however, remains prepared to consider the release of prisoners in this category under the given circumstances

"It is heartening that a number of prisoners have responded to my statement by renouncing violence as a means of furthering their political aims

Four freed

"I have today approved the release of four such prisoners," Mr Botha said

A spokesman for the President's office said today it was unlikely that Mr Mandela's reply would be released.

● Mr Botha made his offer of conditional release to Mr Mandela and other long-term "security" prisoners in Parliament on January 31

He said then that he and the Government were not insensitive to the fact that Mr Mandela and others had spent a great deal of time in prison, al-

(Turn to Page 3, col 1)

(Cont from Page 1)

though they were duly convicted in open court

The Government was willing to consider Mr Mandela's release in South Africa, provided he gave an undertaking that he would not make himself guilty of planning, instigating or committing acts of violence for the furtherance of political objectives. He would have to conduct himself in such a way that he would not be rearrested

In his initial response, read out at a United Democratic Front meeting in Johannesburg last weekend, Mr Mandela rejected the offer for the first time

He called on Mr Botha to renounce violence and to state that he would dismantle apartheid

He wanted an end to the ban on the ANC and the release of "all who have been imprisoned, banished or exiled for their opposition to apartheid"

He also demanded a guarantee of free political activity from President Botha, "so that the people may decide who will govern them"

● Earlier today the Deputy-Minister of Foreign Affairs, Mr Louis Nel, dismissed suggestions that Mr Mandela should be released unconditionally

He said such suggestions were an attempt to give violence, lawlessness and criminality a cloak of respectability and to turn these into acceptable ways of attaining a political goal

He said Mr Botha's offer was "quite justified and extremely fair"

All reasonable people would accept this, especially because ANC murder gangs had cold-bloodedly killed many people of all races. There had been twice as many black victims as whites.

Mandela will stay in jail, says Botha

The Government would not have a terrorist organisation as a negotiating partner, although it remained willing to talk to people who were prepared to take a stand against violence

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Suzman

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plea for

release of

Mandela

Political
Correspondent

MRS HELEN Suzman yesterday called on President P W Botha to lift the ban on the ANC and break the deadlock between the outlawed organization and the government.

Her impassioned plea followed the President's announcement that the ANC leader would remain in prison.

Mr Botha announced yesterday that Mandela and a few other long-term political prisoners would remain behind bars because of "their refusal to renounce their commitment to violence".

Mrs Suzman countered by saying that unbanning the ANC — one of Mandela's key conditions — "would make it so much easier for Mr Mandela to accept the State President's offer, as he would have a lawful political organization — to which he is deeply committed — to advance his political objectives".

'Emasculated'

"Failing this, he and other long-term prisoners to whom the conditional offer was extended would have to emerge from prison politically emasculated," the PFP's veteran civil rights campaigner said.

A spokesman for the State President's office indicated yesterday that it was unlikely that the details of Mandela's for

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From page 1
may reply to Mr Botha would be made public

In announcing Mandela's refusal of Mr Botha's offer at the week-end, Mandela's daughter Zinzi told a rally that her father insisted that the government first unban the ANC, guarantee free political activity, dismantle apartheid and renounce violence.

Mr Botha's original offer to release Mandela was announced in Parliament on January 31.

The President noted in his statement yesterday that the continued imprisonment of Mandela and other prisoners who had formally turned down his offer "must of now be attributed to their refusal to renounce their commitment to violence".

He added "The attitude of the government and myself on this matter flows on the one hand from the concern for men who have spent a long time in prison.

"On the other hand, we cannot order their release if they remain committed to violence, sabotage and terrorism."

Mr Botha said the government remained prepared to consider the release of long-term security prisoners.

"It is heartening that a number of prisoners have already responded to my statement by renouncing violence as a means of furthering their political aims."

Mrs Suzman, who last month disclosed a dramatic "truce" offer by Mandela, yesterday emphasized that it was imperative that attempts to further dialogue between the government and the ANC be continued.

"The government ought to consider again the tremendous advantages to South Africa if Mandela and his co-prisoners were released.

"It would immediately have the effect of defusing the hostility towards South Africa abroad and would provide the government with a true leader with whom to negotiate."

However, statements by the Minister of Law and Order, Mr Louis le Grange, and the Deputy Minister of Foreign Affairs, Mr Louis Nel, yesterday appeared to rule out a softening of the government's stand at this stage.

Mr Le Grange last night emphasized that the government was prepared to talk to anyone who rejected violence, but would clamp down on those who did not, and Mr Nel said suggestions that Mandela be released unconditionally were an attempt to give violence, lawlessness and criminality a cloak of respectability.

● Release Mandela or face revolution — Kaunda, page 11

per
the

Committee

wants

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real leaders

released

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Staff Reporter

THE Release Mandela Committee this week called on President P W Botha to dismantle apartheid, release "our real leaders" Mandela and other political prisoners unconditionally, and unban banned organizations and people.

Their statement follows the rejection by the leader of the African National Congress, Nelson Mandela, of the government's offer of conditional release.

The statement said "We fully congratulate Comrade Mandela for his firm stand after 22 years languishing in a racist prison.

"We believe that this is a brave stand they have taken and they show us that they are our real leaders who are prepared to die for their convictions.

"We of the RMC feel that Botha's offer is an insult and a torture to our leaders."

The statement said that Mandela and others were in prison not of their own choosing and that was no negotiation when they were jailed.

"Botha's offer is meant to confuse the world and those South Africans who believe that the Botha regime is going in the right direction for change but we, the majority of South Africans, cannot be bluffed by this action. We demand

"The unconditional release of Mandela and other racist political prisoners,

"The unbanning of banned organizations,

"The return of banished people including all those in exile,

"The unbanning of banned people,

"We further demand that Botha must dismantle apartheid and denounce violence."

Mandela 'right to reject offer'

MAPUTO — Nelson Mandela "did the right thing" by rejecting the South African Government's conditional offer of freedom, declared Dr Allan Boesak on his arrival here yesterday.

Dr Boesak, a patron of the United Democratic Fund, and president of the World Alliance of Reformed Churches, is visiting Mozambique at the invitation of the country's Friendship and Solidarity Association, as the guest of honour for a day of solidarity between the people of Mozambique and South Africa.

Speaking to journalists, Dr Boesak said "It is not so much the ANC or Nelson Mandela that have to pledge not to use violence.

"It is the South African Government that must prove to the people of South Africa that it is willing to renounce violence, that it will no longer use policies that hurt and discriminate against our people, that it will dismantle apartheid, which is in itself a violent system, and that it will talk to the genuine representatives of our people."

If the government was prepared to take these steps, then it might be possible to talk about "a new beginning", he said.

Asked about the possibility that the UDF may be banned, Dr Boesak said one never knew what the government would do.

"We have always felt that the South African Government is afraid of the UDF, because the UDF is a danger to apartheid, since it is such a clear mass movement of our people" — AIM

14 more
253 accept
15/12/85
release

Political Staff

CAPE TOWN — A further 14 "security prisoners" have accepted the President Botha's offer of conditional release.

The Minister of Justice, Mr Kobie Coetsee, announced this today. The release of four was announced yesterday.

Mr Coetsee said it had been decided, on the request of certain prisoners and in the best interests of prisoners and their next of kin, not to release the names of those who had "reacted positively".

In his offer to Nelson Mandela and others, Mr Botha demanded they renounce violence as a political tool. The offer was aimed mainly at those who had served more than 20 years of a life sentence.

Mr Botha said those who had not served a substantive part of their sentences would get credit if they renounced violence.

18 prisoners accept P.W.'s conditional release offer

Political Staff

CAPE TOWN — Eighteen long-term security prisoners have accepted the State President's offer of conditional release, the Minister of Justice, Mr. Kobie Coetzee, announced yesterday.

Four of the men were released yesterday.

Mr Coetzee said it had been decided, at the request of certain prisoners and in the interests of the prisoners and their next of kin, not to release their names.

In his initial offer to Nelson Mandela and other security prisoners, Mr Botha demanded that they should renounce violence as a political tool. This was aimed mainly at people who had served more than 20 years of a life sentence.

Mr Botha also said that those who had not served a substantive part of their sentences would get credit if they renounced violence.

This would be taken into account with other factors which normally counted with the Prisons authorities when releases were considered.

Mr Coetzee said that in the case of those who

had only served a relatively short period of their sentences, the Release Board would take cognisance of the attitudes in this regard.

The Star's London bureau reports that Lord Nicholas Bethel, the British peer who interviewed Nelson Mandela in Cape Town, has said that if the South African Government had any feeling for justice or humanity, it would unconditionally release Mandela.

And Bishop Trevor Huddleston, president of the Anti-Apartheid Movement, has written to Prime Minister Mrs Margaret Thatcher, asking her to intercede with Mr Botha to secure Mr Mandela's unconditional release.

They were reacting to Mr Botha's statement that the imprisonment of Mandela and others "must, of now, be attributed to their refusal to renounce their commitment to violence".

The Foreign Office said "The British Government has consistently called for Mr Mandela's release. It would be welcomed as evidence of your desire for reconciliation in South Africa".

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14 more
Can. Times 16/2/83
renounce
#P... 83
violence

Political Staff

ANOTHER 14 political prisoners have renounced violence and stand to have their sentences cut in terms of an offer by the State President, Mr P W Botha, to Nelson Mandela and others during the no confidence debate

This was disclosed yesterday by the Minister of Justice, Mr Kobie Coetsee, and now brings to 18 the number of prisoners who have rejected violence in exchange for shorter sentences

Four Robben Island prisoners are to be released, but their names have not been disclosed and the names of the 14 who have now taken up the offer are also not being disclosed, at their own request

The Cape Times's Johannesburg correspondent reports that it is now almost certain that the four life-serving political prisoners from Robben Island who have accepted the offer are from the Pan Africanist Congress

This follows yesterday's confirmation that three more ANC leaders — Govan Mbeki, Elias Motsoaledi and Wilton Mcwayi — had refused the offer

*paypal
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return*

Release: Prisoners believed to be PAC

Political Staff

TWO of the four Robben Island prisoners who are to be released after accepting President P W Botha's offer of freedom provided they renounced violence are believed to be former members of the Pan Africanist Congress.

It is understood that they are John Nkosi and Dimake "Boy" Malepe, both of whom were jailed in 1964 for life for plotting to overthrow the state.

There has been press speculation

that a third person who has accepted President Botha's offer is Wilton Mkwazi, jailed in 1964 for his part in the formation of Umkhonto We Sizwe, the African National Congress's military wing.

President Botha announced on Wednesday that he had approved the release for four security prisoners who had agreed to renounce violence as a means for achieving their political objectives, but he did not name them.

A spokesman for the prisons ser-

vice said the names of the four prisoners would be released "in due course", but earlier in the week a prisons service spokesman said the four men were all being held on Robben Island.

It is understood that none of the people jailed in the Rivonia trial in 1964 have accepted President Botha's offer.

There has been some speculation that Govan Mbeki, a former leader of the ANC in the Eastern Cape, might be released because of his age, along

with Walter Sisulu, former secretary-general of the ANC.

Last year the Minister of Law and Order, Mr Louis le Grange, confirmed in an interview that the release of Mbeki and Sisulu was under consideration because of their age.

But it is understood that Mbeki, who is imprisoned on Robben Island, and the other Rivonia prisoners have rejected President Botha's offer.

They include Nelson Mandela, Andrew Mlangeni, Ahmed Kathadra, Raymond Mhlaba and Sisulu, who are

in Pollsmoor Prison in Cape Town.

A sixth political prisoner at Pollsmoor is Patrick Maqubela, the former Maritzburg attorney who was jailed for 20 years.

The other person jailed for life at the Rivonia trial is Denis Goldberg, who is at Pretoria Central Prison.

In his statement, President Botha did not refer to the 15 prisoners from Namibia who are serving life sentences on Robben Island, although there has been speculation that they will be released this year.

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~~South~~
'Freedom offer stands' — Botha

Defence Correspondent
THE State President's conditional offer of freedom to African National Congress leader Nelson Mandela and others still stands, in spite of their recent rejection of it.

This came through quite clearly in Mr P W Botha's speech yesterday at an investiture ceremony at the Castle, where four senior military officers and four civilians were admitted to the Order of the Star of South Africa.

In addition, Mr Botha made it clear that he was willing in principle to talk with the ANC if it renounced violence.

He also said that his release offer extended not just to long-term prisoners but to those "who have not yet served a substantial part of their sentences".

He warned "We should heed the lessons of history".

Addressing more than 200 people — among them cabinet ministers and members of all three houses of Parliament — Mr Botha said:

"There are many threats to our country — attacks on the political, economic, cultural, religious and other terrains — and with people of the quality of those who were presented with the order today these challenges can be faced.

"The challenges of the future therefore demands a new dedication from all of us, not just in words but in practice. A dedication to loyal service for peace and progress.

"It is in this spirit that I made my offer a few days ago to Mr Nelson Mandela and other similar prisoners who were involved in misdeeds against the state and



Mr P W Botha

have already served long terms of imprisonment.

"If they will renounce the planning, instigation and commission of violence, their release will be given favourable consideration.

"That is what I told them. Those who have not yet served a substantial part of their sentences will receive credit if they renounce violence. It will be taken into account along with other factors which normally apply when the prison authorities consider their release."

● **BARRY STREEK** reports that there is little likelihood at present that the ANC will accept President Botha's offer to talk if the banned organization renounces violence.

Not only have its leaders recently publicly endorsed violence as one of its strategies for change in South Africa, but they argue that only a negotiated truce between both sides could end violence in South Africa.

If they accepted an offer to talk on the gov-

ernment's terms by laying down their arms, this, it is argued, would amount to a surrender not a truce.

Moreover, there are a number of other minimum conditions, such as the release of political prisoners and the lifting of the ban on the ANC, which, it is argued, have to be fulfilled before any negotiations can begin.

It is also argued that it was the government's actions against the ANC which forced it to turn to violence in 1961 and the onus is therefore on the government to remove those conditions which lead to that decision.

In the recent interview with Lord Bethell, the Tory MP in the European Parliament, Mandela endorsed the ANC's strategies of violence.

And in the interview with the ANC president, Oliver Tambo, in a Harare newspaper, which the government permitted to be published in South Africa, an unequivocal commitment for continued support to violence was given.

Unimpressed

This stand was confirmed in a recent interview with Mr Tambo in Lusaka.

What is clear is that the ANC has, to date, been unimpressed by government offers to talk provided it renounces violence.

The recent decision by ANC leaders in Pollsmoor and Robben Island prisons not to accept offers of freedom provided they renounce violence has effectively endorsed that stand.

In the circumstances, it is highly unlikely that any positive response will come from the ANC to Mr Botha's offer.

Doors open to ANC talks

253 S-Times 7/2/85

By BRIAN POTTINGER

PRIVATE attempts to bring about a meeting between ANC executives and Afrikaner academics — possibly including a few National Party members — have been given a boost by the State President's political amnesty offer.

The moves — being undertaken with great circumspection — could become the first step towards a more meaningful debate between the South African Government and the ANC.

This week President Botha opened new possibilities for discussion with his offer of dialogue with the ANC if they renounce violence as a means to achieve political ends.

The offer came amid reports that at least 18 political prisoners had accepted the amnesty offer — although indications are that they are mostly members of the

smaller and politically weaker Pan Africanist Congress.

Key ANC members in prison have declined the amnesty offer along with their leader, Mr Nelson Mandela. But the original offer by President Botha and the response by the jailed ANC leader have not closed the door on possible future developments.

The central problem — beyond the rhetorical cloud — is the question of legalisation of the ANC. The Government insists it will not legalise the ANC until it renounces violence.

But ANC members claim they cannot renounce the armed struggle until they are legalised; in other words, until they can take part in the political process.

The beginning of the new and extremely tentative rapproche-

ment between the leaders of the two most powerful South African political groupings began almost casually.

Last year President Botha denied reports that members of his party had met the ANC. He said then it was not possible to talk to an organisation which espoused violence.

Two weeks ago Mr Botha offered Mr Mandela and other political "lifers" their release if they agreed to renounce violence. The offer was rejected by Mr Mandela and other key ANC leaders.

This week President Botha received the ANC's leader's official response. In a remarkably conciliatory reply on Friday, President Botha again offered dialogue with the ANC — and any other organisation — which was prepared to reject violence.

APAC Times 18/2/85
Four PAC prisoners released

JOHANNESBURG — Four convicted members of the outlawed Pan-African Congress became free men this weekend, newspaper reports said yesterday.

The reports said the freed PAC men were Philemon Tefu, Dimake Malepe, Samuel Chibane and Isaac Mthimunya. All four live in Pretoria and were sentenced in 1963 to life terms for sabotage.

There was speculation earlier in the week that Wilton Mkwayi, 61, an ANC leader, would accept the offer, but when his lawyer saw him on the island yesterday, he emphatically denied it. This means that seven life prisoners, including Nelson Mandela, have so far spurned President P.W. Botha's offer.

Sapa

(METHIMUNYA) 253

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him would submit legislation to warn people against the dangers of the habit of smoking?

†The MINISTER: It seems to me that the hon member cannot protect himself and that he needs legislation to protect him.

†Dr M S BARNARD, Further arising out of the hon member's reply, will the hon the Minister please tell us whether he sees the smoking habit as a joke or as a serious matter?

Zimbabwe: sales of steel products

*23 Mr D J N MALCOMESS asked the Minister of Trade and Industry

Whether the South African trade mission in Zimbabwe lodged any complaints with the Zimbabwean Government in 1984 in connection with sales of steel products, if so, (a) why, (b) what was the nature of the complaints and (c) with what result?

The MINISTER OF TRADE AND INDUSTRY

No (a), (b) and (c) fall away

Maitland: coal merchants' yards

*25 Mr B W B PAGE asked the Minister of Transport Affairs

Whether the coal merchants' yards situated on South African Transport Services property in Maitland, Cape Town, are to be moved, if so, (a) when, (b) where to and (c) how many such merchants will be affected?

†The MINISTER OF TRANSPORT AFFAIRS

Yes (a) and (b) A final decision has not yet been taken

(c) One

Immorality Act

*26 Mr F J LE ROUX asked the Minister of Justice †

HoA

(1) Whether he intends to take action against certain persons who have allegedly contravened the specifications of section 16 of the Immorality Act, No 23 of 1957, and whose names have been furnished to the South African Police for the purposes of the Minister's reply, if so, (a) what action and (b) what are the names of these persons; if not, why not,

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

†The DEPUTY MINISTER OF LAW AND ORDER

(1) and (2) No I wish to invite the hon member's attention to the speech of the hon the Minister on 30 January 1985 in this House

Farm workers' conditions of employment
*28 Mr P G SOAL asked the Minister of Manpower

(1) Whether his Department makes any regulations concerning the conditions of employment of farm workers, if not, why not, if so, what is the nature of these regulations,

(2) whether these regulations set a minimum wage for farm labourers, if not, why not, if so, what is the minimum wage,

(3) whether his Department has received any complaints or representations concerning the treatment of farm workers on a potato farm in Bethal, particulars of which have been furnished to the Minister's Department for the purpose of his reply, if so, (a) when, (b) from whom, (c) what was (i) the nature of the complaints or representations and (ii) his response thereto and (d) who are the owners of the farm,

(4) whether his Department has investigated this matter, if not, why not, if so, (a) when and (b) what were the findings,

HoA

(5) whether his Department has taken any action as a result, if not, why not; if so, what action?

The MINISTER OF MANPOWER

(1) No Farm workers are excluded from the statutes of the Department of Manpower which apply to conditions of employment

(2) Falls away

(3) No

(4) Falls away

(5) Falls away

Bethal: prisoners working on farms
*29 Mr P G SOAL asked the Minister of Justice

(1) Whether any prisoners have been hired to a potato farm in Bethal, particulars of which have been furnished to the Minister's Department for the purpose of his reply, if so, (a) how many, (b) what are the conditions of their employment and (c) who are the owners of the farm,

(2) whether his Department monitors the conditions under which prisoners are employed by private persons, if not, why not, if so, in what manner,

(3) whether a check has been kept on prisoners working on the farm in question, if not, why not, if so, how often,

(4) whether any such prisoners have submitted any complaints to his Department, if so, what was the (a) nature of the complaints and (b) response thereto,

(5) whether any action was taken as a result, if not, why not if so, what action,

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

†The MINISTER OF JUSTICE:

(1) Yes.

(a) An average of 50 per day

(b) Prisoners are made available to hirers at a fixed tariff approved by the Treasury. The prisoners concerned are not employed by the hirer and therefore conditions of employment are not laid down, but prisoners are to be treated in accordance with the stipulations of the Prisons Act 1959 (Act No 8 of 1959) and the regulations promulgated in terms thereof. Prisoners are collected at the prison by the temporary warders in the employ of the hirer at 06h45 and are returned to the prison at 16h30. They have breakfast and supper in the prison and have lunch, which is provided by the prison, at their places of work. A lunchtime is provided for this purpose from 12h00 to 13h00.

(c) Mr Norman Hirsowitz

(2) Yes. Prison personnel periodically visit prisoners' working places.

(3) Yes. The most recent visits paid to the Sandhurst Estates took place on the following dates

27 October 1984

14 November 1984

17 December 1984

13 January 1985

13 January 1985

7 February 1985

(4) No (a) and (b) as well as (5) fall away

(6) No

Citizens of Black states: employment in Republic

30 Mr P G SOTHE asked the Minister of Co-operation and Development.

(1) Whether citizens of national and/or independent black states require any authorization or documentation from his Department or any Development Board when taking up employment in the Republic, if so, (a) what specified documentation or other authorization, (b) where is such documentation or authorization obtained and (c) what are the conditions attached to their taking up employment in the Republic,

(2) whether a check is kept on (a) such persons and (b) their employers or places of employment, if so, what is the nature of this check,

(3) whether any member of his Department or the relevant Development Board received any complaints from employees of a certain potato farm in Bethal, particulars of which have been furnished to the Minister's Department of the purpose of his reply, concerning (a) working conditions, (b) pay and (c) any other specified matter, if so, (i) who received such complaints, (ii) when were these complaints received, (iii) what was the nature of the complaints and (iv) who are the owners of this farm,

(4) whether any action was taken as a result, if not, why not, if so, what action?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(1) Yes

(a) A valid identity document and a service contract, attested in the country of origin, as well as the approval of the Chief Commissioner concerned

(b) Documentation in the country of

origin and approval at the Chief Commissioner concerned

(c) A firm offer of employment and the necessary documentation and approval

At 14h47, Questions on General Affairs interrupted in accordance with Joint Rule No 57

over as soon as the calculations have been made

(2) (a) and (b) Yes. The Development Board does keep record of every case

Unsolicited Christmas cards

*31 Mr W V RAW asked the Minister of Trade and Industry

(3) Yes. The Magistrate, Bethal who is an official of the Department of Justice and who also functions as a Commissioner of the Department of Co-operation and Development

(1) Whether his Department (a) has been informed of and/or (b) has received representations concerning a certain commercial company, the name of which has been furnished to the Minister's Department for the purpose of his reply, which allegedly requests payment from the public for unsolicited Christmas cards posted to them, if so, what is the name of this company,

(a) Yes

(b) Yes

(c) Yes. It was stated that the contract period of the workers concerned had expired and that they wished to return home, but that the farm manager refused to send them home,

(i) The Magistrate, Bethal

(ii) 6 December 1984

(iii) Complaints were made about working conditions and remuneration

(iv) Mr N Hirsowitz

(3) whether he will investigate this matter?

The MINISTER OF TRADE AND INDUSTRY

(4) The farm manager was requested to call at the Magistrates Office and he produced documentation to the magistrate from which it was evident that the workers who complained had not at that stage completed their contract periods. The workers however refused to return to their place of work and on 2 January 1985 during a further visit by the workers to the magistrate's office, part of the wages due to them was paid and they were allowed to proceed to their homes. The recruiting organisation concerned is at present calculating the balance due to these workers and this will be paid

(1) (a) and (b) No, but the name of the company concerned is The Association of Mouth and Foot Printers (Pty) Ltd

(2) (a) en (b) The information is not available. This is a private company operating on a purely commercial basis. As a private company it is under no obligation to submit annual financial statements to the Registrar of Companies

(3) The Trade Practices Advisory Committee has been requested to investigate the matter

Being free again 'not easy'

~~###~~ Pretoria Bureau (253)

Star 19/2/85
am still on Robben Island

Mr Isaac Mthumunye and Mr Philemon Tefu, Robben Island prisoners who were released late last week after serving 22 years for high treason, have spoken guardedly about the difficulties of adjusting to freedom

He added that he had completed a BA through Unisa while in jail and was now studying towards a law degree

Interviewed in their homes in Mamelodi, near Pretoria, the men would not, however, be drawn into answering questions about prison life, their politics or their terms of release

Mr Mthumunye said that he and other prisoners had kept in touch with the outside world and political developments in South Africa

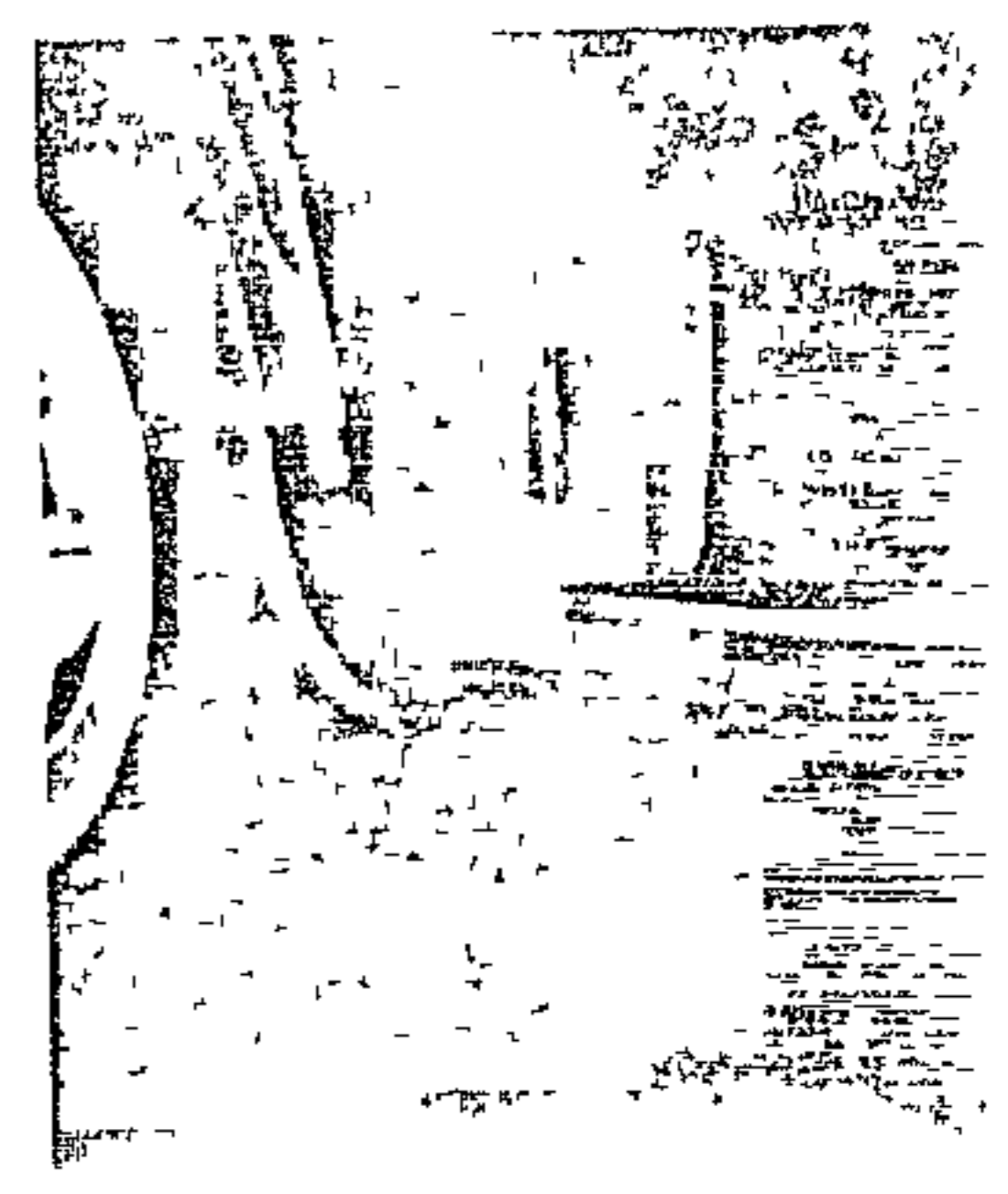
The two men, who were both members of the Pan Africanist Congress, said they would be willing to talk about their experiences only once they had settled down to a normal life

He was keen to talk about international issues and was particularly curious about the Third World, an area which he said received little coverage in South African newspapers

A former clerk for the then Bantu Administration, Mr Mthumunye spoke of the trauma of adjusting to township life, saying he sometimes felt "as if I

Starting a new career at this stage would be difficult, he said But he would leave that for later Right now he just wanted to be with his family

Mr Tefu was cordial but added he did not want to be interviewed by the Press until he had considered all the implications of his release



 **CADDETS "85"**

him would submit legislation to warn people against the dangers of the habit of smoking?

†The MINISTER: It seems to me that the hon member cannot protect himself and that he needs legislation to protect him.

†Dr M S BARNARD: Further arising out of the hon member's reply, will the hon the Minister please tell us whether he sees the smoking habit as a joke or as a serious matter?

Zimbabwe: sales of steel products.

*23. Mr D J N MALCOMESS asked the Minister of Trade and Industry:

Whether the South African trade mission in Zimbabwe lodged any complaints with the Zimbabwean Government in 1984 in connection with sales of steel products; if so, (a) why, (b) what was the nature of the complaints and (c) with what result?

The MINISTER OF TRADE AND INDUSTRY:

No. (a), (b) and (c) fall away.

Maitland: coal merchants' yards

*25. Mr B W B PAGE asked the Minister of Transport Affairs:

Whether the coal merchants' yards situated on South African Transport Services property in Maitland, Cape Town, are to be moved; if so, (a) when; (b) where to and (c) how many such merchants will be affected?

†The MINISTER OF TRANSPORT AFFAIRS:

Yes (a) and (b) A final decision has not yet been taken.

(c) One.

Immorality Act

*26 Mr F J LE ROUX asked the Minister of Justice:†

(1) Whether he or a member of his Department has (a) been informed of and/or (b) received representations on an alleged contravention of section 16 of the Immorality Act, No 23 of 1957, by certain persons whose names have been furnished to the Minister's Department for the purposes of his reply; if so,

(2) whether he intends instituting a prosecution in terms of the provisions of the said Act against the persons concerned; if so, what are their names,

(3) whether he is going to refer the matter to the relevant Attorney-General, if not, why not,

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

†The MINISTER OF JUSTICE:

(1) (a) and (b) Despite extensive enquiries, no such notice or representations could be traced.

(2) (3) and (4) Fall away.

†Mr F J LE ROUX: Mr Chairman, arising out of the answer of the hon Minister, I should like to know whether he has read the Minister of Law and Order's speech in the no-confidence debate?

†The MINISTER: I have read it.

†Mr F J LE ROUX: Mr Chairman, further arising out of the answer of the hon the Minister, did he not take note therein that a *prima facie* transgression had taken place, which should be followed up?

†The MINISTER: If the hon member is referring to the hon Minister's statement in the House, then I have noticed that he referred to the actions of the Security Branch and not the Immorality Branch.

Immorality Act

*27 Mr F J LE ROUX asked the Minister of Law and Order:†

(1) Whether he intends to take action against certain persons who have allegedly contravened the specifications of section 16 of the Immorality Act, No 23 of 1957, and whose names have been furnished to the South African Police for the purposes of the Minister's reply, if so, (a) what action and (b) what are the names of these persons; if not, why not,

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

†The DEPUTY MINISTER OF LAW AND ORDER:

(1) and (2) No I wish to invite the hon member's attention to the speech of the hon the Minister on 30 January 1985 in this House.

Farm workers: conditions of employment

*28 Mr P G SOAL asked the Minister of Manpower:

(1) Whether his Department makes any regulations concerning the conditions of employment of farm workers; if not, why not; if so, what is the nature of these regulations;

(2) whether these regulations set a minimum wage for farm labourers; if not, why not; if so, what is the minimum wage;

(3) whether his Department has received any complaints or representations concerning the treatment of farm workers on a potato farm in Bethal, particulars of which have been furnished to the Minister's Department for the purpose of his reply, if so, (a) when, (b) from whom, (c) what was (i) the nature of the complaints or representations and (ii) his response thereto and (d) who are the owners of the farm,

whether his Department has investigated this matter; if not, why not, if so, (a) when and (b) what were the findings,

(5) whether his Department has taken any action as a result; if not, why not, if so, what action?

The MINISTER OF MANPOWER.

(1) No Farm workers are excluded from the statutes of the Department of Manpower which apply to conditions of employment

(2) Falls away

(3) No

(4) Falls away

(5) Falls away

Bethal: prisoners working on farms

*29 Mr P G SOAL asked the Minister of Justice:

(1) Whether any prisoners have been hired to a potato farm in Bethal, particulars of which have been furnished to the Minister's Department for the purpose of his reply; if so, (a) how many, (b) what are the conditions of their employment and (c) who are the owners of the farm,

(2) whether his Department monitors the conditions under which prisoners are employed by private persons, if not, why not, if so, in what manner;

(3) whether a check has been kept on prisoners working on the farm in question; if not, why not, if so, how often;

(4) whether any such prisoners have submitted any complaints to his Department, if so, what was the (a) nature of the complaints and (b) response thereto,

(5) whether any action was taken as a result, if not, why not, if so, what action,

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

†The MINISTER OF JUSTICE:

- (1) Yes
- (a) An average of 50 per day
- (b) Prisoners are made available to hirers at a fixed tariff approved by the Treasury. The prisoners concerned are not employed by the hirer and therefore conditions of employment are not laid down, but prisoners are to be treated in accordance with the stipulations of the Prisons Act 1959 (Act No 8 of 1959) and the regulations promulgated in terms thereof. Prisoners are collected at the prison by the temporary warders in the employ of the hirer at 06h45 and are returned to the prison at 16h30. They have breakfast and supper in the prison and have lunch, which is provided by the prison, at their places of work. A lunch-time is provided for this purpose from 12h00 to 13h00
- (c) Mr Norman Hirsowitz.
- (2) Yes Prison personnel periodically visit prisoners' working places.
- (3) Yes The most recent visits paid to the Sandhurst Estates took place on the following dates:

27 October 1984

14 November 1984

17 December 1984

13 January 1985

13 January 1985

7 February 1985

- (4) No (a) and (b) as well as (5) fall away
- (6) No

Citizens of Black states: employment in Republic
 30. Mr P G SOALE asked the Minister of Co-operation and Development

- (1) Whether citizens of national and/or independent black states require any authorization or documentation from his Department or any Development Board when taking up employment in the Republic, if so, (a) what specified documentation or other authorization, (b) where is such documentation or authorization obtained and (c) what are the conditions attached to their taking up employment in the Republic,
- (2) whether a check is kept on (a) such persons and (b) their employers or places of employment, if so, what is the nature of this check,
- (3) whether any member of his Department or the relevant Development Board received any complaints from employees of a certain potato farm in Bethal, particulars of which have been furnished to the Minister's Department of the purpose of his reply, concerning (a) working conditions, (b) pay and (c) any other specified matter, if so, (i) who received such complaints, (ii) when were these complaints received, (iii) what was the nature of the complaints and (iv) who are the owners of this farm;

- (4) whether any action was taken as a result; if not, why not; if so, what action?

The MINISTER OF CO-OPERATION AND DEVELOPMENT.

- (1) Yes.

- (a) A valid identity document and a service contract, attested in the country of origin, as well as the approval of the Chief Commissioner concerned
- (b) Documentation in the country of

origin and approval at the Chief Commissioner concerned

- (c) A firm offer of employment and the necessary documentation and approval

over as soon as the calculations have been made

At 14h47, Questions on General Affairs interrupted in accordance with Joint Rule No 57

Unsolicited Christmas cards

*31. Mr W V RAW asked the Minister of Trade and Industry.

- (2) (a) and (b) Yes The Development Board does keep record of every case.

- (3) Yes The Magistrate, Bethal who is an official of the Department of Justice and who also functions as a Commissioner of the Department of Co-operation and Development

- (a) Yes.

- (b) Yes

- (c) Yes It was stated that the contract period of the workers concerned had expired and that they wished to return home, but that the farm manager refused to send them home,

(i) The Magistrate, Bethal

(ii) 6 December 1984

- (iii) Complaints were made about working conditions and remuneration.

(iv) Mr N Hirschowitz.

- (2) whether he will furnish the House with information on the (a) number of incapacitated beneficiaries receiving assistance from this company in South Africa and (b) total amount paid to such beneficiaries by this company concerned is the Association of Mouth and Foot Painters (Pty)
- (3) whether he will investigate this matter?

The MINISTER OF TRADE AND INDUSTRY.

- (1) (a) and (b) No, but the name of the company concerned is The Association of Mouth and Foot Painters (Pty) Ltd

- (2) (a) en (b) The information is not available This is a private company operating on a purely commercial basis As a private company it is under no obligation to submit annual financial statements to the Registrar of Companies

- (3) The Trade Practices Advisory Committee has been requested to investigate the matter

CAPE TIMES 22/2/85

Civil Rights League



Sir Richard Luyt

Political Staff

A PETITION calling for the unconditional release of Nelson Mandela, the jailed ANC leader, has been submitted to President P W Botha by the Civil Rights League

The petition, signed by Sir Richard Luyt, former Principal of the University of Cape Town, says Mandela and other political prisoners should be released unconditionally, in the same way as Mr Andimba Ja Toivo, the Swapo

leader. The petition says: "Since the law of the land makes violent political activities crimes punishable in the normal way, it is unnecessary to impose further conditions for amnesty to political prisoners."

If the decrees banning the ANC and other political organizations were lifted and the freedom of assembly as well as other political activities were permitted, this would facilitate the transition to normal parliamentary politics,

Mandela's Release

the petition said. "All of us South Africans pay the price for continued criminalization of lawful, peaceful activities by banned political parties; the resultant polarization and violence

"All of us South Africans share the responsibility for, and will enjoy the benefits of, an imaginatively-negotiated return to peaceful politics."

It also said the swift and unconditional release of Mandela and other political prisoners, as well as the unbanning

of suppressed organizations was "the prerequisite first step to return to the politics of negotiation".

The petition, which was submitted to President Botha this week, was signed by the League's chairman, Mr Keith Gottschalk; the former MPC, Dr Oscar Wollheim, Professor E N Keen, the chairperson of the Black Sash in the Western Cape, Mrs Mary Burton; N A Cox; M L Lindsay; Mrs Dot Clemminshaw, Mr Brian Bishop and Mrs Di Bishop, MPC.

LIFE IN BETHAL! GOVT GIVES DETAILS

C.P. Press **CP Correspondent** *(initials)*

THE GOVERNMENT has given details of life on Bethal's controversial potato farm — and it's not a very pretty picture. *24/2/85*

(BR)

Three Cabinet Ministers were forced to answer questions during a parliamentary discussion on City Press' expose of working conditions on Norman Hirschowitz's Sandhurst Estates farm

The issue was raised by the Progressive Federal Party's Peter Soal, who said he had sent copies of City Press' expose to the three Ministers — "but none of them expressed any concern or regret"

Mr Soal described conditions at the Bethal farm as "incredible", saying foreign workers were "among the most exploited in South Africa"

First was Co-operation and Development Minister Gerrit Viljoen, who disclosed that the potato workers had once waited more than two-and-a-half months to receive their full salaries

He said the workers had complained to the local magistrate about not being paid, and were given part of their pay a month late. The rest only came six weeks later.

Mr Viljoen also disclosed that workers had been unable to leave the farm because of the farm manager's delay in paying them — and they are still owed part of their wages

Justice Minister Kobie Coetsee, in turn, revealed that an average of 50 prisoners worked on the Bethal farm each day.

He said they were given meals at the farm, and that prison personnel had visited the area to see how they were treated.

Mr Coetsee would not comment further

The third Cabinet member to discuss the farm was Manpower Minister Pietie du Plessis, although all he said was that his department doesn't have regulations for farm workers.

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Influx control/Identity documents

107. Mr P G SOAL asked the Minister of Justice:

(1) How many persons were (a) tried for and (b) convicted of offences relating to influx control and identity documents at commissioners' courts in each specified Development Board area in 1984;

(2) what was the average daily number of such cases heard by these courts in each Development Board area in that year;

(3) how many of these persons were (a) legally represented and (b) not legally represented in each Development Board area in the year concerned?

The MINISTER OF EDUCATION

Figures as on 6 March 1984

Region	(i)		(ii)	
	(a)	(b)	(a)	(b)
OFS	43	18 869	127	54 166
Cape	8	5 007	254	95 792
Natal	9	5 832	102	37 513
N. Tvl.	76	36 947	190	64 738
O. Vaal	38	20 845	104	48 339
JHB	17	5 800	242	84 731
Highveld	78	47 516	131	53 144

Handwritten: **Farm schools**
26/2/85

*115. Mr K M ANDREW asked the Minister of Education:

- (1) (a) How many applications for the subsidization of farm schools were received by his Department in 1984 and (b) how many applications (i) were granted, (ii) were refused and (iii) are pending;
- (2) what estimated number of pupils benefited from the subsidization of farm schools in that year?

The MINISTER OF EDUCATION

- (1) (a) 379 in respect of farm school buildings.
(b) (i) 379.
(ii) None.
(iii) None.
- (2) 468 619 pupils.

Influx control/Identity documents

107. Mr P G SOAL asked the Minister of Justice:

- (1) How many persons were (a) tried for and (b) convicted of offences relating to influx control and identity documents at commissioners' courts in each specified Development Board area in 1984;
- (2) what was the average daily number of such cases heard by these courts in each Development Board area in that year;
- (3) how many of these persons were (a) legally represented and (b) not legally represented in each Development Board area in the year concerned?

The MINISTER OF JUSTICE:

The required information is unfortunately not readily available. Statistics of this nature have not been kept by the Department up till now. The keeping of statistics of offences in general is at present the subject of an investigation.

Handwritten: **Langa/Nyanga/Guguletu; housing**
26/2/85

113. Mr K M ANDREW asked the Minister of Co-operation and Development:

- (1) How many new family housing units were provided in (a) Langa, (b) Nyanga and (c) Guguletu in 1984;
- (2) how many of these units in each township were converted from hostel units?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) None.
(2) None.
- Handwritten:* **Compulsory education**
26/2/85
114. Mr K M ANDREW asked the Minister of Education:

HQA

Handwritten: **Staff shortages**
26/2/85

83. Mr D J BALLING asked the Minister of Justice:

Whether the Prisons Service is experiencing staff shortages, if so, what (a) is the extent of the shortages and (b) is being done to remedy the situation?

The MINISTER OF JUSTICE:

(a) The approved establishment of 18 614 posts was, with the exception of 460 vacancies, filled completely on 1985-02-01. This establishment does not make provision for identified needs towards expansion.

(b) Efforts are made continually to fill existing vacancies by means of intensive recruiting within the framework of available funds. It is constantly endeavoured to increase existing efficiency as measured to accepted norms and special attention is given to the retention of manpower.

(1) (b) (i) Number	(1) (b) (ii) Cause of action	(2) (a) (i) Claims settled out of court	(2) (a) (ii) Claims not furthered by the plaintiff
12	unlawful detention	78	17
8	damages		
5	unlawful attachment		
1	insufficient medical treatment		
2	injuries during detention		
2	assault		
79	death of prisoners		
7	breach of contract		
1			

(2) (a) No.
(b) Yes

1980	R14 061,60
1981	R18 716,17
1982	R31 540,00

The amounts include settlements reached pursuant to letters of intention to institute action

HQA

Handwritten: **Lawsuits against Minister**
26/2/85

103. Mr P H P Gastrow asked the Minister of Justice:

(1) Whether any lawsuits have been brought against him in his capacity as Minister of Justice by members of the public; if so, (a) how many in each specified year, (b) what (i) were the circumstances of the suit, and (ii) was the outcome, in each case;

(2) whether he paid out any moneys (a) as a result of successful lawsuits brought against him and (b) in out-of-court settlements, if so, what total amount in each specified year?

The MINISTER OF JUSTICE

(1) Yes

(a)	6 October to 31 December
1980	4
1981	16
1982	14
1983	49
1984	34

(1) (b) (i) Claims pending	(1) (b) (ii) Claims dismissed
1983	R91 606,05
1984	R34 978,25

The amounts include settlements reached pursuant to letters of intention to institute action

Johannesburg	7 540
Soweto	220
Durban	4 672
Pietermaritzburg	442
East London	50
Port Elizabeth	1 230
Cape Peninsula	1 012
Bloemfontein	789
West Rand	2 163
East Rand	2 941

(b) 90 555

Trespass

290 Mrs H SUZMAN asked the Minister of Justice

How many (a) Whites, (b) Coloured persons and (c) Indians were convicted of trespass in 1984?

The MINISTER OF JUSTICE

The required information is unfortunately not readily available. Statistics of this nature have not been kept by the Department up till now. The keeping of statistics of offences in general is at present the subject of an investigation.

Trespass

291 Mrs H SUZMAN asked the Minister of Law and Order

How many (a) Whites, Coloured persons and (c) Indians were arrested for trespass by the South African Police in 1984?

The MINISTER OF LAW AND ORDER

- (a) 1 213
(b) 12 284
(c) 1 243

Hans and G. Coetzee
Policemen killed/injured
26/2/85

293 Mrs H SUZMAN asked the Minister of Law and Order

HoA

How many policemen, excluding policemen killed or injured in vehicle accidents or outside the Republic, were (a) killed and (b) seriously injured in the execution of their duties in 1984?

The MINISTER OF LAW AND ORDER

- (a) 20
(b) 100

Influx control/identity documents

300. Mr K M ANDREW asked the Minister of Justice

(1) What amount accrued in 1984 from fines imposed for offences relating to influx control and identity documents,

(2) (a) what part of this amount was paid by employers in respect of illegal employment of Blacks and (b) how many employers were convicted of this offence?

The MINISTER OF JUSTICE

The required information is unfortunately not readily available. Statistics of this nature have not been kept by the Department up till now. The keeping of statistics of offences in general is at present the subject of an investigation.

Animals Protection Act

303 Mr R W HARDINGHAM asked the Minister of Justice

How many persons were prosecuted in each province in the latest specified period of 12 months for which figures are available for contravening the provisions of the Animals Protection Act, No 71 of 1962?

The MINISTER OF JUSTICE

The Central Statistical Service has furnished the following figures for the period 1 July 1982 to 30 June 1983 in regard to offences where animals were maltreated

Province	Cruelty to animals	Mutilation of animals	Other offences in regard to animals
Cape Province	166	3	21
Natal	36	7	3
Transvaal	105	1	20
Orange Free State	50	-	8

253
Hans and G. Coetzee
Deaths in custody
26/2/85
304. Mrs H SUZMAN asked the Minister of Law and Order

(a) How many persons died in police custody in 1984 and (b) what were the causes of these deaths?

The MINISTER OF LAW AND ORDER

(a) 126

(b) Injuries sustained before arrest 21
Assaulted by fellow prisoners 6
Suicide 38
Natural causes 61

Lorries impounded

313 Mr D J N MALCOMESS asked the Minister of Transport Affairs

Whether any lorries were impounded in (a) October, (b) November and (c) December 1984 by officials of the Department of Transport, if so, how many in each of these months?

The MINISTER OF TRANSPORT AFFAIRS

Yes

(a) 10

(b) 4

(c) 1

Case of alleged reckless/careless driving

329. Mrs H SUZMAN asked the Minister of Law and Order

HoA

(1) Whether, with reference to his reply to Question No 11 on 29 June 1984, the investigation into a case of alleged reckless or careless driving has been completed, if not, (a) why not and (b) when is it anticipated that it will be completed, if so, what were the findings,

(2) whether any persons have been (a) arrested and (b) prosecuted in regard to this matter, if not, why not, if so, who,

(3) whether any steps have been taken against the policeman involved, if not, why not; if so, what steps,

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

The MINISTER OF LAW AND ORDER

(1) Yes, on instructions of the attorney-general a member of the Force was charged with negligent driving

(2) (a) No, because such a step was not justified

(b) Yes, a detective constable

(3) Yes, on 19 January 1985 the member was found not guilty and discharged in the magistrates court

(4) No

Own Affairs

Teachers: application for employment

18. Mr P R C ROGERS asked the Minister of Education and Culture.

Handwritten: 233
Handwritten: Staff shortages 26/2/85 Q. 601. 300
 83 Mr D J DALLING asked the Minister of Justice

Whether the Prisons Service is experiencing staff shortages, if so, what (a) is the extent of the shortages and (b) is being done to remedy the situation?

The MINISTER OF JUSTICE

(a) The approved establishment of 18 614 posts was, with the exception of 460 vacancies, filled completely on 1985-02-01. This establishment does not make provision for identified needs towards expansion

(b) Efforts are made continually to fill existing vacancies by means of intensive recruiting within the framework of available funds. It is constantly endeavoured to increase existing efficiency as measured to accepted norms and special attention is given to the retention of manpower

(1) (b) (i) Number	(1) (b) (ii) Cause of action	(1) (b) (i) Number	(1) (b) (ii) Cause of action
12	unlawful detention	12	unlawful detention
8	damages	8	damages
5	unlawful attachment	5	unlawful attachment
1	injuries during detention	1	injuries during detention
2	assault	2	assault
2	breach of contract	2	breach of contract
79		79	
7		7	
1		1	

(1) (b) (i) Claims settled out of court 78

(1) (b) (ii) Claims not furthered by the plaintiff 17

19

3

(2) (a) No.

(b) Yes
 1980
 1981
 1982

1983 R91 606,05
 1984 R34 978,25

The amounts include settlements reached pursuant to letters of intention to institute action.

Influx control/identity documents

107. Mr P G SOAL asked the Minister of Justice:

(1) How many persons were (a) tried for and (b) convicted of offences relating to influx control and identity documents at commissioners' courts in each specified Development Board area in 1984;

(2) what was the average daily number of such cases heard by these courts in each Development Board area in that year;

(3) how many of these persons were (a) legally represented and (b) not legally represented in each Development Board area in the year concerned?

The MINISTER OF JUSTICE

The required information is unfortunately not readily available. Statistics of this nature have not been kept by the Department up till now. The keeping of statistics of offences in general is at present the subject of an investigation

Handwritten: Langa/Nyanga/Guguletu: housing 26/2/85
 113. Mr K M ANDREW asked the Minister of Co-operation and Development:

(1) How many new family housing units were provided in (a) Langa, (b) Nyanga and (c) Guguletu in 1984;

(2) how many of these units in each township were converted from hostel units?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

(1) None.

(2) None

Handwritten: Compulsory education 26/2/85

114. Mr K M ANDREW asked the Minister of Education:

(a) In respect of how many schools in each departmental region had compulsory education (i) been introduced and (ii) not been introduced at the latest specified date for which figures are available and (b) how many pupils were involved in each category in each of these departmental regions?

The MINISTER OF EDUCATION:

Figures as on 6 March 1984

Region	(i)		(ii)	
	(a)	(b)	(a)	(b)
OFS	43	18 869	127	54 166
Cape	8	5 007	254	95 792
Natal	9	5 832	102	37 513
N Tvl	76	36 947	190	64 738
O Vaal	38	20 845	104	48 339
JHB.	17	5 800	242	84 731
Highveld	78	47 516	131	53 144

Handwritten: Farm schools 26/2/85
 *115. Mr K M ANDREW asked the Minister of Education:

(1) (a) How many applications for the subsidization of farm schools were received by his Department in 1984 and (b) how many applications (i) were granted, (ii) were refused and (iii) are pending;

(2) what estimated number of pupils benefited from the subsidization of farm schools in that year?

The MINISTER OF EDUCATION

(1) (a) 379 in respect of farm school buildings

(b) (i) 379.
 (ii) None
 (iii) None

(2) 468 619 pupils

Gardens constituency, if so, (i) how many in each case and (ii) when is it anticipated that the backlog will be eliminated?

The MINISTER OF COMMUNICATIONS

- Yes,
- (i) Barrack Street exchange Leeusig exchange
- (a) 2, 3, (b) 2, 2, and
- (ii) in both cases it is expected that the applicants will be provided with service within two or three months.

Hansend
 Deportations Q. 61 311
 26/2/85

182 Mr K M ANDREW asked the Minister of Co-operation and Development:

- (1) How many (a) men, (b) women and (c) children were deported to (i) Transkei and (ii) Ciskei in each month from January to December 1984;
- (2) whether any such (a) men, women and (c) children qualified for permanent residence in the Western Cape in terms of Section 10 of the Blacks (Urban Areas) Consolidation Act; if so, how many in each category?

The MINISTER OF CO-OPERATION AND DEVELOPMENT.

- (1) (a), (b) and (c) (i) and (ii) None.
- (2) Falls away
- Hansend*
 Farm schools Q. 61 311
 26/2/85
- 183 Mr K M ANDREW asked the Minister of Education
- How many (a) farm schools, (b) farm school teachers and (c) farm school pupils were there in the White areas of the Republic at the end of 1984?

The MINISTER OF EDUCATION.

- (a) 5 331.

HoA

- (b) 11 113
 (c) 468 619.

Statistics for March 1984

Influx control/identity documents

196 Mr K M ANDREW asked the Minister of Justice.

- (1) What was the total (a) amount in fines and (b) number of days in respect of sentences imposed on Blacks in 1984 in the (i) Cape Peninsula and (ii) rest of the Western Cape for offences relating to influx control and identity documents;
- (2) (a) how many persons paid fines and (b) what was the total amount paid in such fines?

The MINISTER OF JUSTICE:

The required information is unfortunately not readily available. Statistics of this nature have not been kept by the Department up till now. The keeping of statistics of offences in general is at present the subject of an investigation.

Cape Town Gardens: post boxes

197. Mr K M ANDREW asked the Minister of Communications

Whether any applications for private post boxes were outstanding in the Cape Town Gardens Parliamentary constituency as at the latest specified date for which figures are available, if so, (a) at which post offices, (b) how many in each case, (c) what is the longest period for which any such application has been outstanding and (d) when is it anticipated that the backlog will be eliminated?

The MINISTER OF COMMUNICATIONS.

Yes as at 13 February 1985.

- (a) Mill Street post office
 Vlaeberg post office

(d) during March 1985 when boxes in respect of which rentals have not been renewed for 1985 will become available for reallocation at both offices. The Mill Street and Vlaeberg post offices will be amalgamated during the latter half of 1985 and accommodation in new premises Sufficient private boxes will then be available to meet future demand

253
Hansend
 Executions Q. 61 313
 26/2/85

212 Mrs H SUZMAN asked the Minister of Justice.

(a) How many (i) males and (ii) females of each race group were executed in the Republic in 1984 and (b) for what crime or crimes had each death sentence been imposed?

The MINISTER OF JUSTICE

- (a) (i) 2 White males
 87 Black males.
 24 Coloured males
 1 Indian male
- (ii) 1 Black female

(b) MURDER

- 2 White males.
 72 Black males
 22 Coloured males
 1 Indian male
 1 Black female

RAPE

- 2 Black males
 1 Coloured male

HOUSEBREAKING WITH THE INTENT TO ROB, ROBBERY WITH AGGRAVATING CIRCUMSTANCES AND RAPE
 1 Black male

HoA

- (b) 28
 65
- (c) Since 8 March 1984
 Since 25 November 1983, and

MURDER AND ROBBERY WITH AGGRAVATING CIRCUMSTANCES
 4 Black males

ROBBERY WITH AGGRAVATING CIRCUMSTANCES
 4 Black males

MURDER AND RAPE
 2 Black males
 1 Coloured male

KIDNAPPING AND RAPE
 1 Black male

HOUSEBREAKING WITH THE INTENT TO ROB AND ROBBERY WITH AGGRAVATING CIRCUMSTANCES
 1 Black male

Hansend
 Intimidation Act Q. 61 314
 26/2/85

213 Mrs H SUZMAN asked the Minister of Justice

Whether any persons were convicted in 1984 of offences under the Intimidation Act, No 72 of 1982, if so, how many persons in each race group?

The MINISTER OF JUSTICE

Centralized statistics are not maintained. All the Attorneys-General were approached. The following four of them had the statistics that are given below on record. It cannot however with certainty be said that these were the only convictions.

Place	Number	Race Group
Johannesburg	2	Black
Grahamstown	4	Black
Bloemfontein	None	None
Pretoria	None	None

HoA

Johannesburg	7540
Soweto	220
Durban	4672
Pietermaritzburg	442
East London	50
Port Elizabeth	1230
Cape Peninsula	1012
Bloemfontein	789
West Rand	2163
East Rand	2941

(b) 90 555

Trespass

290 Mrs H SUZMAN asked the Minister of Justice

How many (a) Whites, (b) Coloured persons and (c) Indians were convicted of trespass in 1984?

The MINISTER OF JUSTICE

The required information is unfortunately not readily available. Statistics of this nature have not been kept by the Department up till now. The keeping of statistics of offences in general is at present the subject of an investigation.

Trespass

291 Mrs H SUZMAN asked the Minister of Law and Order:

How many (a) Whites, Coloured persons and (c) Indians were arrested for trespass by the South African Police in 1984?

The MINISTER OF LAW AND ORDER:

- (a) 1 213
- (b) 12 284
- (c) 1 243

Handwritten: How many (a) Whites, Coloured persons and (c) Indians were arrested for trespass by the South African Police in 1984?
 26/2/85
 293. Mrs H SUZMAN asked the Minister of Law and Order:

Province	Cruelty to animals	Mutilation of animals	Other offences in regard to animals
Cape Province	166	3	21
Natal	36	7	3
Transvaal	105	1	20
Orange Free State	50	-	8

Handwritten: 253 Howard
 Deaths in custody 26/2/85
 304 Mrs H SUZMAN asked the Minister of Law and Order:

(a) How many persons died in police custody in 1984 and (b) what were the causes of these deaths?

The MINISTER OF LAW AND ORDER:

- (a) 126.
- (b) Injuries sustained before arrest . . . 21
 Assaulted by fellow prisoners . . . 6
 Suicide . . . 38
 Natural causes . . . 61

Lorries impounded

313 Mr D J N MALCOMMESS asked the Minister of Transport Affairs:

Whether any lorries were impounded in (a) October, (b) November and (c) December 1984 by officials of the Department of Transport, if so, how many in each of these months?

The MINISTER OF TRANSPORT AFFAIRS:

- Yes
- (a) 10.
- (b) 4.
- (c) 1.

Case of alleged reckless/careless driving

329. Mrs H SUZMAN asked the Minister of Law and Order:

(1) Whether, with reference to his reply to Question No 11 on 29 June 1984 the investigation into a case of alleged reckless or careless driving has been completed, if not, (a) why not and (b) when is it anticipated that it will be completed, if so, what were the findings,

(2) whether any persons have been arrested and (b) prosecuted in respect to this matter, if not, why not, if who;

(3) whether any steps have been taken against the policeman involved, if not, why not, if so, what steps

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

The MINISTER OF LAW AND ORDER:

- (1) Yes, on instructions of the attorney-general a member of the Force charged with negligent driving
- (2) (a) No, because such a step was not justified
 (b) Yes, a detective constable
- (3) Yes, on 19 January 1985 the member was found not guilty and discharged in the magistrates court
- (4) No

Own Affairs:

Teachers: application for employment

18. Mr P R C ROGERS asked the Minister of Education and Culture:

Police for further investigation. Thereafter the dockets were again submitted to him on 11 January 1985.

(bb) On 29 January 1985

(2) No. In the interest of justice attorney's-general cannot and should not be required to publicly motivate and defend decisions of this nature. In my experience attorney's-general exercise their discretion to prosecute or not to prosecute in a professionally objective manner and they should be allowed to do so without being subjected to undue pressure from whatever source. One of the checks and balances in the process is the provision for aggrieved complainants to themselves institute a private prosecution where an attorney-general has declined to do so.

(a) and (b) Fall away

(3) No

Mr P G SOAL, Mr Speaker, arising out of the reply of the hon the Minister, could he advise the House whether the Attorney-General explained to him why he had decided not to proceed with prosecutions when certain persons such as the Rev Cecil Begbie and certain journalists who had laid charges had identified the persons who had assaulted them and had witnesses to that effect?

The MINISTER Mr Speaker, I did not challenge the Attorney-General's decision because I was satisfied that he had at his disposal the dockets completed after investigation, and that on the grounds of what he had gleaned from those dockets he had decided not to prosecute. As I have already explained, I have confidence in the decisions of the Attorneys-General.

Mr P G SOAL, Mr Speaker, further arising out of the reply of the hon the Minister, bearing in mind what I have mentioned to him, would he be prepared to discuss the matter with the Attorney-General?

HoA

The MINISTER: Mr Speaker, if this entails my involving myself in the decision-making of the Attorney-General, then I decline to do so. If, however, the hon member is making the point that he is seeking further information, I would advise him to place the question on the Question Paper and to be more specific on the issue. After I have given a complete reply on the procedures followed by Attorneys-General, I think he first ought to study the reply before asking for further information.

Dieldrin

*5. Dr M S BARNARD asked the Minister of Health and Welfare:

(1) Whether his Department monitors any (a) foodstuffs and (b) water supplies for traces of the chemical dieldrin, if not, why not, if so, (i) in which centres, (ii) in what manner, (iii) which specified foodstuffs and water supplies and (iv) how frequently are they tested for such traces,

(2) whether his Department monitors any foodstuffs and water supplies for any other toxic chemicals, if so, for which chemicals,

(3) whether any traces of dieldrin or any other specified chemicals have been found as a result of these tests, if so, (a) which chemicals, (b) where were they found and (c) what action was taken as a result?

†The MINISTER OF HEALTH AND WELFARE

(1) (a) Yes

(b) Yes

(i) Cape Town, Johannesburg, Port Elizabeth until recently, Pretoria

(ii) Chemical analyses.

(iii) Dairy products fresh products and major water sources countrywide

Castillo de Bellver

*7. Mr R R HULLEY asked the Minister of Environment Affairs and Tourism

(1) Whether any crude oil leaking from the sunken tanker *Castillo de Bellver* has had any effects on (a) marine life, (b) bird life and (c) the West Coast fishing industry, if so, (i) what effects, and (ii) to what extent, in each case,

(2) whether any steps have been taken to counteract these effects, if not, why not, if so, what steps?

The MINISTER OF ENVIRONMENT AFFAIRS AND TOURISM

(1) (a) No

(i) and (ii) Fall away

(b) Yes

(i) Contamination of Cape gannets and Jackass penguins

(ii) 1 389 and 146 badly oiled Cape gannets and Jackass penguins respectively were found whereof approximately 980 and 100 respectively were released after treatment

(c) Yes

(i) Befouling of trawlnets

(ii) Over a period of three months a trawling company had their nets fouled with crude oil from the seabed on five occasions and on three occasions the catch had to be dumped.

(2) Yes The oiled Cape gannets and Jackass penguins were collected and taken to the South African National Foundation for the Conservation of Coastal Birds (SANCCOB) for

(iv) All foodstuffs especially milk have been monitored for the past 3 years on a continuing basis.

(2) Yes, all registered pesticides

(3) Yes

(a) Various chemicals

(b) sporadically in different foodstuffs in different parts of the country

(c) Health inspectors investigate occurrence, establish and eliminate source, educate and institute legal action where indicated

253
Hansard
Mr N Mandela
Q. Col. 249
26/2/85
*6 Mrs H SUZMAN asked the Minister of Justice

Whether the State President's offer of conditional release has been conveyed to any long-term prisoners other than Mr Nelson Mandela, if so, (a) what are the names of these prisoners and (b) with what result in each case?

†The MINISTER OF JUSTICE

Yes

(a) and (b) The contents of the State President's announcement of 31 January 1985 were made available to all prisoners serving sentences for crimes against the security of the State

The reaction of prisoners to this announcement is an ongoing process. As a deadline has not been set, it is not possible to provide final results in each case.

On request of prisoners, and as was said in my statement on 15 February 1985, it was decided in the best interest of the persons themselves and their next of kin not to release the names of prisoners who have responded to the announcement.

HoA

Police for further investigation. Thereafter the dockets were again submitted to him on 11 January 1985.

(bb) On 29 January 1985.

(2) No. In the interest of justice attorney-general cannot and should not be required to publicly motivate and defend decisions of this nature. In my experience attorney-general exercise their discretion to prosecute or not to prosecute in a professionally objective manner and they should be allowed to do so without being subjected to undue pressure from whatever source. One of the checks and balances in the process is the provision for aggrieved complainants to themselves institute a private prosecution where an attorney-general has declined to do so.

(a) and (b) Fall away

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Mr P G SOAL: Mr Speaker, arising out of the reply of the hon the Minister, could he advise the House whether the Attorney-General explained to him why he had decided not to proceed with prosecutions when certain persons such as the Rev Cecil Begbie and certain journalists who had laid charges had identified the persons who had assaulted them and had witnesses to that effect?

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(1) Whether his Department monitors any (a) foodstuffs and (b) water supplies for traces of the chemical dieldrin, if not, why not; if so, (i) in which centres, (ii) in what manner, (iii) which specified foodstuffs and water supplies and (iv) how frequently are they tested for such traces,

(2) whether his Department monitors any foodstuffs and water supplies for any other toxic chemicals, if so, for which chemicals;

(3) whether any traces of dieldrin or any other specified chemicals have been found as a result of these tests, if so, (a) which chemicals, (b) where were they found and (c) what action was taken as a result?

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(i) Cape Town, Johannesburg, Port Elizabeth until recently, Pretoria

(ii) Chemical analyses

(iii) Dairy products fresh products and major water sources countrywide

Castillo de Bellver

(iv) All foodstuffs especially milk have been monitored for the past 3 years on a continuing basis.

(2) Yes, all registered pesticides.

(3) Yes

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26/2/85

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*7. Mr R R HULLEY asked the Minister of Environment Affairs and Tourism

(1) Whether any crude oil leaking from the sunken tanker *Castillo de Bellver* has had any effects on (a) marine life (b) bird life and (c) the West Coast fishing industry; if so, (i) what effects, and (ii) to what extent, in each case,

(2) whether any steps have been taken to counteract these effects; if not why not, if so, what steps?

The MINISTER OF ENVIRONMENT AFFAIRS AND TOURISM

(1) (a) No

(i) and (ii) Fall away

(b) Yes

(i) Contamination of Cape gannets and Jackass penguins

(ii) 1 389 and 146 badly oiled Cape gannets and Jackass penguins respectively were found whereof approximately 980 and 100 respectively were released after treatment.

(c) Yes

(i) Befouling of trawlnets

(ii) Over a period of three months a trawling company had their nets fouled with crude oil from the seabed on five occasions and on three occasions the catch had to be dumped

(2) Yes The oiled Cape gannets and Jackass penguins were collected and taken to the South African Nature Foundation for the Conservation of Coastal Birds (SANCOB)

Gardens constituency, if so, (i) how many in each case and (ii) when is it anticipated that the backlog will be eliminated?

(b) 11 113.

(c) 468 619

The MINISTER OF COMMUNICATIONS

Yes;

(i) Barrack Street exchange 2, Leeusig exchange 3, (a) (b)

(ii) in both cases it is expected that the applicants will be provided with service within two or three months.

Hansard Q. 601.311
26/2/85
182 Mr K M ANDREW asked the Minister of Co-operation and Development

(1) How many (a) men, (b) women and (c) children were deported to (i) Transkei and (ii) Ciskei in each month from January to December 1984,

(2) whether any such (a) men, women and (c) children qualified for permanent residence in the Western Cape in terms of Section 10 of the Blacks (Urban Areas) Consolidation Act; if so, how many in each category?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

(1) (a), (b) and (c) (i) and (ii) None.

(2) Falls away.

Hansard Q. 601.311
26/2/85
183 Mr K M ANDREW asked the Minister of Education:

How many (a) farm schools, (b) farm school teachers and (c) farm school pupils were there in the White areas of the Republic at the end of 1984?

The MINISTER OF EDUCATION:

(a) 5 331

Yes, as at 13 February 1985,

(a)

Mill Street post office
Vlaeberg post office

(b)

28
65

(c)

Since 8 March 1984,
Since 25 November 1983; and

(d) during March 1985 when boxes in respect of which rentals have not been renewed for 1985 will become available for reallocation at both offices. The Mill Street and Vlaeberg post offices will be amalgamated during the latter half of 1985 and accommodated in new premises. Sufficient private boxes will then be available to meet future demand

Hansard Executions
Q. 601.313
26/2/85

212. Mrs H SUZMAN asked the Minister of Justice:

(a) How many (i) males and (ii) females of each race group were executed in the Republic in 1984 and (b) for what crime or crimes had each death sentence been imposed?

The MINISTER OF JUSTICE:

(a) (i) 2 White males
87 Black males,
24 Coloured males,
1 Indian male

(ii) 1 Black female

(b) MURDER

2 White males
72 Black males,
22 Coloured males,
1 Indian male,
1 Black female.

RAPE

2 Black males
1 Coloured male.

HOUSEBREAKING WITH THE INTENT TO ROB, ROBBERY WITH AGGRAVATING CIRCUMSTANCES AND RAPE
1 Black male

MURDER AND ROBBERY WITH AGGRAVATING CIRCUMSTANCES
4 Black males.

ROBBERY WITH AGGRAVATING CIRCUMSTANCES
4 Black males

MURDER AND RAPE

2 Black males
1 Coloured male

KIDNAPPING AND RAPE

1 Black male

HOUSEBREAKING WITH THE INTENT TO ROB AND ROBBERY WITH AGGRAVATING CIRCUMSTANCES
1 Black male.

Hansard
Intimidation Act
Q. 601.314
26/2/85

213. Mrs H SUZMAN asked the Minister of Justice

Whether any persons were convicted in 1984 of offences under the Intimidation Act, No 72 of 1982, if so, how many persons in each race group?

The MINISTER OF JUSTICE

Centralized statistics are not maintained. All the Attorneys-General have approached. The following four of them had the statistics that are given below record. It cannot however with certainty be said that these were the only convictions.

Place	Number	Race Group
Johannesburg	2	Black
Grahamstown	4	Black
Bloemfontein	None	None
Pietermaritzburg	None	None



Probe ordered into prison gang battle

253
Stu
28/2/85

By Sue Leeman, Pretoria Bureau

The Commissioner of Prisons has initiated an investigation into yesterday's fight among inmates in Durban's Point Road prison which left two long-term prisoners dead and six seriously injured.

A Prisons Service spokesman confirmed this morning that 117 prisoners had attacked one another with home-made weapons.

The seriously injured were being treated in the King Edward VIII Hospital and a further 36 people were treated at the prison for minor injuries.

The brawl is believed to have been caused by a dispute between two rival gangs known as the "26s" and the "28s".

The spokesman said that a warder heard noises coming from a communal cell at 5.20 am and went to investigate.

On seeing the number of prisoners involved, he raised the alarm and the fight ended 15 minutes later when guards unlocked the cell.

This latest flare-up has again focused attention on the overcrowded conditions in South African prisons.

In 1983, the country's 242 prisons, built to accommodate 72 892 inmates, were housing a daily prison population of 106 000.

BURDEN

Durban's Central and Point Road prisons are known to be particularly overcrowded. In October 1982, Durban Central housed 2 481 prisoners in cells built to house 1 164 inmates.

Prison authorities have admitted that the large number of prisoners places a burden on available facilities and prisoners cannot always be constructively occupied.

Another problem with which the Prisons Service has had to contend has been understaffing and, in October 1982, 318 posts were vacant.

In October 1982, the Prisons Service announced that Durban Central and Point Road prisons were to be phased out and prisoners were to be moved to a new R50 million Durban prison complex to be completed in Westville within two years. It is not known how far construction on the new complex has progressed.

CAPL Times 29/2/85
Two die ²⁵³
in prison
gang fight

Own Correspondent

DURBAN — Two long-term prisoners were killed, six seriously injured and dozens more hurt in a mass brawl between two rival gangs in a communal cell in Durban's Point Road Prison yesterday

A total of 117 prisoners were involved in the fight between the two gangs, known in the prison as "26" and "28"

The fight is believed to have been triggered by rivalry between the two gangs over control of the B-block of the prison

The Commissioner of the Prisons Department, Lieutenant-General W H Willemse, has ordered a top-level investigation into the incident, a spokesman for the department said

A prison guard heard noises coming from the cell about 5.20am and went to investigate

When he saw the scale of the fight he raised the alarm and other guards were called in

The spokesman said that when the cell was unlocked 15 minutes later, the prisoners immediately stopped fighting

Two prisoners had been killed in the fight. Six others were admitted to King Edward VIII Hospital with serious injuries. They are under guard

2 dead, scores hurt as rival gangs clash in cell

117 prisoners

in bloody battle

253

Nov 28/85

"The first question to ask is why were so many men locked up together in one cell? More particularly as it was obviously known that there were two rival gangs incarcerated together. "I do not believe that an investigation conducted by someone in the system itself suffices. "Meanwhile, every effort should be made at the prison to separate the two gangs," Mrs Suzman said.

DURBAN.
Mail Correspondent
A total of 117 prisoners were involved in the fight between the two gangs, known in the prison as "26" and "28".
The fight is believed to have been triggered by rivalry over control of the B Block of the prison.
The Commissioner of Prisons, Lieutenant-General W H Willemse, has ordered a top-level investigation into the incident, a spokesman for the department said.
A prison guard heard noises coming from the cell at 5.20am and went to investigate.
When he saw the scale of the fight he immediately raised the alarm and called for reinforcements.
The spokesman said that when the cell was unlocked 15 minutes later, the prisoners, all of whom are black, immediately stopped fighting. It was not necessary to use any force.
Two prisoners had been killed in the fight. Six others were admitted to King Edward VIII Hospital with serious injuries. They are under guard.
A further 36 were treated for minor injuries by medical personnel at the prison. The prisoners attacked each other with homemade weapons.
"The incident is regarded in a serious light by the Prisons Department and apart from the SAF investigation, the commissioner has instructed a senior officer at headquarters to investigate the incident," the spokesman said.
In another incident yesterday a black long-term prisoner died after he had allegedly been attacked by another prisoner at the Maritzburg Prison.
The names of the dead will be released once the families have been told.
Commenting on the brawl, Mrs Helen Suzman (PFP, Houghton) said "I hope this will be regarded in a serious light for it is a very bad reflection on the prison system that this sort of gang warfare can take place".

'SA set certain terms for release of Goldberg'

11/3/87 By Peter Allen-Frost,
The Star's Foreign News Service

JERUSALEM — Mr. Dennis Goldberg, the Rivonia treason trialist who was freed yesterday, signed a statement renouncing violence, according to reports in Israeli newspapers. They said the South African Government also set other conditions for his release.

Mr. Goldberg arrived in Israel last night on an El Al flight from Johannesburg.

He was met at Tel Aviv Airport by his wife Esme, who had flown from London, and his daughter Hilary, who has lived for the past two years on the Ma'ayan Baruch kibbutz.

He was driven directly to a friend's home. The friend is said to be Mr. Arthur Goldreich, who escaped from jail in South Africa after being linked with Mr. Goldberg and others in the Rivonia trial.

Mr. Goldreich made a statement.

Senior Israeli political figures are said to have been in a two-year secret struggle to obtain Mr. Goldberg's release.

This initiative moved into high gear two weeks ago when Mr. Herut Lapid, who heads the United Kibbutz Movement Prisoner Rehabilitation Programme, flew to South Africa.

Yesterday he accompanied Mr. Goldberg to Israel.

David Braun writes from Cape Town that the release of Mr. Goldberg brings to five the number of long-term security convicts that have accepted President Botha's offer of freedom.

The Internal Security Act compels The Star to restrict this report. Mr. Goldreich cannot be quoted in South Africa because he is a banned person.

'Exhausted' Goldberg released

CS 253

1/3/85

CAPL Tim 1/3/85

Own Correspondent

JOHANNESBURG. — Mr Dennis Goldberg, the only white person convicted in the famous Rivonia Trial, was released yesterday after serving 21 years of a life sentence for sabotage and immediately flew to Israel.

Mr Goldberg, 51, had apparently responded to the State President's offer of conditional freedom.

His acceptance came as a surprise since the other seven Rivonia trialists, led by Nelson Mandela, have refused the State President's offer.

Before leaving he told friends "I'm going because I'm exhausted."

Mr Goldberg declined to speak to the press when he arrived in Israel.

Sources close to him said strong pressure from his family had overridden his hesitation to accept the offer.

Mr Goldberg's release comes after a two-year effort involving senior members of the Israeli Government, Mr Arthur Goldreich, another Rivonia accused who escaped from prison and fled to Israel before the trial, and the United Kibbutz Movement of Israel.

Yesterday morning, Mr Goldberg was taken secretly from Pretoria Central Prison to a VIP room at Jan Smuts Airport where amid tight security he was allowed to say goodbye to a small group of friends.

He went through the normal immigration exit about an hour before the

Flight took off at 12 30pm.

He was said to be composed.

He was due to arrive at Ben-Gurion Airport, near Tel Aviv, soon after 10pm last night and was to be met by his wife Esme, who flew in on Wednesday from London, and his daughter Hilary, who has lived for the past two years on Kibbutz Ma'ayan Baruch.

Mr Goldberg will apparently make his home on Kibbutz Ma'ayan Baruch, on Israel's northern border with Lebanon.

He is the fifth convict to be released in terms of the State President's offer, but the first from the ranks of the African National Congress.

Four members of the Pan Africanist

Congress were released last week

Seventeen other political prisoners have accepted the offer, according to the Department of Prison Services.

However, they have not served enough of their sentences to be released in terms of the offer. The department has declined to identify them.

Mr Goldberg was jailed alongside Mandela, Walter Sisulu, Govan Mbeki, and other key leaders of the ANC's military wing, Umkhonto we Sizwe (Spear of the Nation).

They received life sentences on two counts of sabotage, one under the Suppression of Communism Act and one under the Criminal Law Amendment Act.



Mr Dennis Goldberg at Jan Smuts Airport yesterday.

Mr Goldberg was found to have used his knowledge as a highly successful engineer to manufacture various devices used for sabotage.

A graduate of the University of Cape Town, he was a member of the Communist Party and reached prominence in the Congress of Democrats — the white element in the Congress Alliance led by the ANC — in the early 1950s.

He was active in organizing the Congress of the People in 1955 and was detained in the 1960 Emergency.

When police swooped on the Rivonia farm in 1963 and arrested the key leaders of Umkhonto we Sizwe, Mr Goldberg was among them.

Jail of death was over-crowded

Argus Correspondent

DURBAN — The Prisons Department confirmed today that Durban's Point Prison, where two prisoners were killed and 43 injured in a bloody gang fight, was grossly over-crowded

A spokesman said the jail was over-crowded by 224 percent and the percentage was similar in the communal cell, where the 117 inmates involved in Wednesday's fight were housed

The spokesman was still unable to say what size the cell

was

The fight was apparently between two rival gangs, known as "26" and "28", over which group would "control" the prison block

A large number of the men in the cell were dangerous long-term prisoners

The spokesman said urban jails were occasionally over-crowded and when this happened the department transferred convicts to less crowded jails

Between August 31 1984 and January 31 1985, 969 prisoners

were transferred from Point Prison

Additional prison accommodation in the Durban area had been given priority for some time

The new Durban-Westville jail, which will house 5 000 convicts and will be ready in a few months, and the Maritzburg jail to house 2 500 prisoners, will ease the over-crowded situation, he said

The department could still not release the names of the dead men as their families had not been informed

SA prisons 'time bombs'

253
by Sue Leeman
Pretoria Bureau

Overcrowding, a lack of recreational facilities and inadequate training programmes for prisoners made the average South African prison a time-bomb which could explode into violence at any time, according to attorney and legal researcher, Mr Nicholas Haysom.

Mr Haysom was reacting to news of unrest at Durban's Point Road Prison on Wednesday where two long-term prisoners died and six others were injured during a brawl.

The fracas took place in a communal cell which housed 117 people. And, according to the S.A. Prison Service, the actual prison was 224 percent overcrowded at the end of last year.

Mr Haysom said the three basic problems he had listed had a very deep effect on the individual prisoner. Overcrowding led to depersonalised treatment and a feeling by the prisoner that he did not matter or belong.

He became so closely involved in the daily reality of the prison that he began to forget what the real world was like, and he failed to develop the self-disciplinary functions that would help him on his release.

The prisoner responded to these feelings of depersonalisation and boredom by joining a gang, where he had the security of a fixed hierarchy and felt he belonged.

A spokesman for the South African Prison Service said yesterday that, as far as Mr Haysom's views on gangs were concerned, it should be pointed out that gangs are a social phenomenon of society all over the world.

"They are also found in prisons to a certain extent. In South Africa's prisons, gangs are however not tolerated and steps are continually taken to combat the formation and functioning of gangs.

Apart from the various prevention and control measures which the South African Prison Service has been applying with much success in this field, it has also approached the Human Sciences Research Council (HSRC) to undertake extensive research on this subject in order to also gain scientific knowledge and a still better understanding of its nature and methods.

One report of the HSRC has been received and is being studied by a departmental research group.

'I certainly can't condemn the use of violence by others'

Goldberg slams SA State terror

2/3/85
Tel Aviv

Dennis Goldberg may have promised not to use or incite violence to further his political views but he is certainly not keeping quiet.

He arrived in Israel early yesterday morning and, even before he went to sleep, he called a news conference at the northern kibbutz of Ma'ayan Baruch. There he told representatives of local and international media that he planned to be active in trying to change South Africa "to bring about a united democratic state".

"How I will do it, I can't tell you. I need rest, I need to regain my inner resources, I need to talk to people," he told journalists.

"While I have given an undertaking not to take part in, to instigate or to plan violence, there's a very significant political campaign which can take place both within and without South Africa."

He said he was freed after signing a renunciation of violence as a means of fighting white rule but that he could not condemn the use of violence by others.

"I don't think that whether I say there should be no violence or otherwise will stop what will take place," he said. "I do believe that the terrorism in South Africa today is not of the people seeking their liberation but of the armed might of the South African State."

"They don't hesitate to shoot. They shoot down children who want a decent education, people who want a place to live at Crossroads get shot down even though they are unarmed."

Justified

"If people respond with more effective defence and use their numbers against the armed might of the South African State, I think they're justified," he said.

"I certainly couldn't condemn it. I'm not going to prescribe to other people."

Goldberg criticised Israel for its close relations with South Africa.

"I would like to influence the foreign policy of a country such as Israel which, for, I suppose, very complex reasons, is a very close ally of South Africa. I think Israel is backing the wrong horse. I think the horse they are backing must lose," he said.

"I know that my leaders, my senior commanders — Nelson Mandela and Walter Sisulu — have given a categorical 'no' to the offer by the State President. I wish I had been as strong as they are."

"I needed to be out of prison, I hope they will understand."

"After nearly 22 years in jail, I suddenly had the most terrible desire to live, to be near my daughter Hillary and to see the light again," he said, his eyes filling with tears.

Then, in an open necked shirt, puffing on his pipe, Dennis Goldberg got up and, hand in hand with his daughter, walked, laughing, crying, talking, out of the hall on to the lawns of the kibbutz — with 22 lost years to catch up.

● The Bethnal Green Council is to name a new block of houses in honour of Nelson Mandela and his wife, Winnie, despite opposition from Liberal councillors — The Star's Foreign News Service-Associated Press.

I did what I had to do, says Goldberg

JERUSALEM — Freed South African political prisoner Dennis Goldberg said yesterday he was thrilled to be out of jail after 21 years.

But, he added, it was hard to leave behind his comrades fighting white supremacist rule.

"It was traumatic," he said at the northern Israeli Kibbutz Maayan Baruch, where his daughter lives.

His years of imprisonment had become so difficult that he couldn't care.

Mr Goldberg, South Africa's longest-serving white political prisoner, was freed last Thursday in exchange for signing a renunciation of violence as a means of fighting South African rule.

He said he expected his action would cause anger among ex-colleagues.

"But I did what I had to do," he added. "If I was a bad soldier, I'm sorry."

Mr Goldberg, said to have been a member of the now-banned Communist Party of South Africa, was arrested in 1962 and jailed for life in 1964 along with Nelson Mandela and other black leaders.

They were accused of planning violence to overthrow white rule.

Mr Goldberg said he thought Mandela was right to refuse to sign the renunciation-of-political-violence agreement in exchange for freedom.

"This happened to come at a time when my own psychological need to get out was at its strongest.

"There's always been a conflict between what I know to be my duties to the movement and my personal needs at a particular time."

Mr Goldberg said he hoped to return to South Africa some day if he could be effective there.

He added that leaving South Africa was not a condition of his release, but Security Police would not leave him until he was on the plane.

Mr Goldberg said his ability to make bombs led to his capture and arrest in Johannesburg.

Knowing the Government was clamping down on dissidents, he had intended to leave South Africa.

But his comrades asked him to stay and make bombs, he said.

Before he could begin work he was arrested.

Mr Goldberg said he intended to leave Israel for his wife and son in London after visiting his daughter at the kibbutz.

"Whether I'm going to earn my living as an engineer and practise politics part-time or make a living part-time and practise politics full-time, I can't say now," he said.

"There are so many choices. I'm still flying. I'm high on just being free."

"I think the support of the state of Israel for the South African Government is one of the most horrifying things I have experienced," he said.

"It is clearly apparent that the United States Government, while talking change, at the same time protects South Africa on every possible occasion." — Sapa-Associated Press.

(3) As on 11 February 1985.

(6) No.

(a) 22

(b) 4

(c) 3.

(a) and (b) fall away
Hansard Q. 601.364
 Crossroads 4/3/85

190 Mr K M ANDREW asked the Minister of Co-operation and Development:

(4) Yes. Their names will be divulged to the honourable member personally in each case the stabling of their horses at the Centre takes place with the approval of the Treasury.

(5) (a) Yes

(b) Yes

In both cases the following levies are payable

(i) R3,42 per day for rations,

(ii) R2,00 for shoeing per hoof,

(iii) R2,00 per hoof for cutting and grating of hooves

(2) what is the date of this estimate?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(1) (a) Old Crossroads 87 572

New Crossroads 16 690

Figures in respect males, females and children are not available

(b)

(i) Adult

(aa) males

(bb) females

(ii) Children

Old Crossroads

New Crossroads

3 412

4 416

9 744

2 327

3 039

6 324

(2) De jure figures—30 May 1984

De facto figures—15 February 1985

Hansard Q. 601.363

193 Mr K M ANDREW asked the Minister of Justice:

Whether any women convicted at the Langa Commissioners' Courts were accompanied to gaol by dependent children

(b) Under 1 jaar

1 year up to 2 years

Yes

(a) Male

Female

Total

64

47

111

Male

22

14

Female

17

16

(b)

2 years up to 3 years
 3 years up to 4 years
 4 years up to 5 years
 5 years up to 6 years
 6 years up to 7 years
 7 years up to 8 years
 8 years up to 9 years

Male

9

None

5

3

4

3

4

Female

7

None

2

3

None

1

1

Total

64

47

Hansard
 Crimes against security of State
 Q. 601.365 4/3/85
 221 Mrs H SUZMAN asked the Minister of Justice

(3) whether these loans are subsidized, if so, (a) what is the nature of the subsidy and (b) what is the total monthly cost of this subsidy to the South African Transport Services?

How many (a) White, (b) Coloured, (c) Asian and (d) Black persons were serving sentences for crimes against the security of the State as at the latest specified date for which figures are available?

The MINISTER OF JUSTICE

The figures were as follows on 11 February 1985

(a) Whites	16
(b) Coloureds	6
(c) Asians	1
(d) Blacks	314
	337

The MINISTER OF TRANSPORT AFFAIRS

(1) (a) R1 408,3 million

(b) R20,2 million

(c) R9,3 million

(d) R1,5 million

The differences in the amounts owed by the different groups can be attributed to the fact that home ownership schemes for Whites, Coloureds, Indians and Blacks were introduced at different dates viz 1938, 1973, 1977 and 1984 respectively

(2) Yes, at rates varying between 1,25 and 5 per cent per annum depending on the amount of the loan and the employee's salary Loans in excess of R65 000 bears interest at the average rate which Transport Services obtains on fixed investments

(3) Yes

(a) Loans not exceeding R65 000 are subsidized by the difference between the rate of interest paid by the employee and the average interest rate which Transport

(3) As on 11 February 1985

(6) No.

(a) 22.

(b) 4.

(c) 3

(4) Yes Their names will be divulged to the honourable member personally in each case the stabling of their horses at the Centre takes place with the approval of the Treasury.

(5) (a) Yes.

(b) Yes

In both cases the following levies are payable

(i) R3,42 per day for rations,

(ii) R2,00 for shoeing per hoof,

(iii) R2,00 per hoof for cutting and grating of hooves

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(1) (a) Old Crossroads 87 572

New Crossroads 16 690

Figures in respect males, females and children are not available

(b)

(i) Adult

(aa) males

(bb) females

(ii) Children

Old Crossroads

3 412

4 416

9 744

New Crossroads

2 327

3 039

6 324

(2) De jure figures—30 May 1984.

De facto figures—15 February 1985

Langa Commissioners' Courts

193 Mr K M ANDREW asked the Minister of Justice.

Whether any women convicted at the Langa Commissioners' Courts were accompanied to gaol by dependent children

(b) Under 1 jaar 1 year up to 2 years

Male 22 14

Female 17 16

(b)

2 years up to 3 years 9
3 years up to 4 years None
4 years up to 5 years 5
5 years up to 6 years 3
6 years up to 7 years 4
7 years up to 8 years 3
8 years up to 9 years 4

Male

Female

9
None
5
3
4
3
4

7
None
2
3
None
1
1

Total

64

47

233 Howard
Crimes against security of State
Q. 601.365 4/3/85

221 Mrs H SUZMAN asked the Minister of Justice

How many (a) White, (b) Coloured, (c) Asian and (d) Black persons were serving sentences for crimes against the security of the State as at the latest specified date for which figures are available?

The MINISTER OF JUSTICE

The figures were as follows on 11 February 1985.

(a) Whites 16
(b) Coloureds 6
(c) Asians 1
(d) Blacks 314
337

Howard
Home-ownership schemes: loans
Q. 601.365 4/3/85

239 Mr D J N MALCOMES asked the Minister of Transport Affairs:

(1) What total amount was owing to the South African Transport Services by (a) White, (b) Coloured, (c) Indian and (d) Black persons in respect of loans in terms of home-ownership schemes as at the latest specified date for which figures are available,

(2) whether interest is charged on these loans; if not, why not; if so, what interest,

(3) whether these loans are subsidized, if so, (a) what is the nature of the subsidy and (b) what is the total monthly cost of this subsidy to the South African Transport Services?

The MINISTER OF TRANSPORT AFFAIRS

(1) (a) R1 408,3 million

(b) R20,2 million

(c) R9,3 million

(d) R1,5 million

The differences in the amounts owed by the different groups can be attributed to the fact that home ownership schemes for Whites, Coloureds, Indians and Blacks were introduced at different dates viz 1938, 1973, 1977 and 1984 respectively

(2) Yes, at rates varying between 1,25 and 5 per cent per annum depending on the amount of the loan and the employee's salary Loans in excess of R65 000 bears interest at the average rate which Transport Services obtains on fixed investments

(3) Yes

(a) Loans not exceeding R65 000 are subsidized by the difference between the rate of interest paid by the employee and the average interest rate which Transport

ARGUS 6/3/85 (253)

The innocent inmates of South Africa's prisons

ANDREW BEATTIE reports on calls for drastic reform to laws on the granting of bail and reveals that a large number of South African prisoners have not yet been convicted of any offence

THE fact that South Africa's jails are overcrowded was highlighted last week by the news that two inmates had died and six seriously injured in unrest at Durban's Point Road prison

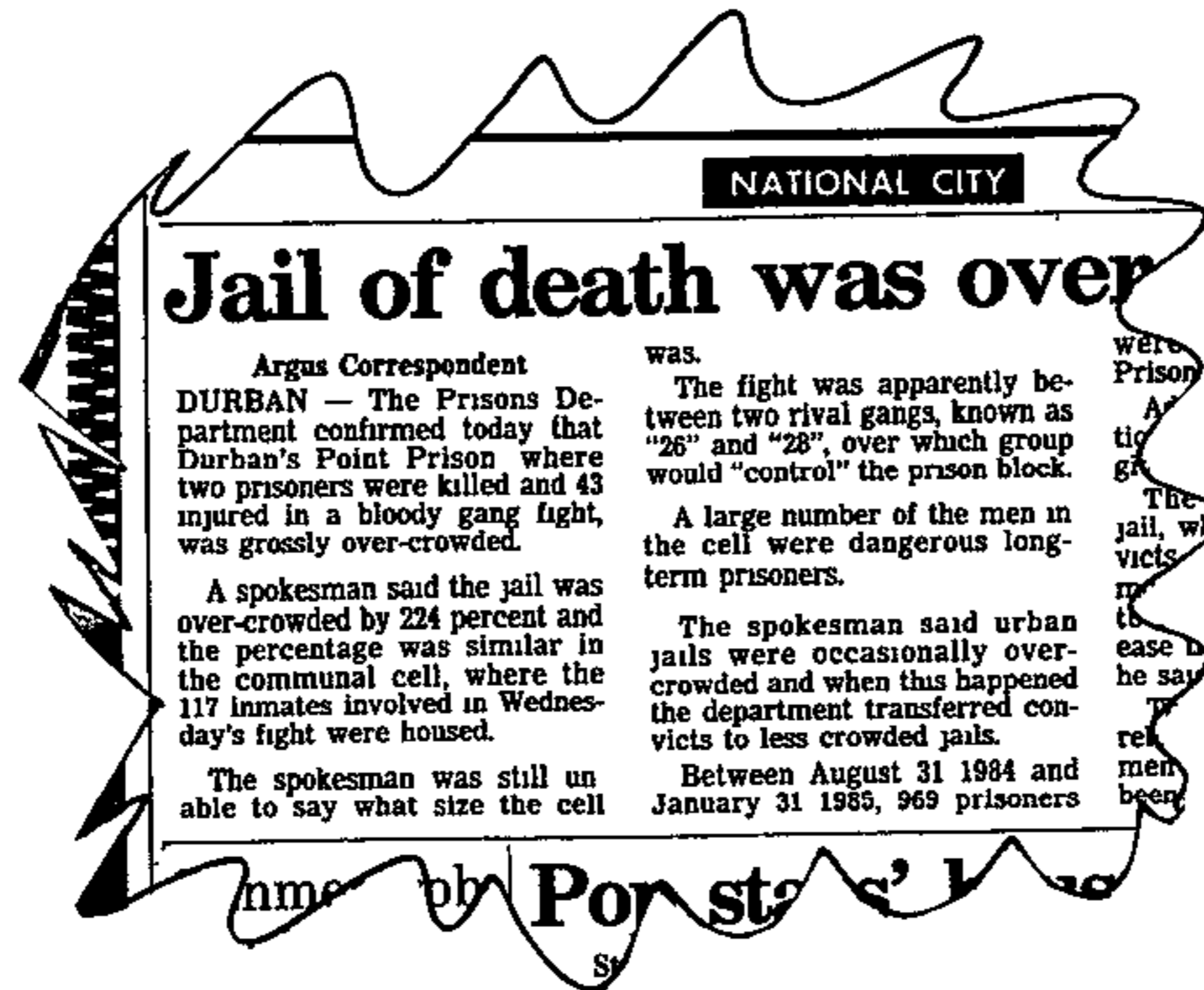
At the time prison authorities conceded that the prison had been 224 percent overcrowded at the end of last year

However, "a large percentage of the prison population are people who are either awaiting trial or whose trials are proceeding. These people have not been found guilty by a court of law", Mr T J Nel, an official in the Department of Justice says in the latest edition of De Rebus, the attorney's journal

"Unfortunately the present South African bail laws are of a very conservative nature and urgent attention should be directed to reforming them," Mr Nel declared

A legal researcher and lecturer has suggested that in granting bail to awaiting-trial prisoners, the courts do not correlate the bail amount with the ability to pay

"For no fault of their own, thousands of quite innocent people or people who are ultimately fined, who cannot afford bail or are not granted bail, are compelled to spend time in prison," says Mr Ray-



mond Suttner, lecturer in criminology at the University of the Witwatersrand

This is supported by the Viljoen Commission report, which found that "between roughly 63 percent and 73 percent of the awaiting trial prisoners between 1966 and 1975 were not admitted to prison after their trial"

According to another researcher, Mr L D Fernandez, "in some cases accused persons spend up to seven weeks awaiting trial and are sentenced to as little as a few days imprisonment or a R4 fine"

Supporting Mr Suttner's views, a Durban study by Mr N C Steytler of the University of Natal's law faculty also found that the bail amount granted by courts was not significantly correlated with the ability to pay

Of the 926 accused in his study who did eventually pay bail "only 42,2 percent did so on the day it was granted, 31,3 percent were never able to raise the bail money, and in only seven of these cases was the bail later reduced

The legal principle guiding discretion in bail agreements is

that the amount should not be beyond the means and resources of the accused

"In practise, however, people appear to be prejudiced by the application of bail provisions," concludes Mr Suttner

Mr Nel recommends that bail units be established on an experimental basis in South African prisons

The object of these units would be to raise bail for those prisoners who have been granted it but cannot afford the amount

Mr Nel's idea is modelled on the bail units used in the Brixton jail in London. Here the unit, which consist of three members of the prison service, has an office in the jail itself

As each new prisoner is brought in, writes Mr Nel, the bail unit finds out whether he has been granted bail and, if so, helps him to be released as soon as possible

Prison services staff in South Africa could with little difficulty be trained to do a similar job, said Mr Nel

Mr Nick Haysom, an attorney and legal researcher, reiterated that the answer to the prison problem would not be solved by building new prisons but rather by keeping petty offenders (like pass laws offenders) out of jail

Robben Island prison escape; paddle ski gone

ATG 95 8/3/85
Staff Reporter

203

A medium-term prisoner is believed to have escaped from Robben Island on a paddleski.

The prisoner, Jan Kamfer, was serving an 18-month sentence on the island for house-breaking and theft, said Lieutenant-Colonel Danie Immelman, a liaison officer for the Prison Service.

Kamfer was working outside the prison and was missed yesterday afternoon when the work team returned.

PATROLLING THE SEA

Colonel Immelman said today that while the coastline of Robben Island was being watched the island was also being searched because there were many hiding places.

The sea was also being patrolled and the Port Captain was informed after it was discovered that a paddleski was missing from a house on the island.

The police had been told and Colonel Immelman appealed to people to look out for Kamfer.

He is 20 years old, about 1.6m tall and has a light complexion. There are tattoos of a woman's head and a crown on his right arm.

Convict escapes from Robben Island

By STEPHEN WROTTESELEY
Crime Reporter

POLICE and Prisons Department officials have launched a land-and-sea manhunt for a short-term prisoner who escaped on a paddleski from Robben Island on Thursday.

The prisoner, Jan Kamfer, is the first man to escape from the island this century.

The only other recorded escape from Robben Island — former jail to Nelson Mandela and Walter Sisulu — was early last century when "Kukuzakulu Nxele" Makanna tried to swim to shore.

Revolt

Makanna — a self-declared "brother of Christ" — was imprisoned after he led a revolt in Grahamstown in 1819. He drowned in his escape attempt.

Prisons Department vessels were searching for Kamfer in Table Bay yesterday. Police were hunting him on the mainland and prison warders were searching the island to make sure had not doubled back.

Early last night, no trace of Kamfer had been found. Asked whether it was believed that he had reached the shore, a Prisons Department spokesman said "We have no idea of his whereabouts."

A spokesman for the Port Captain's office said yesterday that the wind in Table Bay at the time of the escape was southeasterly and the swells were not large. It would have been possible for a person on a paddleski to make the mainland.

Brigadier Hennie Kotze, divisional CI chief for the Western Cape, said all police stations along the west coast had been notified of the escape.

The Prisons Department spokesman said Kamfer's absence was first noticed about 5pm on Thursday when a work party he had been on returned to prison without him.

Housebreaking

The coastline was monitored and the island searched as there were many hiding places. When it was discovered that a paddle-ski was missing from one of the houses on the island, the Port Captain's office was notified.

The spokesman said Kamfer was sentenced to 18 months in jail on January 19 after being convicted on charges of housebreaking and theft.

He was one of 505 prisoners on the island. The spokesman said 238 of them were held in the maximum-security section for crimes against the State. The others were held in the medium-security section.

He added that Kamfer's escape was "the first recorded escape incident since the prison department took control in 1965".

6 political prisoners out after five years

Six Atteridgeville men who were convicted of contravening the Terrorism Act five years ago were released from prison yesterday morning.

In a public statement they called for the unconditional release of all political prisoners.

The six men are. Mr Andrew Phala (24), Mr Peter Senabe (27), Mr Ronnie Mamoepa (25), Mr Christy Mokone (27), Mr Cornelius Leeuw (26) and Mr Vincent Maluleka (22).

They were convicted of being recruited for military training or recruiting others to undergo military training outside South Africa.

They were released from Pretoria prison, where they had gone on a hunger strike last Wednesday.

The men said other prisoners, including Mr Thami Mkhwanazi, a former Post reporter serving a seven-year term, were still on strike.

The lack of proper facilities and the bad food on Wednesdays were the reasons the strike was held, they said.

The six said their jailed colleagues rejected outright the State President's offer of release from prison provided they renounced violence.

CAPE TIMES 15/3/85

Freed men tell of prison life

253 ~~25~~
Own Correspondent

JOHANNESBURG — Six security-law prisoners released from Pretoria Central Prison on Monday claim they had been on a hunger strike for six days because of "unbearable conditions"

Ronnie Mamoepa, 25, Andrew Phala, 24, Vincent Maluleke, 22, Peter Senabe, 27, Christie Mokone, 27, and Cornelius Leeuw, 26, all of Atterdgeville, were sentenced to five years each with a journalist, Thami Mkwanazi, on charges of terrorism in 1980

The six said the hunger strike started on Wednesday, March 6, and they were still on a hunger strike when they were released on Monday

The reasons for their hunger strike were

- They were locked in single cells for 23 hours a day and got only one hour's exercise
- The prison had no recreation facilities like Robben Island where they served most of their sentence
- Visiting relatives were harassed by some warders and they were not allowed to see their relatives
- They were not allowed to mix with other prisoners
- Lunch on Wednesday was "bad"
- Cornelius Leeuw was classified as an "A" group prisoner but was refused permission to have a radio or photo album

Prisoners 'not in good health'

The six said they knew that Thami Mkwanazi and some of the security prisoners serving time at Pretoria Central Prison were not in good health

Phala, Leeuw, Senabe and Maluleke were transferred from Robben Island to Helderstroom Maximum Prison in February last year

However, a spokesman for the Prisons Department's public relations office in Pretoria said it was not within Prisons policy to comment on whether or not there was a hunger strike in a prison

About recreational facilities, he said "Provision is made for constructive recreational facilities for prisoners

"Prisoners can depend on availability of such facilities by participating in out-door sports such as soccer, cricket and more Prisoners can also participate in in-door games like chess, darts and more"

He also denied that Pretoria Central Prison has no recreational facilities for security prisoners

On the question of the food, he said "Prison diet is scientifically compiled by dieticians of the Prison Service and the Department of Health and Welfare and complies with international standards"

He also said that opportunity was available for prisoners to raise requests and lodge complaints

(iv) Incentive Scheme for Industries

In accordance with existing jointly-agreed arrangements between the SATBVC-states, the RSA is obliged to refund the TBVC-states on a Rand-for-Rand basis for actual expenditure incurred in these states in terms of the industrial incentive scheme, which took effect on 1 April 1982. According to estimates the RSA will refund Bophuthatswana to the amount of R5 000 000 during the 1984-85 financial year.

B. Transfers in terms of Bilateral Agreements

Transfer payments which are regarded as own sources of income of the Bophuthatswana government

(i) Income Tax
An estimated amount of R34 132 000

(ii) An estimated amount for the payment of Bophuthatswana share in the Customs Union Revenue Pool R260 325 000

(iii) Rand Monetary Area
Estimated transfer of R4 493 280

(2) (a) No Loans in terms of project aid agreements are included in the amount mentioned under (1)(a) and (ii) Fall away

(b) Yes

(i) One grant for the relief of distress, namely drought assistance

(ii) R5 419 000

(3) (a) and (b) The final budgetary allocation for the 1985-86 financial year has not yet been finalized and therefore it would be pointless to furnish figures with regard to Bophuthatswana at this stage

Hansard Q.601.692
Venda: agreements 18/3/85
368 Prof N J J OLIVIER asked the Minister of Foreign Affairs:

(1) What total amount was paid by South Africa to Venda in terms of agreements between the two countries in the 1984-85 financial year and (b) how was this amount made up,

(2) whether any additional amounts have been paid to Venda in the form of (a) loans or (b) grants, if so, (i) how many, and (ii) what was the amount of the loan or grant, in each case,

(3) whether any further (a) loans or (b) grants are envisaged in the 1985-86 financial year, if so, what loans or grants?

The MINISTER OF FOREIGN AFFAIRS

(1) (a) R160 908 140

(b) The budgeted amounts which are to be paid to Venda during the 1984/85 financial year fall into two main categories, namely

A Direct Assistance

(i) An amount for budgetary assistance under Programme 3 Foreign Aid and Development Co-operation of Vote 9 Foreign Affairs R122 650 000

(ii) Technical assistance

South Africa is from time to time approached by other countries with requests for

assistance in one way or another Assistance may take the form of expert advice, visits, evaluation of projects, bursaries etc. Each such application is considered on its merits During the 1984/85 financial year provision has been made for an amount of R158 700 for the possible requirements of Venda in this regard

(iii) Loan Fund:

Like any other friendly country Venda may apply for the financing of certain projects within the framework of the Economic Co-operation Promotion Loan Fund Such applications are considered strictly on merit according to fixed criteria and within the limits of available funds This type of financing consists mainly of loans which are, naturally, repayable According to estimates an amount of R2 752 800 will be paid to Venda in the 1984/85 financial year

(iv) Incentive scheme for Industries

In accordance with existing jointly-agreed arrangements between the SATBVC-states, the RSA is obliged to refund the TBVC-states on a Rand-for-Rand basis for actual expenditure incurred in these states in terms of the industrial incentive scheme, which took effect on 1 April 1982 According to estimates the RSA will refund Venda to the amount of R1 650 000 during the 1984/85 financial year

B Transfers in terms of Bilateral agreements

Transfer payments which are regarded as own sources of income of the Venda Government

(i) Income Tax; an estimated amount of R2 337 000

(ii) An estimated amount for the payment of Venda's share in the Customs Union Revenue Pool R30 079 000

(iii) Rand Monetary Area. estimated transfer of R1 280 640

(2) (a) No Loans in terms of project aid agreements are included in the amount mentioned under (1) (a) (i) and (ii) fall away

(b) Yes

(i) One grant for the relief of distress, namely drought assistance

(ii) R4 898 000.

(3) (a) and (b) The final budgetary allocation for the 1985/86 financial year has not yet been finalised and therefore it would be pointless to furnish figures with regard to Venda at this stage

253
Hansard Q.601.694
Awaiting-trial prisoners 18/3/85
385 Mrs H SUZMAN asked the Minister of Justice

What was the average number of awaiting-trial prisoners in custody on the last day of each month in 1984?

The MINISTER OF JUSTICE

The figures concerning awaiting-trial prisoners who were incarcerated in South African prisons on the last day of each month during 1984, were as follows

31 January	20 257
29 February	20 103
31 March	18 988

30 April	19 385
31 May	17 409
30 June	17 309
31 July	17 579
31 August	17 122
30 September	17 467
31 October	16 990
30 November	16 406
31 December	17 959

Prisoners: cost

391. Mrs H SUZMAN asked the Minister of Justice.

What was the unit cost per prisoner per day in 1984?

The MINISTER OF JUSTICE.

As the 1984/85 financial year has not been closed, it is not possible to calculate an exact figure at this stage. At present the estimated unit cost per prisoner per day is R8,65

Prisoners: deaths

392 Mrs H SUZMAN asked the Minister of Justice.

(1) How many sentenced prisoners died of natural causes during the latest specified period of 12 months for which figures are available?

(2) how many of these deaths were due to pneumonia?

The MINISTER OF JUSTICE.

Figures for the period 1 January 1984 to 31 December 1984 are as follows:

(1) 181

(2) 14

Commissions/departmental committees

397. Mr K M ANDREW asked the Minister of Foreign Affairs.

(1) How many (a) commissions and (b)

departmental committees of inquiry were appointed in respect of his Department in 1984,

(2) whether any of the reports of such commissions and committees have been completed, if so, (a) how many and (b) of which commissions and committees,

(3) whether any of the reports of such commission and committees have been made public, if so, (a) how many and (b) of which commissions and committees,

(4) what is the total estimated cost relating to each of these commissions and committees?

The MINISTER OF FOREIGN AFFAIRS

(1) (a) A Task group was appointed on 1 December 1984 to investigate the introduction of Subscription television and to submit recommendations to the Government in this regard

(b) None.

(2) No (a) and (b) Fall away

(3) No (a) and (b) Fall away

(4) An amount of R5 500 has been budgeted for the present financial year. The Task group is not yet in a position to make a calculation of the estimated costs for the next financial year

Commissions/departmental committees

410 Mr K M ANDREW asked the Minister of National Education.

(1) How many (a) commissions and (b) departmental committees of inquiry were appointed in respect of his Department in 1984;

(2) whether any of the reports of such commissions and committees have

been completed, if so, (a) how many and (b) of which commissions and committees,

(3) whether, any of the reports of such commissions and committees have been made public, of so, (a) how many and (b) of which commissions and committees,

(4) what is the total estimated cost relating to each of these commissions and committees?

The MINISTER OF NATIONAL EDUCATION

(1) (a) None

(b) None

(2), (3) and (4) Fall away

Sporting facilities

450 Mr M A TARR asked the Minister of National Education

What was the total amount spent by his Department on the provision of sporting facilities in South Africa in the 1984-85 financial year?

The MINISTER OF NATIONAL EDUCATION.

An amount of R250 000 was allocated for the provision of sports facilities in rural areas. The administration of the project is done by the South African Rugby Board. The needs have been assessed and tenders are awaited before payment can be effected

Hansen d Q. 601.697
Nurses 18/3/85
502 Dr M S BARNARD asked the Minister of Home Affairs.

(1) What are the salary scales applicable to (a) male and (b) female persons of each race group employed in provincial hospitals as (i) student nurses,

(ii) staff nurses, (iii) professional nurses, (iv) senior professional nurses, (v) chief professional nurses and (vi) chief nursing service managers;

(a) what is the estimated annual cost of raising the salary scales applicable to African, Coloured and Asian nurses to those applicable to White nurses and (b) when is it envisaged that parity will be achieved in respect of these salary scales?

The MINISTER OF HOME AFFAIRS

(1) (a) and (b) The salary scales indicated are public service scales which, as far as is known, are also applied by the provincial administrations. The salary scales of male and female employees in the public service are the same. Salary scales for the different population groups are specified up to the point where posts exist

(i) White

R2 691-2 886x249-4 878x276-6 258/4 629-4 878x276-6 534x312-7 782 + 12% pensionable allowance.

Coloured and Indian

R2 496x195-2 886x249-4 878x276-5 982/4 131x249-4 878x276-6 534x312-7 158 + 12% pensionable allowance.

Black

R1 674x144-2 106x195-2 886x249-4 629/3 135x249-4 878x276-5 982 + 12% pensionable allowance

(ii) White, Coloured and Indian

R5 982x276-6 534x312-8 406x414-9 234 + 12% pensionable allowance.

Black

R4 878x276-6 534x312-7 782 + 12% pensionable allowance.

Children in prisons Q. 671

164 Mr D J DALLING asked the Minister of Justice.

How many (a) White, (b) Black, (c) Coloured and (d) Asian (i) male and (ii) female children in each age group were in prison with their mothers (aa) in 1984 and (bb) as at the latest specified date for which figures are available?

The MINISTER OF JUSTICE

The ages of children who are accommodated in prisons with their mothers are not readily available, but range from infancy up to about 3 years of age, depending on the child's emotional and physical dependence on the mother.

(1) Children/infants who were admitted to prisons with their mothers or who were born in prison from 1 January 1984 to 31 December 1984

	(i) Male	(ii) Female
(a) White	9	6
(b) Black	1 475	1 560
(c) Coloured	290	223
(d) Asian	1	4
Total	1 775	1 793

(2) Children/infants who were in prisons with their mothers on 31 December 1984

	(i) Male	(ii) Female
(a) White	2	2
(b) Black	88	119
(c) Coloured	27	16
(d) Asian	None	None
Total	117	137

In terms of Prisons Regulation No 94, a female prisoner may be permitted, subject to such conditions as are prescribed, to have her baby with her in prison during

the period of lactation and for such further period as may be necessary. The necessary clothing, food and medical treatment may be provided by the State for such period as a baby remains in prison.

Standing orders also determine that an infant may remain in prison with the mother for as long as deemed necessary for medical and feeding purposes. Thereafter it should be endeavoured to remove the child from prison, subject to a certificate by the medical officer to the effect that the child would not be harmed psychologically or physically if separated from the mother.

All infants are examined by the medical officer as soon as possible after admission to a prison or after birth in order to determine which medical treatment and food are to be prescribed. The infant's mass is taken monthly and the necessary injections and vaccinations as applicable are administered by a qualified nursing sister, or otherwise arrangements are made for the administration thereof at the local clinic.

Children in prison

165 Mr D J DALLING asked the Minister of Justice

(1) (a) How many (i) male and (ii) female children of 18 years and under in each race group were detained in prison during the latest specified period of 12 months for which figures are available, (b) into what age categories did they fall and (c) for what offences were they imprisoned in each case;

(2) whether any prisons have special facilities for children, if not, why not; if so, (a) which prisons (i) have and (ii) do not have these facilities and (b) what is the nature of these facilities in each case;

(3) whether the prison routine for (a) children and (b) juvenile criminals differs, if so, what is the nature of the routine in each case; if not, in what

respects does the routine for children differ from normal prison routine?

The MINISTER OF JUSTICE

(1), (2) and (3) Statistics of this nature are not centrally kept and can therefore only be obtained by a country-wide survey which involves a substantial manpower input. Such a survey was conducted on 19 March 1984 of which detail was given in my reply to question number 950 of 11 June 1984.

(a) 45

(b) Name of Training Centre

- Aagriplas (Pty) Ltd
- Apex Group Training Centre
- Baynesfield Estates
- Bloemfontein Group Training Centre
- Boeremakelaars Co-op Ltd
- Boskop Training Centre
- Ceres Fruit Growers Co-op Assoc Ltd
- C G Smith Sugar Ltd
- Chamdor Training Centre
- Deemster Farming (Pty) Ltd
- Elgin Fruit Packers Co-op Ltd
- Emthonjemi Group Training Centre
- Fedmech
- Ford Motor Co S A Ltd
- G & J du Toit Farming (Pty) Ltd
- H L Hall & Sons
- H L & H Forest Products Central Region
- John Deere (Pty) Ltd
- Karbochem
- Kromme Rhee Training Centre
- Langeberg Co-op Ltd
- Malcomess Ltd
- Midland Centre for Further Education
- Mondi Timbers
- National Co-operative Dairies Ltd
- Noodsberg Sugar Co Ltd
- Northern Group Training Centre
- Pinetown Group Training Centre
- Reynold Bros Ltd
- Sabie Forestry Training Centre (Tims)
- Sapecoe (Pty) Ltd
- Sappi Management Services
- Shell S A (Pty) Ltd
- S A Sugar Association
- S A Sugar Association (Experimental Station)

(c) Where situated

- Bellville
- Benoni
- Baynesfield
- Bloemfontein
- Port Elizabeth
- Boskop
- Ceres
- Durban
- Luipaardsvlei
- Gumtree
- Elgin
- Sidwell
- Vereeniging
- Port Elizabeth
- Ceres
- Mataffin
- Piet Retief
- Nigel
- Newcastle
- Cape Town
- Cape Town
- Isando
- Nottingham Road
- Sabie
- Durban
- Dalton
- Silverton
- Pinetown
- Durban
- Sabie
- Tzaneen
- Johannesburg
- Cape Town
- Mount Edgecombe
- Mount Edgecombe

The MINISTER OF MANPOWER:

(a) How many in-service training centres for agricultural trainees are registered with his Department, (b) what are their names, (c) where are they situated and (d) what number of agricultural trainees (i) attended and (ii) completed courses at each of these centres in 1983 and 1984, respectively?

243 Mr R W HARDINGHAM asked the Minister of Manpower

respects does the routine for children differ from normal prison routine?

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- Tzaneen
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natural causes in that year and (b) what were the main causes of these (1) natural and (ii) unnatural deaths in respect of each race group;

(2) whether post-mortems were performed on such prisoners; if so, how many post-mortems were performed in 1984?

The MINISTER OF JUSTICE

(1) Yes

terms of the policy of greater managerial independence, departments do not fully report to the Commission for Administration in this respect.

Hansard Q. 601.681 Prisons; deaths 18/3/85

349. Dr M S BARNARD asked the Minister of Justice.

(1) Whether any deaths were reported in South African prisons in 1984, if so, (a) how many prisoners in each race group died of (i) natural and (ii) un-

(1) (a) (i) and (ii)

1 January 1984-31 December 1984

	Natural	Unnatural
Blacks	146	47
Coloureds	36	20
Whites	14	4
Asians	0	0

(1) (b) (i) Natural Causes

- Blacks - Heart diseases, tuberculosis and pneumonia
- Coloureds - Heart diseases and tuberculosis
- Whites - Mainly heart diseases
- Asians - None

(1) (b) (ii) Unnatural Causes

- Blacks - Assault by fellow prisoners and suicide
- Coloureds - Assault by fellow prisoners and suicide
- Whites - Suicide
- Asians - None

(2) Yes, in terms of the Inquests Act, 1959, (Act No 58 of 1959), 71 post-mortems were performed in respect of unnatural deaths

As far as natural deaths are concerned, post-mortems are also conducted when, in the opinion of the medical practitioner involved, any uncertainty exists as to the exact cause of death. However, these figures are unfortunately not readily available

The MINISTER OF MANPOWER

(1) (a) 187

(b) Nil (Conciliation board agreements are usually not published)

The MINISTER OF JUSTICE

On 31 January 1985 the figures were as follows.

(a) (i) 335

(ii) 90 503 with regard to all ages As figures at the 244 prisons vary daily, statistics per age group are not centrally kept and can only be obtained by a country-wide survey

(b) (i) One (1)

(ii) Included in the total given in (a)(ii)

Hansard Q. 601.680 Public Service; posts 18/3/85

339 Mr H H SCHWARZ asked the Minister of Home Affairs

(1) (a) How many posts were there in the Public Service as at the latest specified date for which figures are available and (b) how many such posts were vacant,

(2) how many (a) appointments to and (b) resignations from the Public Service were there in 1984?

The MINISTER OF HOME AFFAIRS

(1) (a) (i) Administrative, clerical, professional, technical, general A and general B divisions 106 425 posts.

(ii) Non-classified division, educated and services (Prisons only) 125 266 posts.

(b) (i) In respect of (a)(i) above. 15 857

(ii) Particular in respect of (a)(ii) above are handled departmentally. Particulars are not readily available

(2) Details not readily available as, in

have been or will be taken in this regard?

The MINISTER OF TRANSPORT AFFAIRS

(1) Yes It has been found that the extended service rendered is satisfactory

(2) No The present service is adequate and non-compulsory. The private sector may, if they so wish, transport traffic to and from the station.

Maintenance of railway line

323 Mr W V RAW asked the Minister of Transport Affairs

(a) How many track kilometres of railway line are maintained (i) mechanically and (ii) manually and (b) what was the maintenance cost per track kilometre in each of these categories as at the latest specified date for which figures are available?

The MINISTER OF TRANSPORT AFFAIRS.

(a) (i) and (ii) Railway lines of Transport Services are being maintained mechanically with integrated manual maintenance of certain parts of the track Separate statistics are therefore not readily available.

(b) The fully integrated use of both methods makes meaningful division of costs impossible. However, during the financial year 1983-84 approximately R10.300.00 per kilometre was spent on track maintenance.

Hansard Q. 601.679 Crimes against security of State: prisoners 18/3/85

332. Mrs H SUZMAN asked the Minister of Justice.

How many prisoners who are (a) 18 years and older and (b) under the age of 18 years are serving sentences for (i) crimes against the security of the State and (ii) other crimes?

natural causes in that year and (b) what were the main causes of these (i) natural and (ii) unnatural deaths in respect of each race group;

(2) whether post-mortems were performed on such prisoners, if so, how many post-mortems were performed in 1984?

The MINISTER OF JUSTICE:

(1) Yes

terms of the policy of greater managerial independence, departments do not fully report to the Commission for Administration in this respect

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- Blacks - Assault by fellow prisoners and suicide
- Coloureds - Assault by fellow prisoners and suicide
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- Asians - None

(2) Yes, in terms of the Inquests Act, 1959, (Act No 58 of 1959), 71 post-mortems were performed in respect of unnatural deaths

As far as natural deaths are concerned, post-mortems are also conducted when, in the opinion of the medical practitioner involved, any uncertainty exists as to the exact cause of death. However, these figures are unfortunately not readily available

Hansard Q 601.682 Black-Labour Relations Regulation Act 18/3/85

356 Dr A L BORAINÉ asked the Minister of Manpower

(1) How many (a) industrial council agreements, (b) conciliation board agreements, (c) arbitration awards, (d) Wage Board determinations and (e) orders in terms of the Black Labour Relations Regulation Act were enforced as at the latest specified date for which figures are available,

(2) how many (a) Whites, (b) Coloureds, (c) Asians and (d) Blacks were affected by each of the above five categories of wage regulating machinery as at this date?

The MINISTER OF MANPOWER.

(1) (a) 187

(b) Nil (Conciliation board agreements are usually not published)

The MINISTER OF JUSTICE

On 31 January 1985 the figures were as follows

(a) (i) 335

(ii) 90 503 with regard to all ages As figures at the 244 prisons vary daily, statistics per age group are not centrally kept and can only be obtained by a country-wide survey

(b) (i) One (1)

(ii) Included in the total given in (a)(ii)

Hansard Q 601.680 Public Service: posts 18/3/85

339 Mr H H SCHWARZ asked the Minister of Home Affairs

(1) (a) How many posts were there in the Public Service as at the latest specified date for which figures are available and (b) how many such posts were vacant,

(2) how many (a) appointments to and (b) resignations from the Public Service were there in 1984?

The MINISTER OF HOME AFFAIRS

(1) (a) (i) Administrative, clerical, professional, technical, general A and general B divisions: 106 425 posts

(ii) Non-classified division, educated and services (Prisons only) 125 266 posts

(b) (i) In respect of (a)(i) above: 15 857

(ii) Particular in respect of (a)(ii) above are handled departmentally. Particulars are not readily available

(2) Details not readily available as, in

have been or will be taken in this regard?

The MINISTER OF TRANSPORT AFFAIRS

(1) Yes It has been found that the extended service rendered is satisfactory

(2) No The present service is adequate and non-compulsory. The private sector may, if they so wish, transport traffic to and from the station.

Maintenance of railway line

323 Mr W V RAW asked the Minister of Transport Affairs.

(a) How many track kilometres of railway line are maintained (i) mechanically and (ii) manually and (b) what was the maintenance cost per track kilometre in each of these categories as at the latest specified date for which figures are available?

The MINISTER OF TRANSPORT AFFAIRS

(a) (i) and (ii) Railway lines of Transport Services are being maintained mechanically with integrated manual maintenance of certain parts of the track. Separate statistics are therefore not readily available.

(b) The fully integrated use of both methods makes meaningful division of costs impossible. However, during the financial year 1983-84 approximately R10 300 000 per kilometre was spent on track maintenance

Hansard Q 601.679 Crimes against security of State: prisoners 18/3/85

332 Mrs H SUZMAN asked the Minister of Justice: How many prisoners who are (a) 18 years and older and (b) under the age of 18 years are serving sentences for (i) crimes against the security of the State and (ii) other crimes?

(2) Details not readily available as, in

(iv) Incentive Scheme for Industries.

In accordance with existing jointly-agreed arrangements between the SATBVC-states, the RSA is obliged to refund the TBVC-states on a Rand-for-Rand basis for actual expenditure incurred in these states in terms of the industrial incentive scheme, which took effect on 1 April 1982.

According to estimates the RSA will refund Bophuthatswana to the amount of R5 000 000 during the 1984-85 financial year.

B Transfers in terms of Bilateral Agreements

Transfer payments which are regarded as own sources of income of the Bophuthatswana government

(i) Income Tax
An estimated amount of R34 132 000

(ii) An estimated amount for the payment of Bophuthatswana share in the Customs Union Revenue Pool R260 325 000

(iii) Rand Monetary Area Estimated transfer of R4 493 280

(2) (a) No Loans in terms of project aid agreements are included in the amount mentioned under (1)(a) (i) and (ii) Fall away

(b) Yes

(i) One grant for the relief of distress, namely drought assistance

(ii) R5 419 000

(3) (a) and (b) The final budgetary allocation for the 1985-86 financial year has not yet been finalized and therefore it would be pointless to furnish figures with regard to Bophuthatswana at this stage

Hansard Q.601.692
Venda: agreements 18/3/85
368 Prof N J J OLIVIER asked the Minister of Foreign Affairs

(1) (a) What total amount was paid by South Africa to Venda in terms of agreements between the two countries in the 1984-85 financial year and (b) how was this amount made up,

(2) whether any additional amounts have been paid to Venda in the form of (a) loans or (b) grants; if so, (i) how many, and (ii) what was the amount of the loan or grant, in each case,

(3) whether any further (a) loans or (b) grants are envisaged in the 1985-86 financial year, if so, what loans or grants?

The MINISTER OF FOREIGN AFFAIRS.

(1) (a) R160 908 140.

(b) The budgeted amounts which are to be paid to Venda during the 1984/85 financial year fall into two main categories, namely

A Direct Assistance

(i) An amount for budgetary assistance under Programme 3 Foreign Aid and Development Co-operation of Vote 9 Foreign Affairs R122 650 000

(ii) Technical assistance

South Africa is from time to time approached by other countries with requests for

assistance in one way or another. Assistance may take the form of expert advice, visits, evaluation of projects, bursaries etc. Each such application is considered on its merits. During the 1984/85 financial year provision has been made for an amount of R158 700 for the possible requirements of Venda in this regard.

(iii) Loan Fund.

Like any other friendly country Venda may apply for the financing of certain projects within the framework of the Economic Co-operation Promotion Loan Fund. Such applications are considered strictly on merit according to fixed criteria and within the limits of available funds. This type of financing consists mainly of loans which are, naturally, repayable. According to estimates an amount of R2 752 800 will be paid to Venda in the 1984/85 financial year.

(iv) Incentive scheme for Industries

In accordance with existing jointly-agreed arrangements between the SATBVC-states, the RSA is obliged to refund the TBVC-states on a Rand-for-Rand basis for actual expenditure incurred in these states in terms of the industrial incentive scheme, which took effect on 1 April 1982. According to estimates the RSA will refund Venda to the amount of R1 650 000 during the 1984/85 financial year.

B Transfers in terms of Bilateral agreements

Transfer payments which are regarded as own sources of income of the Venda Government.

(i) Income Tax; an estimated amount of R2 337 000

(ii) An estimated amount for the payment of Venda's share in the Customs Union Revenue Pool R30 079 000

(iii) Rand Monetary Area estimated transfer of R1 280 640

(2) (a) No Loans in terms of project aid agreements are included in the amount mentioned under (1) (a) (i) and (ii) fall away

(b) Yes

(i) One grant for the relief of distress, namely drought assistance

(ii) R4 898 000

(3) (a) and (b) The final budgetary allocation for the 1985/86 financial year has not yet been finalised and therefore it would be pointless to furnish figures with regard to Venda at this stage

273
Hansard Q.601.694
Awaiting-trial prisoners 18/3/85
385 Mrs H SUZMAN asked the Minister of Justice

What was the average number of awaiting-trial prisoners in custody on the last day of each month in 1984?

The MINISTER OF JUSTICE

The figures concerning awaiting-trial prisoners who were incarcerated in South African prisons on the last day of each month during 1984, were as follows

31 January 20 257
29 February 20 103
31 March 18 988

30 April	19 385
31 May	17 409
30 June	17 309
31 July	17 579
31 August	17 122
30 September	17 467
31 October	16 990
30 November	16 406
31 December	17 959

Prisoners: cost

391 Mrs H SUZMAN asked the Minister of Justice.

What was the unit cost per prisoner per day in 1984?

The MINISTER OF JUSTICE:

As the 1984/85 financial year has not been closed, it is not possible to calculate an exact figure at this stage. At present the estimated unit cost per prisoner per day is R8.65

Prisoners: deaths

392. Mrs H SUZMAN asked the Minister of Justice

(1) How many sentenced prisoners died of natural causes during the latest specified period of 12 months for which figures are available;

(2) how many of these deaths were due to pneumonia?

The MINISTER OF JUSTICE:

Figures for the period 1 January 1984 to 31 December 1984 are as follows:

(1) 181

(2) 14

Commissions/departmental committees

397. Mr K M ANDREW asked the Minister of Foreign Affairs.

(1) How many (a) commissions and (b)

departmental committees of inquiry were appointed in respect of his Department in 1984;

(2) whether any of the reports of such commissions and committees have been completed; if so, (a) how many and (b) of which commissions and committees;

(3) whether any of the reports of such commission and committees have been made public; if so, (a) how many and (b) of which commissions and committees;

(4) what is the total estimated cost relating to each of these commissions and committees?

The MINISTER OF FOREIGN AFFAIRS:

(1) (a) A Task group was appointed on 1 December 1984 to investigate the introduction of Subscription television and to submit recommendations to the Government in this regard

(b) None.

(2) No (a) and (b) Fall away.

(3) No (a) and (b) Fall away

(4) An amount of R5 500 has been budgeted for the present financial year. The Task group is not yet in a position to make a calculation of the estimated costs for the next financial year.

Commissions/departmental committees

410 Mr K M ANDREW asked the Minister of National Education:

(1) How many (a) commissions and (b) departmental committees of inquiry were appointed in respect of his Department in 1984;

(2) whether any of the reports of such commissions and committees have

been completed, if so, (a) how many and (b) of which commissions and committees;

(3) whether, any of the reports of such commissions and committees have been made public; of so, (a) how many and (b) of which commissions and committees;

(4) what is the total estimated cost relating to each of these commissions and committees?

The MINISTER OF NATIONAL EDUCATION:

(1) (a) None

(b) None.

(2), (3) and (4) Fall away.

Sporting facilities

450 Mr M A TARR asked the Minister of National Education.

What was the total amount spent by his Department on the provision of sporting facilities in South Africa in the 1984-85 financial year?

The MINISTER OF NATIONAL EDUCATION:

An amount of R250 000 was allocated for the provision of sports facilities in rural areas. The administration of the project is done by the South African Rugby Board. The needs have been assessed and tenders are awaited before payment can be effected

Hansen
Nurses 18/3/85
502 Dr M S BARNARD asked the Minister of Home Affairs:

(1) What are the salary scales applicable to (a) male and (b) female persons of each race group employed in provincial hospitals as (i) student nurses,

(ii) staff nurses, (iii) professional nurses, (iv) senior professional nurses, (v) chief professional nurses and (vi) chief nursing service managers;

(2) (a) what is the estimated annual cost of raising the salary scales applicable to African, Coloured and Asian nurses to those applicable to White nurses and (b) when is it envisaged that parity will be achieved in respect of these salary scales?

The MINISTER OF HOME AFFAIRS.

(1) (a) and (b) The salary scales indicated are public service scales which, as far as is known, are also applied by the provincial administrations. The salary scales of male and female employees in the public service are the same. Salary scales for the different population groups are specified up to the point where posts exist

(i) White

R2 691-2 886x249-4 878x276-6 258/4 629-4 878x276-6 534x312-7 782 + 12% pensionable allowance.

Coloured and Indian

R2 496x195-2 886x249-4 878x276-5 982/4 131x249-4 878x276-6 534x312-7 158 + 12% pensionable allowance.

Black

R1 674x144-2 106x195-2 886x249-4 629/3 135x249-4 878x276-5 982 + 12% pensionable allowance

(ii) White, Coloured and Indian

R5 982x276-6 534x312-8 406x414-9 234 + 12% pensionable allowance.

Black

R4 878x276-6 534x312-7 782 + 12% pensionable allowance.

MONDAY, 18 MARCH 1985

†Indicates translated version

For written reply.

General Affairs.

253 Howard
Q. Col. 657
Prison population 18/3/85

87. Mr D J DALLING asked the Minister of Justice:

- (1) (a) How many prisoners can be accommodated in South African prisons at present, (b) what is the current daily average prison population and (c) in respect of what date is this information furnished;
- (2) whether any prisons were over-populated in 1984, if so, (a) which prisons and (b) what was the average rate of over-population in each case?

The MINISTER OF JUSTICE

- (1) (a) According to the norm mentioned below, 78 527.

- (b) 107,946 (See Annexure A and B for analysis of sentences and crimes)

- (c) December 1984

- (2) Yes, in the sense that the norm was exceeded. However, as mentioned in my reply to question No 12 of 6 March 1984, overcrowded prisons is a relative concept. The accommodation figure for South African prisons is determined against a broad norm and the highest standards of hygiene and health are maintained. Everything possible is done to keep prisoners productively occupied and this gives rise to the fact that a large number of prisoners mainly work outside the prison during the day. Prisoners also have access to spacious courtyards and ample opportunity is given for outdoor recreation. In view hereof,

overcrowding as such is not an unmanageable phenomenon. However, attention is given to overcrowding in South African Prisons on a continual basis. During 1984 a total of 4 149 units were provided as additional accommodation. The situation at prisons with an above average influx of admissions due to temporary circumstances is alleviated by the transfer of prisoners to prisons with a lower occupation level. A further method for utilizing available accommodation more efficiently, is by implementing stacked beds to such an extent that hygiene and health standards are still complied with.

- (a) and (b) The prisons mentioned below were overcrowded on 31 December 1984 to the degree as indicated next to each prison.

Western Cape, Boland and Southern Cape

Prison	Percentage Over-population
Allandale	102,1
(The construction of a new prison is being planned)	
Beaufort West	70,3
(The construction of a new prison is included in the priority list for inclusion in the major works services programme)	
Bien Donne	20,8
Buffeljagsrivier	52,9
Brandvlei Medium	43,0
Brandvlei Maximum	3,9
(The construction of a new prison at Brandvlei is included in the major works services programme)	
Caledon	68,1
Dwarsrivier	50,9
George Male	100,9
(Attention is given to the possibility of additional accommodation)	
George Female	18,2
Graaff-Reinet	21,2
(The construction of a new prison is included in the major works services programme)	
Hawequa	16,5
Helderstrom Medium	91,5

Prison	Percentage Over-population	Prison	Percentage Over-population
Helderstrom Maximum	54,6	Worcester Male	46,9
Klein Drakenstein	74,9	Worcester Female	75,5
Knysna	106,9	Apart from the new prisons/alterations to existing prisons as mentioned above, the construction of the following prisons appear on the major works services programme on the priority list to be included in the major works services programme	
(The construction of a new prison is included in the major works services programme)		Darling	15,9
Koelenhof	62,9	Kraaifontein	62,9
Ladismith	71,4	Vredenburg	57,9
Malmesbury	57,9	Atlantis	30,9
Mossel Bay	66,2		66,2
(The construction of a new prison is included in the major works services programme.)		Eastern Cape (including Goedemoed Prison)	
Obiqua	89,1	Burgersdorp	8,5
Oudtshoorn	74,8	Cradock	74,8
(The construction of a new prison is included in the major works services programme)		(The construction of a new prison is included in the major works services programme)	
Paarl	57,9	Fort Beaufort	37,0
(The new prison which is being planned at Allandale will alleviate the situation)		Fort Glamorgan	63,8
Pollsmoor Maximum	45,6	Genl J C Steyn	72,2
Pollsmoor Medium	23,9	Goedemoed Medium A	32,4
Prince Albert	145,2	Goedemoed Medium B	50,0
Rawsonville	32,7	Grahamstown Male	44,7
(The new prison at Brandvlei will alleviate the situation.)		(Extensions/modernizations is included on the priority list for inclusion in the major works services programme.)	
Richmond	17,6	Grahamstown Female	29,9
Riebeeck-West	28,3	Jansenville	54,5
Robben Island Medium	26,8	King William's Town Male	21,6
Robertson	28,7	Middelburg Male	13,5
Staart van Paardeberg	34,9	East London Male	104,7
Simondium	76,0	(A new maximum security prison (type 600) will be completed during 1985 according to expectations, whilst modernisation is also done at the male prison)	
Swellendam	42,2	Patensie	18,1
(The construction of a new prison is included in the priority list for inclusion in the major works services programme.)		Port Elizabeth Male	138,6
Uniondale	23,5	(See note at St Albans)	
Voorberg	44,9	Port Elizabeth Female	13,7
(The construction of a new prison is included in the major works services programme.)		(See note at St Albans)	
Victoria West	55,7	Queenstown Male	83,6
Victor Verster A	78,8	(The construction of a new prison is included in the major works services programme)	
Victor Verster Maximum	76,7	Warmbokkeveld	72,7
Victor Verster Medium			
(The construction of a new prison at Victor Verster is being planned)			

Prison	Percentage Over-population	Prison	Percentage Over-population
Queenstown Female	24,1	A prison farm in the Warrenton area	
Somerset East	76,9	A new prison at Vryburg	
(Extensions/modernizations is included on the priority list for inclusion in the major works services programme)		A new prison at Vredendal	
St Albans Maximum	99,5	Freestate (excluding the PWV Area)	
St Albans Medium	8,7	Bethlehem Male	46,9
(Regarding Port Elizabeth (St Albans), the construction of three new prisons is being planned)		Bethule	72,2
Stutterheim	62,3	Bloemfontein Male	127,6
Apart from the new prisons/alterations to existing prisons as mentioned above, two new prisons (at Alwal North and Elliot) appear on the priority list for inclusion in the major work services programme		Edenburg	8,1
Furthermore, attention is given to an additional prison farm which will serve the Southern Cape		Fauresmith	65,8
		(A new prison is envisaged and land is being acquired after which planning will commence)	
		Frankfort	13,8
		Grootvlei Medium	40,0
		Grootvlei Maximum	9,6
		(The construction of a new prison at Grootvlei is being planned)	
		Kroonstad Black Male	42,9
		Ladybrand	36,9
		(The construction of a new prison is included in the major works services programme)	
Northern Cape		Odendaalsrus Male	69,9
Barkly-West	8,9	Odendaalsrus Female	3,4
Calvinia	102,5	Parys	10,3
De Aar	64,5	Ventersburg	9,4
Douglas Male	84,7	Virginia Male	25,0
Hopetown	35,2	Wepener	37,4
Kimberley Male	103,2	(Extensions/modernizations is included on the priority list for inclusion in the major works services programme)	
(Extensions/modernizations is being planned)		Apart from the new prisons/alterations to existing prisons as mentioned above, a new prison at Welkom is envisaged for this region and is already included in the priority list for inclusion in the major works services programme	
Kuruman	88,7	Groenpunt Maximum	65,5
(The construction of a new prison is included in the major works services programme)		(Extensions/modernizations is being planned)	
Springbok	28,7	Heidelberg Male	30,0
Upington Male	77,3	Johannesburg Unsented Males	58,1
(Extensions/modernizations is being planned)		(the prison which is planned for Boksburg will alleviate the situation)	
Van Rhynsdorp	106,9		
(Extensions/modernizations are expected to be completed during April 1985)			
Apart from the new prisons/alterations to existing prisons as mentioned above, the construction of the following prisons is included in the major works services programme			

Prison	Percentage Over-population	Prison	Percentage Over-population
Leeuwkop Maximum	47,7	Bultfontein	54,0
Leeuwkop Medium	6,6	Carolina	17,0
Leeuwkop Admission	52,5	Davel	16,9
(The construction of a new prison at Leeuwkop is included in the major works services programme.)		Driehoek	58,6
Modderbee	50,8	Ermelo	89,7
(The prison which is planned for Boksburg will alleviate the situation)		(The construction of a new prison is included in the major works services programme)	
Nigel	23,6	Geluk	31,8
(Extensions/modernizations is included in the priority list for inclusion in the major works services programme)		Hendrina	50,7
Pretoria Local Prison	71,4	Kinross	22,4
(Alterations/New prison under construction)		Leslie	33,8
Pretoria Maximum	24,5	Middelburg (Tvl)	66,0
(Extensions/modernizations is being planned)		(The new prison will be occupied during 1985)	
Sasolburg	11,8	Standerton Male B	41,2
Vereeniging Female	2,3	Standerton Female	69,6
Voortrekkerhoogte	44,2	Trichardt	25,3
Apart from the new prisons/alterations to existing prisons as mentioned above, the construction of a new prison at Secunda appears on the priority list for inclusion in the major works services programme		Witbank Male	50,3
		Woestalleen	42,3
		Apart from the new prison/alterations to existing prisons as mentioned above, the construction of a new prison at Secunda appears on the priority list for inclusion in the major works services programme	
		Northern Transvaal	
		Baviaanspoort Maximum	57,9
		Baviaanspoort Medium	94,2
		(The construction of a new prison at Baviaanspoort is being planned)	
		Brits	16,7
		Louis Trichardt Male	61,5
		(The construction of a new prison is included in the priority list for inclusion in the major works services programme.)	
		Losperfontein	36,7
		(A new prison is being constructed.)	
		Nylstroom	42,3
		Pietersburg Male	151,1
		(See note below Tzaneen.)	
		Rustenburg Male	52,3
		Tzaneen	18,7
		(The construction of a new prison is included in the major works services programme and will also alleviate the situation at Pietersburg.)	
		Belfast	30,0
		(Extensions/modernizations is included on the priority list for inclusion in the major works services programme)	
		Bethal Men	33,3

Prison	Percentage Over-population	Prison	Percentage Over-population
Zonderwater New	9,5	included in the priority list for inclusion in the major works services programme.)	
Apart from the prisons as mentioned above, the possibility of an additional prison/prison farm for this region is investigated.		Empangeni Male	33,7
		Empangeni Female	177,8
		(The construction of the prison which is being planned at Richards Bay will alleviate the situation)	
Region 8 Western Transvaal	60,6	Eshowe Male	95,7
Christiana		Greytown	69,4
(Extensions/modernizations is included on the priority list for inclusion in the major works services programme)		(The construction of a new prison is included in the major works services programme.)	
Klerksdorp Male	66,7	Inqwavuma	19,7
Lichtenburg	29,1	Ixopo	40,5
(The construction of a new prison is included in the priority list for inclusion in the major works services programme)		Kandaspunt	87,6
Potchefstroom	58,1	Kokstad	39,4
		(The construction of a new prison is included in the major works services programme)	
		Ladysmith	26,6
		Matabele	13,6
		Melmoth	37,8
		Mtunzini	50,5
		Newcastle	83,7
		(The construction of a new prison is included in the major works services programme)	
		Nkandla	31,9
		Nongoma	58,2
		(Extensions/modernizations is included on the priority list for inclusion in the major works services programme)	
		Nqutu	4,8
		Pietermaritzburg New	72,2
		Pietermaritzburg Old	138,1
		(The construction of two new prisons are being planned)	
		Pomeroy	12,9
		Port Shepstone Male	148,3
		(Extensions/modernizations is being planned)	
		Sevontem	57,9
		Stanger	107,8
		(The construction of a new prison is included in the priority list for inclusion in the major works services programme)	
		Umzinto	129,3
		(The construction of a new prison is	

Prison to the possibility of an additional prison farm in this region.

The Prisons Service annually provides a priority list of identified building projects to the Department of Public Works and Land Affairs in view of incorporating them in the major works services programme according to which building work is programmed for a term of five years.

This programme is revised annually at the hand of the availability of funds, and the fact that a specific project appears on the major works services programme does not imply that it will be executed within five (5) years

Prison included in the major works services programme)	Percentage Over-population
Utrecht	42,9
Verulam	41,3
Vryheid	7,8
Waterval A	56,3
Waterval B	42,3

Apart from the new prisons/alterations to existing prisons as mentioned above, attention is also given

Annexure A

Analysis of the Prison population as on 31 December 1983 and 31 December 1984 respectively

	1983-12-31	1984-12-31	Percentage increase/decrease
Sentenced			
* Up to and including 6 months	11 726	10 850	7,4% decrease
* 6 Months up to 2 years	13 027	12 766	2% decrease
† 2 Years up to 5 years	34 757	38 164	9,8% increase
† 5 Years up to 10 years	15 001	16 487	9,9% increase
† Indeterminate sentences (corrective training, prevention of crime, habitual criminal)	4 611	4 530	1,7% decrease
† Longer than 10 years	5 182	5 757	11,0% increase
† Imprisonment for life	230	226	1,7% decrease
Unsentenced	18 307	18 099	1,1% decrease
Other (not specified above)			
For example State President's patients, corporal punishment only, psychopaths, periodical imprisonment, persons condemned to death, etc	317	281	11,3% decrease
TOTAL	103 158	107 160	3,88% increase

* Statistics regarding analysis of offences of prisoners with sentences of less than two years is not available at a central point. However, this sentence category represents a wide range of offences, including assault, housebreaking and theft, influx control measures, fraud, forgery, possession of dagga and other drugs for own use, motorcar theft, stock-theft, drunken driving, public violence, mal-

ious injury to property, illegal dealing in diamonds/possession, possession of dangerous weapon, culpable homicide, robbery, rape and other sexual offences, murder with extenuating circumstances, refusal to testify, possession of illegal literature, intimidation, member of banned organization, traffic offences, etc

ers were there on the establishment of his Department as at the latest specified date for which figures are available, (b) how many such posts were vacant as at that date and (c) what effect did this vacancy level in these posts have on the work of his Department.

† See annexure B for an analysis of offences regarding prisoners with sentences of two years and longer.

(2) whether steps are being taken to fill these posts, if so, what steps?

Annexure B

The MINISTER OF JUSTICE

Computerised analysis of offences concerning the 65 164 prisoners who were serving sentences of two years or longer on 31 December 1984. Information regarding sentence groups of less than two years imprisonment is not available at a central point (Several prisoners are serving sentences for more than one of the offences mentioned below)

(1) (a) Approved posts as on 1 February 1985

Directorate Prisons 171
Directorate Justice None

(b) On 1 February 1985 there were fifty three (53) vacancies

(c) The vacancy position places additional case loads on the available social workers. This implies that where possible, they have to render services on a session basis at prisons where vacancies exist. The position is partly alleviated by employing auxiliary workers who perform certain services under supervision of registered social workers. On 1 February 1985 there were a total of 156 auxiliary workers in the employ of the SA Prisons Service

(2) Yes. The recruiting of social workers to fill existing vacancies and to replace personnel takes place on a continual basis. In this regard good results are achieved by maintaining contact with social work departments at universities, whilst studies in social work are encouraged by making State bursaries available to students. During the period 1 July 1983 to 30 June 1984, ten (10) such bursaries were awarded. Economy measures which had to be implemented during the past two financial years to curb Government spending, have also had an influence on appointments

(1) (a) How many posts for social work-

Children in prisons Q.61-671
164. Mr D J DALLING asked the Minister of Justice:

How many (a) White, (b) Black, (c) Coloured and (d) Asian (i) male and (ii) female children in each age group were in prison with their mothers (aa) in 1984 and (bb) as at the latest specified date for which figures are available?

The MINISTER OF JUSTICE

The ages of children who are accommodated in prisons with their mothers are not readily available, but range from infancy up to about 3 years of age, depending on the child's emotional and physical dependence on the mother.

(1) Children/infants who were admitted to prisons with their mothers or who were born in prison from 1 January 1984 to 31 December 1984:

	(i) Male	(ii) Female
(a) White	9	6
(b) Black	1 475	1 560
(c) Coloured	290	223
(d) Asian	1	4
Total	1 775	1 793

(2) Children/infants who were in prisons with their mothers on 31 December 1984:

	(i) Male	(ii) Female
(a) White	2	2
(b) Black	88	119
(c) Coloured	27	16
(d) Asian	None	None
Total	117	137

In terms of Prisons Regulation No 94, a female prisoner may be permitted, subject to such conditions as are prescribed, to have her baby with her in prison during

the period of lactation and for such further period as may be necessary. The necessary clothing, food and medical treatment may be provided by the State for such period as a baby remains in prison.

Standing orders also determine that an infant may remain in prison with the mother for as long as deemed necessary for medical and feeding purposes. Thereafter it should be endeavoured to remove the child from prison, subject to a certificate by the medical officer to the effect that the child would not be harmed psychologically or physically if separated from the mother.

All infants are examined by the medical officer as soon as possible after admission to a prison or after birth in order to determine which medical treatment and food are to be prescribed. The infant's mass is taken monthly and the necessary injections and vaccinations as applicable are administered by a qualified nursing sister, or otherwise arrangements are made for the administration thereof at the local clinic

Children in prison

165. Mr D J DALLING asked the Minister of Justice:

(1) (a) How many (i) male and (ii) female children of 18 years and under in each race group were detained in prison during the latest specified period of 12 months for which figures are available, (b) into what age categories did they fall and (c) for what offences were they imprisoned in each case;

(2) whether any prisons have special facilities for children, if not, why not; if so, (a) which prisons (i) have and (ii) do not have these facilities and (b) what is the nature of these facilities in each case;

(3) whether the prison routine for (a) children and (b) juvenile criminals differs; if so, what is the nature of the routine in each case; if not, in what

respects does the routine for children differ from normal prison routine?

The MINISTER OF JUSTICE:

(1), (2) and (3) Statistics of this nature are not centrally kept and can therefore only be obtained by a country-wide survey which involves a substantial manpower input. Such a survey was conducted on 19 March 1984 of which detail was given in my reply to question number 950 of 11 June 1984.

Agricultural trainees Q.61-674
243. Mr R. W. HARDINGHAM asked the Minister of Manpower:

(a) How many in-service training centres for agricultural trainees are registered with his Department, (b) what are their names, (c) where are they situated and (d) what number of agricultural trainees (i) attended and (ii) completed courses at each of these centres in 1983 and 1984, respectively?

The MINISTER OF MANPOWER:

(a) 45.

(b) Name of Training Centre

Name of Training Centre	Where situated
Agnplas (Pty) Ltd	Bellville
Apex Group Training Centre	Benoni
Baynesfield Estates	Baynesfield
Bloemfontein Group Training Centre	Bloemfontein
Boeremakelaars Co-op Ltd	Port Elizabeth
Boskop Training Centre	Boskop
Ceres Fruit Growers Co-op Assoc Ltd	Ceres
C G Smith Sugar Ltd	Durban
Chamdor Training Centre	Lupaardsvlei
Deemster Farming (Pty) Ltd	Gumtree
Elgin Fruit Packers Co-op Ltd	Elgin
Emthonjeni Group Training Centre	Sidwell
Fedmech	Vereeniging
Ford Motor Co. S A Ltd	Port Elizabeth
G & J du Toit Farming (Pty) Ltd	Ceres
H L Hall & Sons	Mataffin
H L & H Forest Products Central Region	Piet Retief
John Deere (Pty) Ltd	Nigel
Karbochem	Newcastle
Kromme Rhee Training Centre	Cape Town
Langeberg Co-op Ltd	Cape Town
Malcomess Ltd	Isando
Midland Centre for Further Education	Nottingham Road
Mondi Timbers	Sable
National Co-operative Dairies Ltd	Durban
Noodsberg Sugar Co. Ltd	Dalton
Northern Group Training Centre	Silverton
Pinetown Group Training Centre	Pinetown
Reynold Bros. Ltd	Durban
Sable Forestry Training Centre (Tims)	Sable
Sapecoe (Pty) Ltd	Tzaneen
Sappi Management Services	Johannesburg
Shell S A (Pty) Ltd	Cape Town
S A Sugar Association	Mount Edgecombe
S A Sugar Association (Experimental Station)	Mount Edgecombe

Sentraal Westelike Kooperase (Pty) Ltd
 Sentraal Westelike Koöperase (Pty) Ltd
 South Western Transvaal Agricultural Co-op Ltd.
 Tongaat-Hulett Group Ltd.
 Tongaat Sugar Division Group
 Triomf Fertilizer (Pty) Ltd
 Triomf Fertilizer (Pty) Ltd
 Vaal Triangle Group Training Centre
 Vetsak Head Office
 Yellowstone Timber Holdings Ltd

(d) Statistics furnished by training centres do not distinguish between trainees on the basis of industries and particulars as requested under (i) and (ii) are not readily available

Agricultural trainees

244 Mr R W HARDINGHAM asked the Minister of Manpower

What amount of financial assistance was made available by his Department to each specified in-service training centre for agricultural trainees in 1983 and 1984, respectively?

The MINISTER OF MANPOWER

The following amounts were made available to the Boskop Group Training Centre to promote training

1983 — R300 000
 1984 — R150 000

In terms of Section 11sept of the Income Tax Act, 1962, expenses incurred by employers in respect of approved training qualify for a tax concession. This concession is also applicable to employers in the agricultural sector. Furthermore employers making use of approved training at Group Training Centres receive a rebate of 75 percent on the course fees in lieu of a tax concession. The rebate is also applicable to employers in the agricultural sector. The rebate came into operation on 1 October 1984 and one million rand was allocated for rebates on training at Group Training Centres for the 1984/85 financial

HoA

Viljoenskroon
 Klerksdorp
 Leeudoringstad
 Tongaat
 Mairdstone
 Richards Bay
 Potchefstroom
 Vanderbijlpark
 Isando
 Piet Retief

year. The amounts pertaining to tax concessions and the rebate for the agricultural sector cannot be determined from the available data

X 253 *Hansard*
 Prison warders: assault
 Q. 601.676 18/3/85
 292 Mrs H SUZMAN asked the Minister of Justice.

- (1) Whether any charges of assault were laid by prisoners against prison warders in 1984, if so, how many charges,
- (2) whether departmental inquiries were held into these charges; if not, why not, if so, what were the findings,
- (3) whether any persons were convicted; if so, how many?

The MINISTER OF JUSTICE

(1) Yes, a total of 1 241 complaints were received

(2) Yes, in terms of the Standing Prisons Service Orders, every complaint of assault must be properly investigated by the Commanding Officer and the report of the investigation and his finding and recommendation must be forwarded to the Commissioner of Prisons together with a medical report indicating the nature and extent of the injury, if any

In respect of 908 complaints no substance could be found to institute any charges against any member of the Prisons Service

Of the remaining 333 complaints a

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total of 55 were handed to the South African Police for further investigation while 278 complaints resulted in departmental trials in terms of Prisons Regulation 71(1)(hh) read with

section 53 of the Prisons Act, 1959 (Act No 8 of 1959)

(3) The findings regarding the formal charges were as follows

Trials in terms of Prisons Regulation 71(1)(hh), read with section 53 of the Prisons Act

	No of members involved	No of complaints
Number of convictions	122	117
Number found not guilty	110	102
Findings outstanding/pending	63	59
TOTAL	295	278

Charges investigated by the South African Police

	No of members involved	No of complaints
Number of convictions	6	6
Number found not guilty	8	8
Cases in process of finalization	6	4
Cases in which the Attorney-General instituted prosecution	20	18
Cases in which the Attorney-General refused prosecution	62	26
Results of SA Police investigation and/or Attorney-General's decision outstanding	16	11
TOTAL	98	55

GRAND TOTAL

393 333

Robben Island

Bayhead: parcels/goods cartage

294 Mrs H SUZMAN asked the Minister of Justice

321 Mr W V RAW asked the Minister of Transport Affairs

Whether any persons under the age of 18 years are being held in prison on Robben Island at present, if so, (a) how many, (b) what are their respective ages and (c) of what crimes were they convicted in each case?

(1) Whether consideration has been given to extending the parcels and goods cartage service from Bayhead to Durban North; if so, with what result, if not, why not,

(2) whether consideration has been or will be given to allowing the private sector to subcontract for such a service if not why not if so what steps

The MINISTER OF JUSTICE.

No, (a), (b) and (c) Fall away

have been or will be taken in this regard?

The MINISTER OF TRANSPORT AFFAIRS

- (1) Yes It has been found that the extended service rendered is satisfactory
- (2) No The present service is adequate and non-compulsory The private sector may, if they so wish, transport traffic to and from the station

Maintenance of railway line

323 Mr W V RAW asked the Minister of Transport Affairs

- (a) How many track kilometres of railway line are maintained (i) mechanically and (ii) manually and (b) what was the maintenance cost per track kilometre in each of these categories as at the latest specified date for which figures are available?

The MINISTER OF TRANSPORT AFFAIRS

- (a) (i) and (ii) Railway lines of Transport Services are being maintained mechanically with integrated manual maintenance of certain parts of the track Separate statistics are therefore not readily available

- (b) The fully integrated use of both methods makes meaningful division of costs impossible However, during the financial year 1983-84 approximately R10 300,00 per kilometre was spent on track maintenance.

Handwritten: 253 *Handwritten:* Q. 601.679 Crimes against security of State: prisoners

332 Mrs H SUZMAN asked the Minister of Justice

- How many prisoners who are (a) 18 years and older and (b) under the age of 18 years are serving sentences for (i) crimes against the security of the State and (ii) other crimes?

The MINISTER OF JUSTICE:

On 31 January 1985 the figures were as follows

- (a) (i) 335
- (ii) 90 503 with regard to all ages As figures at the 244 prisons vary daily, statistics per age group are not centrally kept and can only be obtained by a country-wide survey

(b) (i) One (1)

(ii) Included in the total given in (a)(ii)

Handwritten: Q. 601.680 Public Service: posts

339. Mr H H SCHWARZ asked the Minister of Home Affairs

- (1) (a) How many posts were there in the Public Service as at the latest specified date for which figures are available and (b) how many such posts were vacant,

- (2) how many (a) appointments to and (b) resignations from the Public Service were there in 1984?

The MINISTER OF HOME AFFAIRS

- (1) (a) (i) Administrative, clerical, professional, technical, general A and general B divisions 106 425 posts

(ii) Non-classified division, educated and services (Prisons only) 125 266 posts

(b) (i) In respect of (a)(i) above: 15 857

(ii) Particular in respect of (a)(ii) above are handled departmentally Particulars are not readily available

- (2) Details not readily available as, in

terms of the policy of greater managerial independence, departments do not fully report to the Commission for Administration in this respect

Handwritten: Q. 601.681 Prisons: deaths 18/3/85

349 Dr M S BARNARD asked the Minister of Justice

- (1) Whether any deaths were reported in South African prisons in 1984; if so, (a) how many prisoners in each race group died of (i) natural and (ii) unnatural causes in that year and (b) what were the main causes of these (i) natural and (ii) unnatural deaths in respect of each race group,

- (2) whether post-mortems were performed on such prisoners, if so, how many post-mortems were performed in 1984?

The MINISTER OF JUSTICE:

(1) Yes

(1) (a) (i) and (ii)

1 January 1984-31 December 1984

	Natural	Unnatural
Blacks	146	47
Coloureds	36	20
Whites	14	4
Asians	0	0

(1) (b) (i) Natural Causes

- Blacks - Heart diseases, tuberculosis and pneumonia
Coloureds - Heart diseases and tuberculosis
Whites - Mainly heart diseases
Asians - None

(1) (b) (ii) Unnatural Causes

- Blacks - Assault by fellow prisoners and suicide
Coloureds - Assault by fellow prisoners and suicide
Whites - Suicide
Asians - None

- (2) Yes, in terms of the Inquests Act, 1959, (Act No 58 of 1959), 71 post-mortems were performed in respect of unnatural deaths.

As far as natural deaths are concerned, post-mortems are also conducted when, in the opinion of the medical practitioner involved, any uncertainty exists as to the exact cause of death. However, these figures are unfortunately not readily available

Handwritten: Q. 601.682 Black Labour Relations Regulation Act 18/3/85

356 Dr A L BORAINÉ asked the Minister of Manpower

- (1) How many (a) industrial council agreements, (b) conciliation board agreements, (c) arbitration awards, (d) Wage Board determinations and (e) orders in terms of the Black Labour Relations Regulation Act were enforced as at the latest specified date for which figures are available;

- (2) how many (a) Whites, (b) Coloureds, (c) Asians and (d) Blacks were affected by each of the above five categories of wage regulating machinery as at this date?

The MINISTER OF MANPOWER:

(1) (a) 187

- (b) Nil (Conciliation board agreements are usually not published)

have been or will be taken in this regard?

The MINISTER OF TRANSPORT AFFAIRS

- (1) Yes It has been found that the extended service rendered is satisfactory
- (2) No The present service is adequate and non-compulsory The private sector may, if they so wish, transport traffic to and from the station

Maintenance of railway line

323 Mr W V RAW asked the Minister of Transport Affairs

- (a) How many track kilometres of railway line are maintained (i) mechanically and (ii) manually and (b) what was the maintenance cost per track kilometre in each of these categories as at the latest specified date for which figures are available?

The MINISTER OF TRANSPORT AFFAIRS

- (1) (i) and (ii) Railway lines of Transport Services are being maintained mechanically with integrated manual maintenance of certain parts of the track. Separate statistics are therefore not readily available

- (b) The fully integrated use of both methods makes meaningful division of costs impossible However, during the financial year 1983-84 approximately R10 300,00 per kilometre was spent on track maintenance

Hansen Q 601.679
Crimes against security of State: prisoners

332 Mrs H SUZMAN asked the Minister of Justice

- How many prisoners who are (a) 18 years and older and (b) under the age of 18 years are serving sentences for (i) crimes against the security of the State and (ii) other crimes?

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terms of the policy of greater managerial independence, departments do not fully report to the Commission for Administration in this respect

Hansen Q 601.681
Prisons: deaths

349. Dr M S BARNARD asked the Minister of Justice:

- (1) Whether any deaths were reported in South African prisons in 1984, if so, (a) how many prisoners in each race group died of (i) natural and (ii) un-

(1) (a) (i) and (ii)

1 January 1984-31 December 1984

Blacks	Natural	Unnatural
Coloureds	146	47
Whites	36	20
Asians	14	4
	0	0

(1) (b) (i) Natural Causes

- Blacks - Heart diseases, tuberculosis and pneumonia
- Coloureds - Heart diseases and tuberculosis
- Whites - Mainly heart diseases
- Asians - None

(1) (b) (ii) Unnatural Causes

- Blacks - Assault by fellow prisoners and suicide
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- (2) Yes, in terms of the Inquests Act, 1959, (Act No 58 of 1959), 71 post-mortems were performed in respect of unnatural deaths

As far as natural deaths are concerned, post-mortems are also conducted when, in the opinion of the medical practitioner involved, any uncertainty exists as to the exact cause of death However, these figures are unfortunately not readily available

HoA

natural causes in that year and (b) what were the main causes of these (i) natural and (ii) unnatural deaths in respect of each race group,

- (2) whether post-mortems were performed on such prisoners, if so, how many post-mortems were performed in 1984?

The MINISTER OF JUSTICE

(1) Yes

Hansen Q 601.682
Black Labour Relations Regulation Act

356 Dr A L BORAINÉ asked the Minister of Manpower

- (1) How many (a) industrial council agreements, (b) conciliation board agreements, (c) arbitration awards, (d) Wage Board determinations and (e) orders in terms of the Black Labour Relations Regulation Act were enforced as at the latest specified date for which figures are available.

- (2) how many (a) Whites, (b) Coloureds, (c) Asians and (d) Blacks were affected by each of the above five categories of wage regulating machinery as at this date?

The MINISTER OF MANPOWER

(1) (a) 187

- (b) Nil (Conciliation board agreements are usually not published)

(iv) Incentive Scheme for Industries
In accordance with existing jointly-agreed arrangements between the SATBVC-states, the RSA is obliged to refund the TBVC-states on a Rand-for-Rand basis for actual expenditure incurred in these states in terms of the industrial incentive scheme, which took effect on 1 April 1982. According to estimates the RSA will refund Bophuthatswana to the amount of R5 000 000 during the 1984-85 financial year.

B Transfers in terms of Bilateral Agreements

Transfer payments which are regarded as own sources of income of the Bophuthatswana government.

(i) Income Tax
An estimated amount of R34 132 000

(ii) An estimated amount for the payment of Bophuthatswana share in the Customs Union Revenue Pool R260 325 000

(iii) Rand Monetary Area
Estimated transfer of R4 493 280

(2) (a) No Loans in terms of project aid agreements are included in the amount mentioned under (1)(a) (1) and (ii) Fall away

(b) Yes

(i) One grant for the relief of distress, namely drought assistance

(ii) R5 419 000

(3) (a) and (b) The final budgetary allocation for the 1985-86 financial year has not yet been finalized and therefore it would be pointless to furnish figures with regard to Bophuthatswana at this stage

Handwritten: **Handwritten Q.601.692**
Venda: agreements 18/3/85
368 Prof N J J OLIVIER asked the Minister of Foreign Affairs.

(1) (a) What total amount was paid by South Africa to Venda in terms of agreements between the two countries in the 1984-85 financial year and (b) how was this amount made up,

(2) whether any additional amounts have been paid to Venda in the form of (a) loans or (b) grants, if so, (i) how many, and (ii) what was the amount of the loan or grant, in each case,

(3) whether any further (a) loans or (b) grants are envisaged in the 1985-86 financial year; if so, what loans or grants?

The MINISTER OF FOREIGN AFFAIRS

(1) (a) R160 908 140

(b) The budgeted amounts which are to be paid to Venda during the 1984/85 financial year fall into two main categories, namely:

A Direct Assistance

(i) An amount for budgetary assistance under Programme 3 Foreign Aid and Development Co-operation of Vote 9. Foreign Affairs R122 650 000

(ii) Technical assistance.

South Africa is from time to time approached by other countries with requests for

assistance in one way or another. Assistance may take the form of expert advice, visits, evaluation of projects, bursaries etc. Each such application is considered on its merits. During the 1984/85 financial year provision has been made for an amount of R158 700 for the possible requirements of Venda in this regard.

(iii) Loan Fund

Like any other friendly country Venda may apply for the financing of certain projects within the framework of the Economic Co-operation Promotion Loan Fund. Such applications are considered strictly on merit according to fixed criteria and within the limits of available funds. This type of financing consists mainly of loans which are, naturally, repayable. According to estimates an amount of R2 752 800 will be paid to Venda in the 1984/85 financial year.

(iv) Incentive scheme for Industries

In accordance with existing jointly-agreed arrangements between the SATBVC-states, the RSA is obliged to refund the TBVC-states on a Rand-for-Rand basis for actual expenditure incurred in these states in terms of the industrial incentive scheme, which took effect on 1 April 1982. According to estimates the RSA will refund Venda to the amount of R1 650 000 during the 1984/85 financial year.

B Transfers in terms of Bilateral agreements

Transfer payments which are regarded as own sources of income of the Venda Government:

(i) Income Tax, an estimated amount of R2 337 000.

(ii) An estimated amount for the payment of Venda's share in the Customs Union Revenue Pool R30 079 000

(iii) Rand Monetary Area estimated transfer of R1 280 640

(2) (a) No Loans in terms of project aid agreements are included in the amount mentioned under (1) (a) (i) and (ii) fall away

(b) Yes

(i) One grant for the relief of distress, namely drought assistance

(ii) R4 898 000

(3) (a) and (b) The final budgetary allocation for the 1985/86 financial year has not yet been finalised and therefore it would be pointless to furnish figures with regard to Venda at this stage

Handwritten: **273**
Handwritten Q.601.694
Handwritten 18/3/85
Awaiting-trial prisoners
385 Mrs H SUZMAN asked the Minister of Justice

What was the average number of awaiting-trial prisoners in custody on the last day of each month in 1984?

The MINISTER OF JUSTICE

The figures concerning awaiting-trial prisoners who were incarcerated in South African prisons on the last day of each month during 1984, were as follows:

31 January	20 257
29 February	20 103
31 March	18 988

30 April	19 385
31 May	17 409
30 June	17 309
31 July	17 579
31 August	17 122
30 September	17 467
31 October	16 990
30 November	16 406
31 December	17 959

Prisoners: cost

391. Mrs H SUZMAN asked the Minister of Justice

What was the unit cost per prisoner per day in 1984?

The MINISTER OF JUSTICE:

As the 1984/85 financial year has not been closed, it is not possible to calculate an exact figure at this stage. At present the estimated unit cost per prisoner per day is R8,65

Prisoners: deaths

392 Mrs H SUZMAN asked the Minister of Justice

(1) How many sentenced prisoners died of natural causes during the latest specified period of 12 months for which figures are available,

(2) how many of these deaths were due to pneumonia?

The MINISTER OF JUSTICE:

Figures for the period 1 January 1984 to 31 December 1984 are as follows

(1) 181

(2) 14

Commissions/departmental committees

397 Mr K M ANDREW asked the Minister of Foreign Affairs

(1) How many (a) commissions and (b)

departmental committees of inquiry were appointed in respect of his Department in 1984,

(2) whether any of the reports of such commissions and committees have been completed, if so, (a) how many and (b) of which commissions and committees,

(3) whether any of the reports of such commission and committees have been made public, if so, (a) how many and (b) of which commissions and committees,

(4) what is the total estimated cost relating to each of these commissions and committees?

The MINISTER OF FOREIGN AFFAIRS

(1) (a) A Task group was appointed on 1 December 1984 to investigate the introduction of Subscription television and to submit recommendations to the Government in this regard

(b) None.

(2) No. (a) and (b) Fall away

(3) No (a) and (b) Fall away

(4) An amount of R5 500 has been budgeted for the present financial year. The Task group is not yet in a position to make a calculation of the estimated costs for the next financial year

Commissions/departmental committees

410 Mr K M ANDREW asked the Minister of National Education

(1) How many (a) commissions and (b) departmental committees of inquiry were appointed in respect of his Department in 1984,

(2) whether any of the reports of such commissions and committees have

been completed; if so, (a) how many and (b) of which commissions and committees,

(3) whether, any of the reports of such commissions and committees have been made public, of so, (a) how many and (b) of which commissions and committees,

(4) what is the total estimated cost relating to each of these commissions and committees?

The MINISTER OF NATIONAL EDUCATION

(1) (a) None

(b) None

(2), (3) and (4) Fall away

Sporting facilities

450 Mr M A TARR asked the Minister of National Education

What was the total amount spent by his Department on the provision of sporting facilities in South Africa in the 1984-85 financial year?

The MINISTER OF NATIONAL EDUCATION

An amount of R250 000 was allocated for the provision of sports facilities in rural areas. The administration of the project is done by the South African Rugby Board. The needs have been assessed and tenders are awaited before payment can be effected.

Hansen
Nurses 18/3/85
502 Dr M S BARNARD asked the Minister of Home Affairs

(1) What are the salary scales applicable to (a) male and (b) female persons of each race group employed in provincial hospitals as (i) student nurses,

(ii) staff nurses, (iii) professional nurses, (iv) senior professional nurses, (v) chief professional nurses and (vi) chief nursing service managers;

(2) (a) what is the estimated annual cost of raising the salary scales applicable to African, Coloured and Asian nurses to those applicable to White nurses and (b) when is it envisaged that parity will be achieved in respect of these salary scales?

The MINISTER OF HOME AFFAIRS

(1) (a) and (b) The salary scales indicated are public service scales which, as far as is known, are also applied by the provincial administrations. The salary scales of male and female employees in the public service are the same. Salary scales for the different population groups are specified up to the point where posts exist

(i) White

R2 691-2 886×249-4 878×276-6 258/4 629-4 878×276-6 534×312-7 782 + 12% pensionable allowance

Coloured and Indian

R2 496×195-2 886×249-4 878×276-5 982/4 131×249-4 878×276-6 534×312-7 158 + 12% pensionable allowance

Black

R1 674×144-2 106×195-2 886×249-4 629.3 135×249-4 878×276-5 982 + 12% pensionable allowance

(ii) White, Coloured and Indian

R5 982×276-6 534×312-8 406×414-9 234 + 12% pensionable allowance

Black

R4 878×276-6 534×312-7 782 + 12% pensionable allowance

MONDAY, 18 MARCH 1985

†Indicates translated version

For written reply

General Affairs

Prison population

87 Mr D J DALLING asked the Minister of Justice

(1) (a) How many prisoners can be accommodated in South African prisons at present, (b) what is the current daily average prison population and (c) in respect of what date is this information furnished,

(2) whether any prisons were over-populated in 1984, if so, (a) which prisons and (b) what was the average rate of over-population in each case?

The MINISTER OF JUSTICE

(1) (a) According to the norm mentioned below, 78 527

(b) 107,946 (See Annexure A and B for analysis of sentences and crimes)

(c) December 1984

(2) Yes, in the sense that the norm was exceeded. However, as mentioned in my reply to question No 12 of 6 March 1984, overcrowded prisons is a relative concept. The accommodation figure for South African prisons is determined against a broad norm and the highest standards of hygiene and health are maintained. Everything possible is done to keep prisoners productively occupied and this gives rise to the fact that a large number of prisoners mainly work outside the prison during the day. Prisoners also have access to spacious courtyards and ample opportunity is given for outdoor recreation. In view hereof,

overcrowding as such is not an unmanageable phenomenon. However, attention is given to overcrowding in South African Prisons on a continual basis. During 1984 a total of 4 149 units were provided as additional accommodation. The situation at prisons with an above-average influx of admissions due to temporary circumstances is alleviated by the transfer of prisoners to prisons with a lower occupation level. A further method for utilizing available accommodation more efficiently, is by implementing stacked beds to such an extent that hygiene and health standards are still complied with.

(a) and (b) The prisons mentioned below were overcrowded on 31 December 1984 to the degree as indicated next to each prison:

Western Cape, Boland and Southern Cape

Prison	Percentage Over-population
Allandale	102,1
(The construction of a new prison is being planned)	
Beaufort West	70,3
(The construction of a new prison is included in the priority list for inclusion in the major works services programme)	
Bien Donne	20,8
Buffeljagsrivier	52,9
Brandvlei Medium	43,0
Brandvlei Maximum	3,9
(The construction of a new prison at Brandvlei is included in the major works services programme)	
Caledon	68,1
Dwarsrivier	50,9
George Male	100,9
(Attention is given to the possibility of additional accommodation.)	
George Female	18,2
Graaff-Reinet	21,2
(The construction of a new prison is included in the major works services programme)	
Hawequa	16,5
Helderstroom Medium	91,5

Prison	Percentage Over-population	Prison	Percentage Over-population
Queenstown Female	24,1	A prison farm in the Warrenton area	
Somerset East	76,9	A new prison at Vryburg	
(Extensions/modernizations is included on the priority list for inclusion in the major works services programme)		A new prison at Vredendal	
St Albans Maximum	99,5	Freestate (excluding the PWV Area)	
St Albans Medium	8,7	Bethlehem Male	46,9
(Regarding Port Elizabeth (St Albans), the construction of three new prisons is being planned)		Bethule	72,2
Stutterheim	62,3	Bloemfontein Male	127,6
Apart from the new prisons/alterations to existing prisons as mentioned above, two new prisons (at Alwal North and Elliot) appear on the priority list for inclusion in the major work services programme		Edenburg	8,1
Furthermore, attention is given to an additional prison farm which will serve the Southern Cape		Fauresmith	65,8
		(A new prison is envisaged and land is being acquired after which planning will commence)	
		Frankfort	13,8
		Grootvlei Medium	40,0
		Grootvlei Maximum	9,6
		(The construction of a new prison at Grootvlei is being planned)	
		Kroonstad Black Male	42,9
		Ladybrand	36,9
		(The construction of a new prison is included in the major works services programme)	
		(Extensions/modernizations is included on the priority list for inclusion in the major works services programme)	
		Northern Cape	
		Barkly-West	8,9
		Calvinia	102,5
		De Aar	64,5
		Douglas Male	84,7
		Hopetown	35,2
		Kimberley Male	103,2
		(Extensions/modernizations is being planned)	
		Kuruman	88,7
		(The construction of a new prison is included in the major works services programme)	
		Springbok	28,7
		Upington Male	77,3
		(Extensions/modernizations is being planned)	
		Van Rhynsdorp	106,9
		(Extensions/modernizations are expected to be completed during April 1985)	
		PWV Area	
		Groenpunt Maximum	65,5
		(Extensions/modernizations is being planned)	
		Heidelberg Male	30,0
		Johannesburg Unsensenced Males	58,1
		(the prison which is planned for Boksburg will alleviate the situation)	

Prison	Percentage Over-population	Prison	Percentage Over-population
Helderstrom Maximum	54,6	Worcester Male	46,9
Klein Drakenstein	74,9	Worcester Female	75,5
Knysna	106,9	Apart from the new prisons/alterations to existing prisons as mentioned above, the construction of the following prisons appear on the major works services programme on the priority list to be included in the major works services programme	
(The construction of a new prison is included in the major works services programme.)		Darling	
Koelenhof	15,9	Kraaifontein	
Ladismith	62,9	Vredenburg	
Malmesbury	71,4	Atlantis	
Mossel Bay	57,9	Eastern Cape (including Goedemoed Prison)	
(The construction of a new prison is included in the major works services programme.)		Burgersdorp	8,5
Obiqua	30,9	Cradock	74,8
Oudshoorn	66,2	(The construction of a new prison is included in the major works services programme)	
(The construction of a new prison is included in the major works services programme.)		Fort Beaufort	37,0
Paarl	89,1	Fort Glamorgan	63,8
(The new prison which is being planned at Allandale will alleviate the situation.)		Genl J C Steyn	72,2
Pollsmoor Maximum	57,9	Goedemoed Medium A	32,4
Pollsmoor Medium	45,6	Goedemoed Medium B	50,0
Prince Albert	23,9	Grahamstown Male	44,7
Rawsonville	145,2	(Extensions/modernizations is included on the priority list for inclusion in the major works services programme)	
(The new prison at Brandvlei will alleviate the situation)		Grahamstown Female	29,9
Richmond	32,7	Jansenville	54,5
Riebeeck-West	17,6	King William's Town Male	21,6
Robben Island Medium	28,3	Middelburg Male	13,5
Robertson	26,8	East London Male	104,7
Staart van Paardeberg	28,7	(A new maximum security prison (type 600) will be completed during 1985 according to expectations, whilst modernisation is also done at the male prison)	
Simondium	34,9	Patensie	18,1
Swellendam	76,0	Port Elizabeth Male	138,6
(The construction of a new prison is included in the priority list for inclusion in the major works services programme.)		(See note at St Albans)	
Uniondale	42,2	Port Elizabeth Female	13,7
Voorberg	23,5	(See note at St Albans)	
(The construction of a new prison is included in the major works services programme)		Queenstown Male	83,6
Victoria West	44,9	(The construction of a new prison is included in the major works services programme)	
Victor Verster A	55,7	Warmbokveld	72,7
Victor Verster Maximum	78,8		
Victor Verster Medium	76,7		
(The construction of a new prison at Victor Verster is being planned.)			

Prison	Percentage Over-population	Prison	Percentage Over-population
Leeuwkop Maximum	47,7	Bultfontein	54,0
Leeuwkop Medium	6,6	Carolina	17,0
Leeuwkop Admission	52,5	Davel	16,9
(The construction of a new prison at Leeuwkop is included in the major works services programme)	50,8	Driehoek	58,6
Modderbee		Ermelo	89,7
(The prison which is planned for Boksburg will alleviate the situation)		(The construction of a new prison is included in the major works services programme.)	
Nigel	23,6	Geluk	31,8
(Extensions/modernizations is included in the priority list for inclusion in the major works services programme)		Hendrina	50,7
Pretoria Local Prison	71,4	Kinross	22,4
(Alterations/New prison under construction)		Leslie	33,8
Pretoria Maximum	24,5	Middelburg (Tvl)	66,0
(Extensions/modernizations is being planned)		(The new prison will be occupied during 1985)	
Sasolburg	11,8	Standerton Male B	41,2
Vereeniging Female	2,3	Standerton Female	69,6
Voortrekkerhoogte	44,2	Trichardt	25,3
Apart from the new prisons/alterations to existing prisons as mentioned above, the construction of a new prison at Secunda appears on the priority list for inclusion in the major works services programme		Witbank Male	50,3
		Woestalleen	42,3
		Apart from the new prison/alterations to existing prisons as mentioned above, the construction of a new prison at Secunda appears on the priority list for inclusion in the major works services programme	
		Northern Transvaal	
		Baviaanspoort Maximum	57,9
		Baviaanspoort Medium	94,2
		(The construction of a new prison at Baviaanspoort is being planned)	
		Brits	16,7
		Louis Trichardt Male	61,5
		(The construction of a new prison is included in the priority list for inclusion in the major works services programme)	
		Losperfontein	36,7
		(A new prison is being constructed.)	
		Nylstroom	42,3
		Pietersburg Male	151,1
		(See note below Tzaneen.)	
		Rustenburg Male	52,3
		Tzaneen	18,7
		(The construction of a new prison is included in the major works services programme and will also alleviate the situation at Pietersburg)	
Bethal Men	33,3		

Prison	Percentage Over-population	Prison	Percentage Over-population
Zonderwater New	9,5	included in the priority list for inclusion in the major works services programme)	
Apart from the prisons as mentioned above, the possibility of an additional prison/prison farm for this region is investigated		Empangeni Male	33,7
		Empangeni Female	177,8
Region 8 Western Transvaal		(The construction of the prison which is being planned at Richards Bay will alleviate the situation)	
Christiana	60,6	Eshowe Male	95,7
(Extensions/modernizations is included on the priority list for inclusion in the major works services programme)		Greytown	69,4
Klerksdorp Male	66,7	(The construction of a new prison is included in the major works services programme)	
Lichtenburg	29,1	Inqwavuma	19,7
(The construction of a new prison is included in the priority list for inclusion in the major works services programme)		Ixopo	40,5
Potchefstroom	58,1	Kandasput	87,6
		Kokstad	39,4
		(The construction of a new prison is included in the major works services programme)	
		Ladysmith	26,6
		Mataiele	13,6
		Melmoth	37,8
		Mtunzini	50,5
		Newcastle	83,7
		(The construction of a new prison is included in the major works services programme)	
		Nkandla	31,9
		Nongoma	58,2
		(Extensions/modernizations is included on the priority list for inclusion in the major works services programme)	
		Nqutu	4,8
		Pietermaritzburg New	72,2
		Pietermaritzburg Old	138,1
		(The construction of two new prisons are being planned)	
		Pomeroy	12,9
		Port Shepstone Male	148,3
		(Extensions/modernizations is being planned)	
		Sevontein	57,9
		Stanger	107,8
		(The construction of a new prison is included in the priority list for inclusion in the major works services programme)	
		Umtzinto	129,3
		(The construction of a new prison is	

Prison

included in the major works services programme)
 Utrecht
 Verulam
 Vryheid
 Waterval A
 Waterval B

to the possibility of an additional prison farm in this region
 The Prisons Service annually provides a priority list of identified building projects to the Department of Public Works and Land Affairs in view of incorporating them in the major works services programme according to which building work is programmed for a term of five years
 This programme is revised annually at the hand of the availability of funds, and the fact that a specific project appears on the major works services programme does not imply that it will be executed within five (5) years

Annexure A

Analysis of the Prison population as on 31 December 1983 and 31 December 1984 respectively

	1983-12-31	1984-12-31	Percentage increase/decrease
Sentenced			
* Up to and including 6 months	11 726	10 850	7,4% decrease
* 6 Months up to 2 years	13 027	12 766	2% decrease
+ 2 Years up to 5 years	34 757	38 164	9,8% increase
+ 5 Years up to 10 years	15 001	16 487	9,9% increase
+ Indeterminate sentences (corrective training, prevention of crime, habitual criminal)	4 611	4 530	1,7% decrease
+ Longer than 10 years	5 182	5 757	11,0% increase
+ Imprisonment for life	230	226	1,7% decrease
Unsentenced	18 307	18 099	1,1% decrease
Other (not specified above)			
For example State President's patients, corporal punishment only, psychopaths, periodical imprisonment, persons condemned to death, etc.	317	281	11,3% decrease
TOTAL	103 158	107 160	3,88% increase

* Statistics regarding analysis of offences of prisoners with sentences of less than two years is not available at a central point. However, this sentence category represents a wide range of offences, including assault, housebreaking and theft, influx control measures, fraud, forgery, possession of dagga and other drugs for own use, motorcar theft, stock-theft, drunken driving, public violence, mal-

icious injury to property, illegal dealing in diamonds/possession, possession of dangerous weapon, culpable homicide, robbery, rape and other sexual offences, murder with extenuating circumstances, refusal to testify, possession of illegal literature, intimidation, member of banned organization, traffic offences, etc

ers were there on the establishment of his Department as at the latest specified date for which figures are available, (b) how many such posts were vacant as at that date and (c) what effect did this vacancy level in these posts have on the work of his Department,

+ See annexure B for an analysis of offences regarding prisoners with sentences of two years and longer

(2) whether steps are being taken to fill these posts, of so, what steps?

Annexure B

Computerised analysis of offences concerning the 65 164 prisoners who were serving sentences of two years or longer on 31 December 1984 Information regarding sentence groups of less than two years imprisonment is not available at a central point (Several prisoners are serving sentences for more than one of the offences mentioned below)

Violent offences	40 790
For example, murder, robbery, assault, rape, etc	
Economic offences	38 560
Theft and other offences of which dishonesty is an element as well as illegal financial or economic transactions	

Offences concerning drugs (For example dealing in drugs and possession of drugs)

5 153

Other offences not mentioned already 13 091

(Drunken driving, possession of fire arms and explosives without a license, arson, offences against the security of the State, aviation act, etc)

How many Social workers 1.669
 18/3/85
 163 Mr D J DALLING asked the Minister of Justice

(1) (a) How many posts for social work-

The MINISTER OF JUSTICE

(1) (a) Approved posts as on 1 February 1985

Directorate Prisons 171
 Directorate Justice None

(b) On 1 February 1985 there were fifty three (53) vacancies

(c) The vacancy position places additional case loads on the available social workers This implies that where possible, they have to render services on a session basis at prisons where vacancies exist. The position is partly alleviated by employing auxiliary workers who perform certain services under supervision of registered social workers. On 1 February 1985 there were a total of 156 auxiliary workers in the employ of the SA Prisons Service

(2) Yes The recruiting of social workers to fill existing vacancies and to replace personnel takes place on a continual basis. In this regard good results are achieved by maintaining contact with social work departments at universities, whilst studies in social work are encouraged by making State bursaries available to students During the period 1 July 1983 to 30 June 1984, ten (10) such bursaries were awarded Economy measures which had to be implemented during the past two financial years to curb Government spending, have also had an influence on appointments

Whether members of the South African Police employed in riot control are given any (a) initial training related to riot control and (b) (i) refresher and (ii) other courses; if not, why not, if so (aa) what is the nature of the initial training provided, (bb) what other specified refresher or other courses do they undergo and (cc) how often are these courses presented?

†The DEPUTY MINISTER OF LAW AND ORDER:

(a) and (b) Yes.

(aa) Crowd control, which includes the dispersing of unlawful gatherings, riot control, and cordon and search operations. Control over movement which inter alia includes check-points, protection of very important persons, safeguarding of national key points, urban observation posts, curfew regulations, road blocks and urban street patrols

(bb) The combating of urban terrorism, general control measures, bomb threats, house evacuation and the release of hostages, urban warfare and action at lawful and unlawful strikes

(cc) Refresher courses for commanders and instructors are given annually, while courses for members of riot control units are presented on a continual basis

†Mr P H P GASTROW. Mr Speaker, arising out of the reply of the hon the Deputy Minister, could he please inform the House whether the use of a R1 rifle with live ammunition to eliminate the leaders of a riotous crowd forms part of the training of the riot squad of the South African Police? I refer to a categorical statement in this regard in a television programme last Sunday evening. Is this indeed the case?

†The DEPUTY MINISTER. Mr Speaker, while policemen undergo training in the riot squad, part of their training also entails instruction in the use of a R1 rifle with live ammunition. I do not know whether they are specifically trained to eliminate someone

HoA

who is inciting riots. However the handling of a R1 rifle with live ammunition forms part of their normal training in any case.

Riot control

*5 Mr S S VAN DER MERWE asked the Minister of Law and Order:

- (1) Whether the members of the South African Police employed in controlling rioting at Crossroads in February 1985 were issued with protective equipment, if not, why not; if so, (a) what equipment and (b) when was it issued to them;
- (2) whether they were ordered to use this equipment, if not, why not, if so,
- (3) whether any members of the South African Police failed to use this equipment, if so,
- (4) whether any action was taken against such members; if not, why not; if so, what action?

The DEPUTY MINISTER OF LAW AND ORDER.

(1) Yes

(a) Gas-masks, shields, riot helmets and rubber batons

(b) On 19 December 1979 and 3 July 1980, respectively, to all riot units

(2) No, the reasons furnished in my reply to the hon member's question No 3, are also applicable in this case

(3) and (4) Fall away.

†Mr S S VAN DER MERWE. Mr Speaker, arising out of the hon the Deputy Minister's reply, does he not think that the injuries that the policemen sustained could in fact have been prevented if, for example, protective helmets and shields had been used?

Salem affair

Law and Order to his question on 3 February 1984

*7 Mr D J N MALCOMMESS asked the Minister of Mineral and Energy Affairs

- (1) Whether any attempts have been made to recover the money lost in the Salem affair, if not, why not, if so, (a) what attempts and (b) with what result,
- (2) whether his Department has requested a police investigation into the matter, if not, why not, if so, (a)(i) on how many occasions and (ii) on what dates and (b) with what result in each case?

†The MINISTER OF MINERAL AND ENERGY AFFAIRS

(1) Yes

(a) In the memorandum regarding the Salem tanker which was tabled on 9 March 1984, the agreement between Shell and SFF, in terms of which Shell would endeavour to recover the money and if successful to share it equally with SFF, was explained. Since then an application for a compensatory order has been made, should the accused be found guilty in a case regarding the Salem incident which is presently being heard in Houston, USA

(b) No moneys have thusfar been recovered

(2) No SFF has brought the case to the attention of the South African Police at the beginning of 1980 but no formal complaint was brought as the alleged accused were overseas

(a) and (b) Fall away

The hon member's attention is further drawn to the reply by the hon the Prime Minister to his question on 11 April 1984 and the reply by the hon the Minister of

10A

Mr D J N MALCOMMESS. Mr Speaker, arising out of the hon the Minister's reply, may I ask him whether it is not normal procedure in the case of the State losing a large amount of money as a result of fraud that the Police be requested to investigate an issue of this nature. If that is the case, why precisely has there been no police investigation whatsoever, or why has there not been an attempt by the Police to bring the perpetrators of this fraud to justice?

†The MINISTER. Mr Speaker, I can only repeat the last part of my reply in which I say that the hon member must go and read the reply to that given by the then hon Prime Minister and the hon the Minister of Law and Order on the dates which I have mentioned. The reply to his question will be clear from that.

253 *Hansard Q. 61-722*
Awaiting-trial prisoners 19/3/85

*8 Mrs H SUZMAN asked the Minister of Law and Order

Whether awaiting-trial prisoners held in police cells are allowed the same privileges as are awaiting-trial prisoners held in prisons, if not, (a) why not and (b) what privileges are they allowed?

The DEPUTY MINISTER OF LAW AND ORDER

Yes, except that awaiting-trial prisoners held in prison at certain centres enjoy literary sport and shopping facilities

Soekor: head-office

*9 Mr D J N MALCOMMESS asked the Minister of Mineral and Energy Affairs

- (1) Whether Soekor intends moving its head-office to Cape Town, if so, why,
- (2) whether a building will be built for their use, if so, (a) why, (b) what is the estimated cost involved and (c) how many members of staff will be

The MINISTER OF LAW AND ORDER

- (1) Yes
- (a) On 22 February 1985
- (b) A complaint was lodged that three Coloured women were in the building for purposes of prostitution
- (c) The persons concerned were requested to leave the building
- (2) No, because the complainant did not require further action

(3)-(6) No
Hansard Q. 601.755
 Death sentences 19/3/85
 *43 Mrs H SUZMAN asked the Minister of Justice

How many death sentences in each race group were commuted in 1984?

The MINISTER OF JUSTICE

White males	3
Black males	23
Coloured males	9
Total	35

Hansard Q. 601.755
 Internal Security Act 19/3/85
 *44 Mrs H SUZMAN asked the Minister of Law and Order

Whether he received any written representations in 1984 from detainees held under section 29 of the Internal Security Act, No 74 of 1982, relating to their detention or release, if so, (a) how many and (b) in how many cases did the representations result in the release of the detainees concerned?

The MINISTER OF LAW AND ORDER

Yes

control and/or (b) supervision of his Department,

- (2) whether any of these hospitals have beds for non-White patients, if not, why not, if so, what is the total number of beds for (a) White and (b) non-White patients in these hospitals?

The MINISTER OF HEALTH SERVICES AND WELFARE (Reply laid upon the Table with leave of House)

- (1) (a) Tara the H Moross Centre (141 beds)

Cullinan Care and Rehabilitation Centre (229 beds)
 Alexandra Care and Rehabilitation Centre (758 beds)

These three hospitals were the first to be identified for transfer to the Department of Health Services and Welfare, Administration House of Assembly

- (b) As far as registration and inspection are concerned the following

Number of beds

Private Hospitals, Clinics and Detached Theatres

Anncron Clinic (Pty) Ltd	58
Arcadia Nursing Home	59
Astrid Clinic	74
Bagleyston Clinic (Pty) Ltd	—
Drs Bartman and Partners	—
Benoni Day Clinic	—
Drs Bodenstab and Partners	—
Boksburg Day Clinic	—
The Chamber of Mines Hospital	104
Claremont Surgical Clinic	50
Dalview Nursing Home	46
Dr P S de Vaal and Partners	—
Drs Du Preez and Smit Theatre	—
Durmosted (Pty) Ltd	—
Edenvale Day Clinic	—
Flora Clinic	54
Fochville Hospital	37
Forona Nursing Home	30
Glynwood Nursing Home (Pty) Ltd	71
Drs Grobler and Partners	—
Dr Hasson, Lubbert and Altesandrim	—
Heilet Day Clinic	—
Jakaranda	114
Johannesburg Clinic (Pty) Ltd	—
Joubertpark Private Hospital	238
Kenridge Hospital	178
Kleinfontein Hospital	48
Krugersdorp Private Hospital	26
Les Marais Nursing Home	253
Prospecta Day Clinic	—
Louis Pasteur Clinic	—
Malopen Day Clinic	—
Manners Dental Theatre	—
Mayo Clinic	—
Med Clinic	—
Milpark Hospital	54

The MINISTER OF LAW AND ORDER

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 - (a) On 22 February 1985
 - (b) A complaint was lodged that three Coloured women were in the building for purposes of prostitution
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The MINISTER OF LAW AND ORDER

- Yes
- (1) Which hospitals fall under the (a)

control and/or (b) supervision of his Department,

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Mayo Clinic	
Med Clinic	
Milpark Hospital	54

Whether members of the South African Police employed in riot control are given any (a) initial training related to riot control and (b) (i) refresher and (ii) other courses, if not, why not, if so (aa) what is the nature of the initial training provided, (bb) what other specified refresher or other courses do they undergo and (cc) how often are these courses presented?

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(a) and (b) Yes

(aa) Crowd control, which includes the dispersing of unlawful gatherings, riot control, and cordon and search operations. Control over movement which inter alia includes check-points, protection of very important persons, safeguarding of national key points, urban observation posts, curfew regulations, road blocks and urban street patrols.

(bb) The combating of urban terrorism, general control measures, bomb threats, house evacuation and the release of hostages, urban warfare and action at lawful and unlawful strikes

(cc) Refresher courses for commanders and instructors are given annually, while courses for members of riot control units are presented on a continual basis.

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Riot control

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The DEPUTY MINISTER OF LAW AND ORDER

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(a) Gas-masks, shields, riot helmets and rubber batons

(b) On 19 December 1979 and 3 July 1980, respectively, to all riot units

(2) No, the reasons furnished in my reply to the hon member's question No 3, are also applicable in this case

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Salem affair

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(1) Whether any attempts have been made to recover the money lost in the Salem affair, if not, why not, if so, (a) what attempts and (b) with what result,

(2) whether his Department has requested a police investigation into the matter, if not, why not, if so, (a)(i) on how many occasions and (ii) on what dates and (b) with what result in each case?

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The hon member's attention is further drawn to the reply by the hon the Prime Minister to his question on 11 April 1984 and the reply by the hon the Minister of

Law and Order to his question on 3 February 1984.

Mr D J N MALCOMESS. Mr Speaker, arising out of the hon the Minister's reply, may I ask him whether it is not normal procedure in the case of the State losing a large amount of money as a result of fraud that the Police be requested to investigate an issue of this nature. If that is the case, why precisely has there been no police investigation whatsoever, or why has there not been an attempt by the Police to bring the perpetrators of this fraud to justice?

†The MINISTER. Mr Speaker, I can only repeat the last part of my reply in which I say that the hon member must go and read the reply to that given by the then hon Prime Minister and the hon the Minister of Law and Order on the dates which I have mentioned. The reply to his question will be clear from that.

253 *Hansard Q. 601-722*
Awaiting-trial prisoners 19/3/85

*8 Mrs H SUZMAN asked the Minister of Law and Order

Whether awaiting-trial prisoners held in police cells are allowed the same privileges as are awaiting-trial prisoners held in prisons, if not, (a) why not and (b) what privileges are they allowed?

The DEPUTY MINISTER OF LAW AND ORDER

Yes, except that awaiting-trial prisoners held in prison at certain centres enjoy library, sport and shopping facilities

Soekor. head-office

*9 Mr D J N MALCOMESS asked the Minister of Mineral and Energy Affairs

(1) Whether Soekor intends moving its head-office to Cape Town, if so, why,

(2) whether a building will be built for their use, if so, (a) why, (b) what is the estimated cost involved and (c) how many members of staff will be

★ 253

Little change in overcrowded prison fig

By BARRY STREEK

THE continuing disclosures of overcrowding at South African prisons were shocking and showed the authorities had failed to come to grips with the problem, Mr David Dalling, the Progressive Federal Party MP for Sandton, said yesterday.

Mr Dalling was reacting to replies on overcrowding in prisons given to him in Parliament by the Minister of Justice, Mr Kobie Coetsee.

Mr Coetsee, whose replies showed that the prisons were overcrowded by almost 40 percent, said overcrowding was "a relative concept".

He also said the accommodation figure for South African prisons was "determined against a broad norm, and the highest standards of hygiene and health are maintained".

His replies showed that 18 prisons were overcrowded by more than 100 percent and that the situation had not changed materially from last year when he replied to a similar question from Mr Dalling.

He said 78 527 prisoners could be accommodated in South Africa, but in December 1984 there were 107 946 prisoners in jail.

Last year, Mr Coetsee told Mr Dalling that 74 378 prisoners could be accommodated, but there were 105 509 prisoners in jail.

The most overcrowded prison was Durban Point, which was overcrowded by 224 percent. Last month a vicious gang fight at the Durban Point prison resulted in the death of two prisoners and the injury of 43 others.

Mr Coetsee said the overcrowding at

Durban Point would be alleviated when the new Durban (Westville) prison was occupied during the next few months.

Other prisons with more than 100 percent overcrowding were: Allandale (102,1%), George Male (100,9%), Knysna (106,9%), Rawsonville (145,2%), East London Male (104,7%), Port Elizabeth Male (138,6%), Calvina (102,5%), Kimberley Male (103,2%), Van Rhynsdorp (106,9%), Bloemfontein Male (127,6%), Pietersburg Male (151,1%), Durban Central (117,3%), Empangeni Female (177,8%), Maritzburg Old (138,1%), Port Shepstone Male (148,3%), Stanger (107,8%) and Umzimto (129,3%).

Altogether 173 prisons were listed by Mr Coetsee as being overcrowded.

In his reply, he gave details of the construction of new prisons and plans for ex-

pansion of prison facilities.

Mr Dalling said it had to be realized that South Africa had a very high prison population compared to most Western countries. Instead of embarking on a substantial capital programme at a time when the country could least afford it, the authorities should take steps to reduce the prison population.

"We have to stop arrests and imprisonment for technical offences and we have to decriminalize the pass laws and other technical racial offences."

More than 100 000 people are lodged in jails for between two days and two months.

Moreover, it is high time the government addressed the issue of alternative service, such as community service and weekend service.

"Overcrowding of prisons not only stim-

ulates violence, prison homosexuality, but it is a very difficult situation.

In his replies, Mr Dalling said that the unit per prisoner in the 1984/5 financial year, R35 budgeted for prison

He also said that 5 posts for social workers were vacant, but this was the employment of 1

He said in reply to Mrs Helen Suzman that the average waiting time in South Africa at the end of January 1985 was 17 959

ber.

Little change in overcrowded prison figures

By BARRY STREEK

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"More than 100 000 people are lodged in jails for between two days and two months. Moreover, it is high time the government addressed the issue of alternative service, such as community service and weekend service.

"Overcrowding of prisons not only stimulates

panion of prison facilities

ulates violence, prison gangs and forced homosexuality, but it also makes rehabilitation very difficult," Mr Dalling said

In his replies, Mr Coetsee said the estimated unit per prisoner per day was R8 67 in the 1984/5 financial year. In the 1985/6 financial year, R358,8-million has been budgeted for prisons.

He also said that 53 of the 171 approved posts for social workers in prisons were vacant, but this was partly alleviated by the employment of 156 auxiliary workers

He said in reply to a question tabled by Mrs Helen Suzman (FFP, Houghton) that the average awaiting-trial prison population in South Africa ranged from 20 257 at the end of January to 16 406 at the end of November and 17 959 at the end of December.

PICK

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9 Durban prisoners 253 contract 5 feb typhoid 20/3/85

Nine prisoners in Durban Central Prison have contracted typhoid fever and a further 28 are being kept under surveillance.

Prison authorities in Pretoria today confirmed the outbreak of typhoid in the Durban prison and said everything possible was being done to keep it under control.

The outbreak of the disease comes soon after disclosures of overcrowding in prisons in South Africa.

In Parliament yesterday, Mr David Dalling, (PFP, Sandton) said overcrowding in prisons in South Africa was shocking.

The liaison officer for the Prisons Department, Lieutenant-Colonel D J Immelman, confirmed the outbreak of the disease.

MEASURES

He said special precautionary measures had been instituted in conjunction with the Department of Health and Welfare to prevent further spread of the disease.

"Earlier this month a prisoner at the Durban Central Prison had been transferred to King Edward VIII Hospital and on March 15 typhoid fever was diagnosed," he said.

"On Sunday March 17 eight further cases of typhoid were identified. The prisoners are receiving medical treatment in the prison hospital by trained hospital personnel under the direction of the district surgeon," said Lieutenant-Colonel Immelman.

He added that the rest of the prison population was also being monitored for possible symptoms.

Search for cause of prison typhoid

Mercury
21/3/85

~~253~~

253

Mercury Reporter

THE State Health Department has launched an investigation into the causes of the outbreak of typhoid in the Durban Central Prison.

Nine convicts have caught the disease and 20 others are suspected of having typhoid — an infectious bacterial fever commonly caused by dirty water, contaminated food, filthy conditions and overcrowding.

A spokesman for the State Health Department yesterday said the causes of the outbreak were being investigated.

'Until the outcome of the investigation, we cannot say what caused the disease to break out.'

According to prison liaison officer Lt-Col Danie Immelman, a prisoner was transferred to King Edward VIII Hospital earlier this month and typhoid fever was diagnosed on March 15.

Two days later, eight more cases were confirmed and 28 people were placed under constant watch for signs of the illness.

Spreading

However, Lt-Col Immelman yesterday said the number of prisoners under observation had dropped to 20.

The condition of the convict in King Edward VIII hospital was yesterday described as 'serious, but not critical' while the condition of the eight other convicts with typhoid was said to be satisfactory.

'Precautionary measures were implemented immediately by the Prisons Department in conjunction with the Department of Health to prevent the disease from spreading,' Lt-Col Immelman said.

'The prisoners are being treated in the prison hospital by trained hospital personnel under the supervision of the district surgeon.

'So far, no further cases of typhoid have been positively identified. A group of 20 prisoners is being kept in the hospital section under the constant observation of the district surgeon and hospital staff.'

'The rest of the prison population is being monitored on a constant basis for possible symptoms of typhoid, and the situation is fully under control.'

'Prisoners who have contracted the disease as well as the suspects may not receive visitors,' Lt-Col Immelman said.

Shocking

The outbreak comes in the wake of recent disclosures of rife overcrowding in South African prisons, a situation slammed by the Progressive Federal Party MP for Sandton, Mr David Dalling, as 'shocking'.

Mr Dalling said the disclosures showed the authorities had failed to come to grips with the problem.

Durban Central Prison is 117.3 percent overpopulated, one of 173 overcrowded prisons in the country.

22/3/88

Nine
suffering
from (253)
typhoid

Mercury Reporter

FIVE inmates of the Durban Central Prison, transferred back to their sections after being pronounced free of the risk of contracting typhoid fever, have been readmitted to the jail's hospital as suspected cases.

This means that nine people are suffering from typhoid and 25 others are under constant observation.

However, Prisons Department liaison officer Lt-Col. Danie Immelman said the situation was fully under control and the Department of Health and Welfare had launched a full investigation.

One prisoner was transferred to King Edward VIII Hospital earlier this month and typhoid was diagnosed on March 15.

Two days later eight more cases were confirmed and 28 people were placed under observation. Eight of the people under watch were transferred back to their sections on Wednesday, but by yesterday five of them had been readmitted to the prison hospital.

Typhoid is hygiene problem, says prof

But official denies conditions in prison unhealthy

By Kim McGowan

THE fact that typhoid was able to spread in Durban's Central Prison indicated that conditions in the prison were unhygienic, according to a spokesman for the National Medical and Dental Association, Professor Hoosen Coovadia.

Prison Service liaison officer Lieutenant-Colonel Danie Immelman has admitted the possibility of a carrier having brought the disease into the prison, despite existing precautionary measures, but he denied that conditions were unhygienic.

They were both commenting on the outbreak of typhoid at the prison earlier this month.

Colonel Immelman said. "Precautionary measures include twice-daily medical parades and the daily inspection of kitchens, foodstuffs, cells and ablution facilities by the prison head."

But Professor Coovadia said the disease could not have spread if conditions were hygienic.

"Overcrowding is the problem."

"The inmates will all be sharing limited toilet and washing facilities, and even if the disease was introduced through a carrier, these conditions would promote it."

"It is well known that typhoid is endemic in certain areas surrounding Durban, but you and I don't get it because we live under hygienic conditions."

"It only occurs and spreads when there is a lack of hygienic measures"

The disease was first discovered in the prison more than two weeks ago and the Department of Health and Welfare said it was now unlikely they would be able to trace its source.

The infection has occurred despite the claim this month by the Minister of Justice Kobie Coetsee that "the highest standards of hygiene and health are maintained in South African prisons"

A prisoner was transferred to King Edward VIII Hospital on March 3. Typhoid was diagnosed 12 days later. Two days after that, eight more cases were confirmed and 28 people were placed under observation.

Eight of the suspected cases were transferred

back to their sections on Wednesday this week, but on Thursday, five had to be re-admitted to the prison hospital and another was transferred to King Edward VIII Hospital.

By Friday this week the number of prisoners who were placed under constant observation for signs of the disease, rose to 44.

"It is surprising that they haven't located the

source yet, it is not a difficult process," said Professor Coovadia.

All those infected, or under suspicion of being infected, are black and Indian men.

The outbreak comes in the wake of recent disclosures of overcrowding in South African prisons, and is the second overcrowding-related incident to have occurred in Durban prisons recently.

At the end of last

month, two prisoners died, six were seriously injured and dozens were hurt in a mass brawl between rival gangs in a communal cell in the Point Prison.

While Durban's Central prison is overcrowded by 117.3 percent, with as many as 40 inmates sharing cells built to hold 18, the Point Prison, by comparison, is 224 percent overcrowded.



Professor Coovadia

'WARDER SAID WE MUST KILL OTHER CONVICTS'

ALLEGATIONS that an officer in the Barberton prisons service had approached the leader of Royal Air Force 3 gang to kill leaders of Gang 28 were made in the Barberton Circuit Court this week. *253 C. Press 24/3/85*

Gang 28 is the most notorious gang in Barberton, and evidence in previous cases has shown them capable of ordering the assassination of even the most senior warders.

Attacks on warders have been carried out in broad daylight.

Before the court were nine members of the Royal Air Force 3 gang — one of the rivals of Gang 28 — charged with killing one of their own leaders, Siphon Fana, in May 1983 in the showers

By **DESMOND BLOW**

at Barberton Maximum Prison

He died of internal bleeding after he was allegedly beaten, kicked and strangled by the nine accused.

In his opening address, Arend Treurnicht, who appeared pro deo for Joseph Seaglisi, said Seaglisi would allege that a Lieutenant Du Toit had asked him and Fana to act against Gang 28.

Another of the accused, Father Mdepi, said Seaglisi told him that Mr Fana had informed Gang 28 about their plan.

Mr Treurnicht said Seaglisi then called Fana to the showers to ask him about the allegation. Fana denied he had spoken to Gang 28, so Seaglisi called Mdepi to the showers.

Fana then attacked both men and they retaliated. They hit and kicked him until he fell — hitting his head against the wall.

Mdepi's pro deo counsel, Willem Pienaar, said his client chose to say nothing. All the others, according to their counsel, denied knowledge of the incident.

Judge Gordon jailed Seaglisi for three years.

TO BUSES

LANI SIKHAKHANE *C. Press*

Angem bus boycott could end with agreement has been reached between the union and company representatives. Union leader S Z Chonco this week said he would end the boycott as soon as possible.

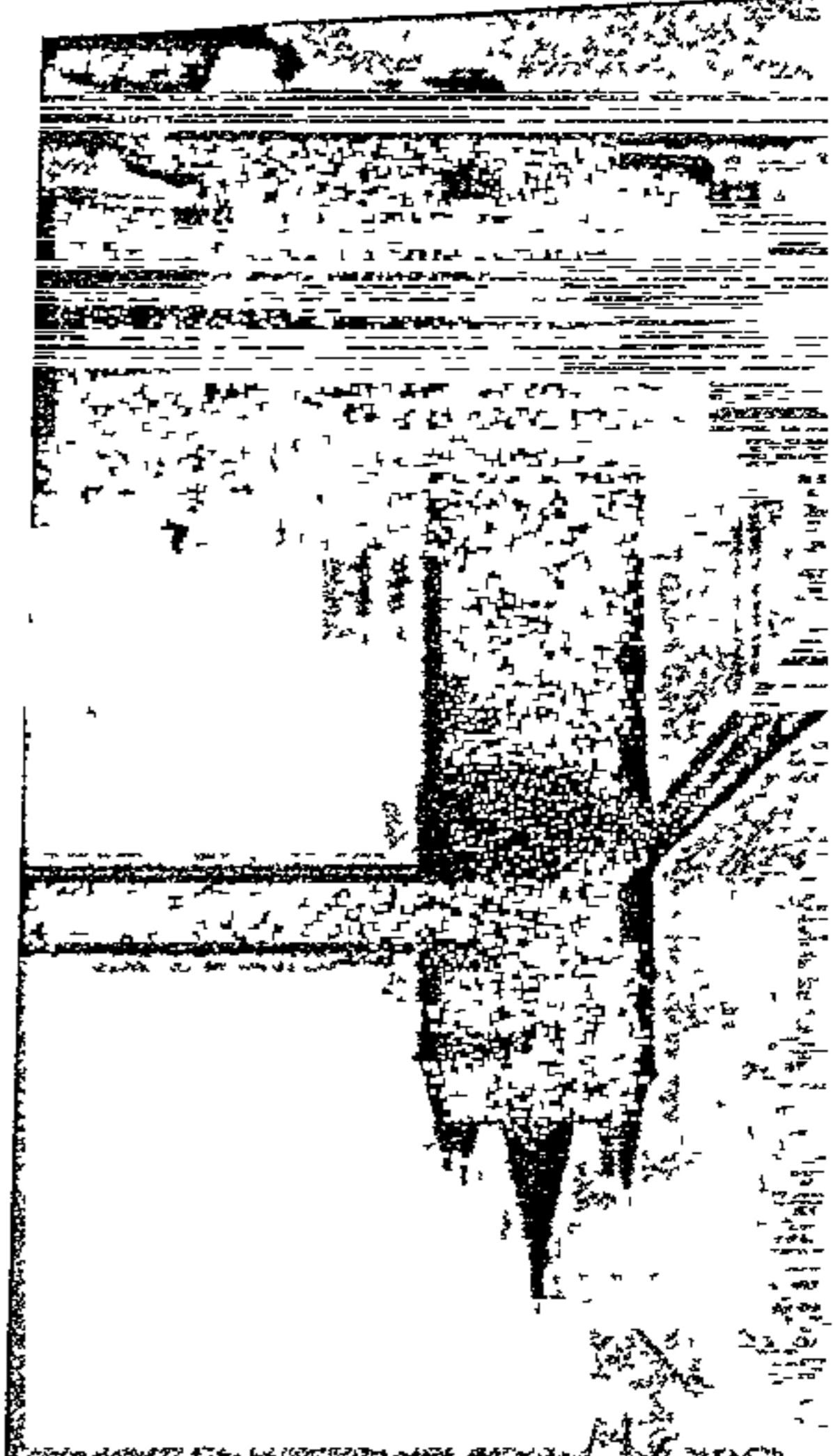
Press Empangem Transport would like to see permits to three local bus operators.

Operators are meeting with company representatives to finalise the end of the boycott.

Accepted the terms of the settlement.

SA!

Task force Koevoet
 a release of all Namibian political prisoners and detainees
 a abolition of the Terrorism Act
 1 Attorney-General proclamations
 to security in Namibia



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 The new Umhlati ma-
 transferred to Kwamashu
 was this week
 ple evicted from their
 recently to have six peo-
 a Supreme Court

Prisoner failed to report illness, inquest is told

253
Stan
26/3/83

By Janine Simon

A young woman awaiting trial on a pass offence did not notify police or prison authorities that she suffered from diabetes, a Johannesburg inquest magistrate heard yesterday during a formal inquiry into the death of Miss Louisa Mareme (18).

The post-mortem, held after Miss Mareme died in Baragwanath Hospital on March 18 1983, could not ascertain what caused her death, the court heard.

Miss Mareme was arrested on March 8 for not having a passbook and illegally being in an urban area for longer than 72 hours. She was taken to the Hillbrow police station and transferred to the new Johannesburg Women's Prison on March 9.

One of her cell-mates testified that on March 18 Miss Mareme was "lying sick" on her bed, could not move and often asked for water. The matter was reported to a prison officer who immediately came to the cell.

About an hour and a half later a sergeant was called to the cell and Miss Mareme, who was shaking and had to be supported by two prisoners, was taken to the pris-

on nursing sister

Sister H M Coetzer testified that Miss Mareme told her that she had been taking "white pills" to treat her diabetes before she was admitted to the prison.

Sister Coetzer injected Miss Mareme with an amount of insulin, calculated on the results of a urine test, and then transferred her to Baragwanath Hospital.

There were no prison records that Miss Mareme had told officials on her admission to the prison, or at her compulsory "doctor's parade" on March 10, or at any of the twice-daily "sick parades" that she was not feeling well or suffered from diabetes, Sister Coetzer said.

Police testified that Miss Mareme did not appear ill at the time of her arrest nor did she notify officials that she suffered from any serious disease.

The hearing was postponed to June 24.

Uniforms

552 Mr W V RAW asked the Minister of Transport Affairs

(1) Whether it is intended to change any uniforms of the South African Transport Services staff; if so, (a) which uniforms, (b) when were the old uniforms introduced in each case and (c) when will or has the change become effective.

(2) whether the introduction of the new uniforms will result in the employees

The MINISTER OF TRANSPORT AFFAIRS

(1) Yes

(a)

- Catering personnel
- Cabin Attendants (SAA)
- Ground Hostesses (SAA)

(b) 1983
1973 (Male)
1979 (Female)

(c)

- June 1985
- May 1985
- October 1985
- January 1986 new summer dress to be introduced for first time
- February 1985
- December 1985
- July 1985

- Some members of the clerical staff (SAA)
- Technicians (SAA)
- Labourers at check-in counters (SAA)

(2) No, but all employees except the labourers have to acquire their own shoes the cost of which will be determined by personal taste

(3) No, the uniform provides for all basics

Handwritten: Townships in corridor between Ciskei/Transkei

556 Mr P R C ROGERS asked the Minister of Co-operation, Development and Education

What were the administration costs in respect of each of the Black townships administered by the Eastern Cape Development Board situated within the corridor between the borders of the Republic of

Handwritten: Q-61.0103 27/3/85

Location	Administration costs for the period 1 July 1983 till 30 June 1984
Queenstown	R235 336
Cathcart	R 25 536
Stutterheim	R 23 284
Kei Road	R 1 389
Kei Mouth	R 6 048
King William's Town	R 44 356
Komga	R 14 489
East-London	R280 165

The concept "administration costs" was

interpreted to include only administrative costs and not the total expenditure in respect of management and the rendering of services

Handwritten: How many sentenced prisoners were transferred to mental institutions in 1984?

614 Mr A B WIDMAN asked the Minister of Justice

The MINISTER OF JUSTICE

Thirty one (31) This figure includes six (6) prisoners who were admitted to hospital prisons for psychopaths in terms of section 30 of the Mental Health Act, 1973 (Act No 18 of 1973)

Members of Parliament/President's Council housing

652 Mr D J N MALCOMMESS asked the Minister of Public Works

(1) (a) How many State-owned houses are there for (i) Cabinet Ministers, (ii) members of the three Ministers Councils and (iii) members of the President's Council in (aa) Cape Town and (bb) Pretoria and (b) what is the value of each house,

(2) whether these houses are furnished if so, what was the original purchase value of the furniture.

(3) whether these houses are staffed at State expense, if so, what is the total cost in respect of such staff *per annum*

(4) whether any rentals are charged, if so, what rental in each case?

The MINISTER OF PUBLIC WORKS

	Cape Town flats (aa)	Pretoria (bb)
(1) (a) (i)	14 and 1	17
(ii)	8 and 4	4
(iii)	2	None

(b) The Department does not have valuations of the houses and flats at its disposal

(2) YES Although all the furniture is on record, many of the items have been in the homes for decades and it would be an extensive task to determine the original purchase prices

(3) YES, approximately R84 000 per annum in Cape Town and approximately R57 000 per annum in Pretoria

(4) NO

Handwritten: How many sentenced prisoners were transferred to mental institutions in 1984?

657 Mr P R C ROGERS asked the Minister of Co-operation, Development and Education

(a) What are the (i) names and (ii) qualifications of the members of each Development board and (b) who is the chairman in each case?

The MINISTER OF CO-OPERATION DEVELOPMENT AND EDUCATION

(a) (i) Names of members of development boards

Wes Rand Development Board

- Mr J C Knoetze
- Mr F J Beyleveldt
- Mr J W du Toit
- Mr O A W van Zyl
- Mr J C Fick
- Mr J Korff
- Mr C P Venter

East Rand Development Board

- Mr A D Niemandt
- Mr A J Nel
- Mr R S Gosse
- Dr M P Cilliers
- Mr M P Warffemus MPC
- Mr J Korff
- Mr H C Immelman

Orange Vaal Development Board
Mr H P van Nieuwenhuizen

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(2) whether the introduction of the new uniforms will result in the employees

concerned having to adjust or acquire certain personal items of clothing, if so, (a) which items will have to be (i) adjusted and (ii) acquired and (b) what will be the approximate cost in respect of each item,

(3) whether any allowance is payable to the staff concerned, if not, why not, if so, (a) what is the amount of the allowance and (b) for what purposes is it to be used?

The MINISTER OF TRANSPORT AFFAIRS

(1) Yes

Catering personnel

Cabin Attendants (SAA)

Ground Hostesses (SAA)

Some members of the clerical staff (SAA)

Technicians (SAA)

Labourers at check-in counters (SAA)

1983

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January 1986 new summer dress to be introduced for first time

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R 6 048

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(4) whether any rentals are charged, if so, what rental in each case?

The MINISTER OF PUBLIC WORKS

Cape Town flats (aa)

Pretoria flats (bb)

(1) (a) (i) 14 and 1

(ii) 8 and 4

(iii) 2

17

4

None

(b) The Department does not have valuations of the houses and flats at its disposal

(2) YES Although all the furniture is on record, many of the items have been in the homes for decades and it would be an extensive task to determine the original purchase prices

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(a) (i) Names of development boards

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Mr O A W van Zyl

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Mr C P Venter

East Rand Development Board

Mr A D Niemandt

Mr A J Nel

Mr R S Gosse

Dr M P Cilliers

Mrs M P Warffemius MPC

Mr J Korff

Mr H C Immelman

Orange Vaal Development Board

Mr H P van Nieuwenhuizen

D. Dispatch 28/3/85

Gatsha appeals for release of Mandela

ULUNDI — The Chief Minister of KwaZulu, Chief Mangosuthu Buthelezi, has appealed to the South African Government to release without conditions, Mr Nelson Mandela, the jailed leader of the banned African National Congress

In his policy speech in the KwaZulu Legislative Assembly yesterday, Chief Buthelezi said it was a pity the State President, Mr P W Botha, had not released Mr Mandela earlier this year.

It would have been a statesmanlike step towards normalising politics in South Africa, he said

He certainly would not be party to any attempts to prescribe what Mr Mandela should or should not do as a condition of his release, the Chief Minister said

Chief Buthelezi said he "yearned" for the freedom of Nelson Mandela and those who were incarcerated with him.

He said he had great respect for what Mr Botha had done in going much further than any of his predecessors in removing some of the utterly impossible conditions on Mr Mandela. One of these had been that he had to agree to go to Transkei.

Chief Buthelezi said members of the African

National Congress in exile ought to come to terms with reality

In the post-Nkomati Accord era, there were no prospects of the ANC establishing springboards for military attacks from neighbouring states. Logistics militated against a successful armed struggle inside South Africa.

"We sincerely hope that they will find their way back from the distant places in which they have located themselves," he said

It would be a tragedy if the "brothers and sisters in exile" could not return to South Africa to play a meaningful role in the struggle to liberate the country. — DDC

(2) (i) *Howick*

87 of the applications are expected to be met during October/November 1985 on the completion of a cable work. In the case of a further 61 applications served by carrier systems. It has not yet been possible to include the work involved in providing these services in a construction programme and at this juncture no indication can be given as to when it will be undertaken. The remaining applications (145) are in respect of services required in the Black residential area of Mpophomeni. The delivery of the equipment for a new exchange to serve this area has been tentatively planned for 1986/87 but no indication can be given at this stage as to when the exchange is likely to be commissioned.

(ii) *Mooi River*

All the applications are expected to be met during the second half of 1987 on the commissioning of a new automatic exchange.

(iii) *Underberg*

Three of the applications are expected to be met at the end of 1986 after the completion of structural changes to the exchange and the installation of an additional manual switchboard. Owing to a shortage of funds it was necessary to defer a party-line scheme aimed at providing telephone service to the remaining 6 applicants. At this juncture no indication can be given as to when the work will be undertaken.

(iv) *Hilton*

21 of the applicants will be provided with service after completion of a cable work during March 1985. Cable works to

meet the requirements of another 10 applicants are scheduled for completion during the first quarter of 1986. Relief has been provisionally planned for the 1986/87 financial year for the provision of service to the remaining 124 applicants whose premises are situated in areas served by carrier systems. At this juncture no reliable indication can be given as to when the work will be completed.

(v) *Kokstad*

Relief is dependent on the completion of cable works, but at this juncture no reliable indication can be given as to when they will be completed.

(vi) *Mataiele*

There are no outstanding applications.

(vii) *Nottingham Road*

The applicants are expected to be met during the second half of 1987 on the commissioning of a new automatic exchange.

(viii) *Richmond*

All the applications are expected to be met during the first half of 1986 on the commissioning of a new automatic exchange.

253
 Corporal punishment 7/4/85
 G. 601.992
 503 Mr P H P GASTROW asked the Minister of Justice

(1) How many males (a) under the age of 18 years, (b) between the ages of 18 and 21 years and (c) aged 21 years and over in each race group were sentenced to corporal punishment in 1984,

(2) how many strokes were inflicted in respect of each category of persons?

The MINISTER OF JUSTICE

(1) (a), (b) and (c) The required information is unfortunately not readily available. The following statistics are however furnished for the period 1 July 1983 to 30 June 1984.

Race	Corporal punishment coupled with imprisonment—	which was suspended	which was suspended	Corporal punishment not coupled with other sentences
Whites	11	40	1 527	
Coloureds	190	260	13 391	
Indians	2	3	630	
Blacks	527	738	23 330	
	730	1 041	38 878	

(2) The required information is unfortunately not readily available. Statistics of this nature have not been kept by the Department up till now. The keeping of statistics of offences in general is at present the subject of an investigation.

(c) 51 412 456 (USA) Dollar in respect of feed wheat for the period 1 June 1984 until 28 February 1985. The Rand value can not be determined at this stage in view of the fact that financing was arranged by means of overseas loans.

Dairy/meat/wheat products imported

507 Mr D J N MALCOMMESS asked the Minister of Agricultural Economics

What was the value of the (a) dairy, (b) meat and (c) wheat products imported by the Republic during the latest specified period of 12 months for which figures are available?

The MINISTER OF AGRICULTURAL ECONOMICS

(a) Approximately R13 million (mainly in respect of exotic cheese) the kinds of cheese which are either not manufactured at all or are manufactured in insufficient quantities in the RSA) for the period 1 March 1984 until 28 February 1985.

(b) Approximately R22 million for the period 1 January 1984 until 30 November 1984.

The abovementioned amounts represent the total imports for the Republic in respect of dairy and wheat products and for all the members of the joint Customs Union in respect of meat products. The Department of Agricultural Economics and Marketing and the Meat Board do not exercise control over the importation of meat products.

Handwritten: *Handwritten*
 Sabotage/armed attack/explosions
 G. 601.994 7/4/85
 529. Mrs H SUZMAN asked the Minister of Law and Order.

(a) How many incidents of sabotage, armed attack or explosions had occurred in the Republic in 1984 as at the latest specified date for which figures are available and (b) what was the (i) target and (ii) nature of the incident in each case?

The MINISTER OF LAW AND ORDER

Particulars for 1984 to 1985-03-21 are as follows

1000

of the applications are expected to be met during October/November 1985 on the completion of a cable work. In the case of a further 61 applications services are required in areas served by carrier systems. It has not yet been possible to include the work involved in providing these services in a construction programme and at this juncture no indication can be given as to when it will be undertaken. The remaining applications (145) are in respect of services required in the Black residential area of Mpophomeni. The delivery of the equipment for a new exchange to serve this area has been tentatively planned for 1986/87 but no indication can be given at this stage as to when the exchange is likely to be commissioned.

(ii) *Mool River*

All the applications are expected to be met during the second half of 1987 on the commissioning of a new automatic exchange.

(iii) *Underberg*

Three of the applications are expected to be met at the end of 1986 after the completion of structural changes to the exchange and the installation of an additional manual switchboard. Owing to a shortage of funds it was necessary to defer a party-line scheme aimed at providing telephone service to the remaining 6 applicants. At this juncture no indication can be given as to when the work will be undertaken.

(iv) *Hilton*

21 of the applicants will be provided with service after completion of a cable work during March 1985. Cable works to

of the applicants are expected for completion during the first quarter of 1986. Relief has been provisionally planned for the 1986/87 financial year for the provision of service to the remaining 124 applicants whose premises are situated in areas served by carrier systems. At this juncture no reliable indication can be given as to when the work will be completed.

(v) *Kokstad*

Relief is dependent on the completion of cable works, but at this juncture no reliable indication can be given as to when they will be completed.

(vi) *Mataele*

There are no outstanding applications.

(vii) *Nottingham Road*

The applicants are expected to be met during the second half of 1987 on the commissioning of a new automatic exchange.

(viii) *Richmond*

All the applications are expected to be met during the first half of 1986 on the commissioning of a new automatic exchange.

253
Q. 601.992
Corporal punishment
9/4/85
503 Mr P H P GASTROW asked the Minister of Justice

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(2) how many strokes were inflicted in respect of each category of persons?

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Q. 501.994
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529 Mrs H SUZMAN asked the Minister of Law and Order

(a) How many incidents of sabotage armed attack or explosions had occurred in the Republic in 1984 as at the latest specified date for which figures are available and (b) what was the (i) target and (ii) nature of the incident in each case?

The MINISTER OF LAW AND ORDER

Particulars for 1984 to 1985-03-21 are as follows

The MINISTER OF CO-OPERATION AND DEVELOPMENT

- (1) (a) Approximately 240 000
(b) 31 January 1985.
- (2) (a) No A hospital (800 beds) is under construction
(b) Falls away
- (c) Yes There are one 23 bed clinic and 2 day clinics
- (3) (a) A total of thirteen medical practitioners serve the area
(b) None Dentists do however visit the town regularly
(c) None There are however 42 qualified nurses, 13 staff nurses, 6 assistant nurses, 22 family planning officers, and 2 health inspectors active in the area

(d) 3

(4) 2 000

(5) Yes (a) and (b) Fall away

Handwritten: Surplus products: welfare organizations
Handwritten: 01/4/85
253. Mr E K MOORCROFT asked the Minister of Agricultural Economics

- (1) Whether any surplus (a) dairy and (b) meat products produced in the Republic and marketed through control boards were distributed to (i) the underprivileged and (ii) welfare organizations in 1984, if so,
- (2) what (a) were the quantities and (b) was the estimated total value of the (i) dairy and (ii) meat products so distributed?

The MINISTER OF AGRICULTURAL ECONOMICS

- (1) (a) No, but during the period 1 March 1984 until 31 January

HoA

were received after they had been released, while the representations of seven persons were still being considered when they were released, consequently it could not in terms of the Act be considered favourably. The application of the other person was after thorough consideration refused, as I was satisfied that no need existed for the payment of such an allowance

(3) No

Handwritten: 253
Handwritten: Hans and Prisoners: work-days 9/4/85
371 Mrs H SUZMAN asked the Minister of Justice

- (a) What was the total number of work-days spent by prisoners on hire to private persons, including farmers, in 1984 and (b) what was the total amount which accrued to the Prisons Service as payment in that year?

The MINISTER OF JUSTICE

- (a) 304 Prisoners only work for half a day on Saturdays. These were however considered as normal work days for the purpose of calculating this total

- (b) An amount of R2 044 888,14 regarding prison labour to hirers was received from 1 January 1984 to 31 December 1984. These monies were paid into the State Revenue Fund

Public telephones

387. Mr P G SOAL asked the Minister of Communications

- (1) What was the estimated cost of replacing public telephones in the Republic in 1984,
- (2) whether any steps (a) have been taken or (b) are contemplated to prevent or reduce vandalism in respect of public telephones, if so, (a) what

444

steps and (b) what is the estimated cost involved?

The MINISTER OF COMMUNICATIONS

(1) R495 000.

(2) (a) and (b) yes.

- (a) the application of the latest technologies in order to improve the standard of the coin telephone service, the development of coin telephones that are more vandal-proof, the strategic siting of coin telephones, eg in well-lit positions such as shopping centres, and the use of monitoring equipment in conjunction with the services of departmental investigating officers in problem areas with a view to bringing vandals to justice, and

- (b) the steps referred to are taken in conjunction with other activities not related to the combating of vandalism and the costs involved cannot unfortunately be calculated separately

Commissions/departmental committees

402 Mr K M ANDREW asked the Minister of Justice

- (1) How many (a) commissions and (b) departmental committees of inquiry were appointed in respect of his Department in 1984

- (2) whether any of the reports of such commissions and committees have been completed, if so, (a) how many and (b) of which commissions and committees.

- (3) whether any of the reports of such commissions and committees have been made public, if so (a) how many and (b) of which commissions and committees,

- (4) what is the total estimated cost relat-

The MINISTER OF CO-OPERATION AND DEVELOPMENT.

(1) (a) Approximately 240 000
(b) 31 January 1985.

(2) (a) No A hospital (800 beds) is under construction
(b) Falls away.

(c) Yes There are one 23 bed clinic and 2 day clinics

(2) (a) (i) 110 653 kg

(3) (a) A total of thirteen medical practitioners serve the area

(ii) 162 041 kg

(b) None Dentists do however visit the town regularly

(b) (i) R162 856

(ii) R84 796

(c) None There are however 42 qualified nurses, 13 staff nurses, 6 assistant nurses, 22 family planning officers, and 2 health inspectors active in the area

Hans and CR. Co 1 984
330 Mrs H SUZMAN asked the Minister of Law and Order

(1) Whether he has received any representations for payment of allowances to detainees held under the Internal Security Act, No 74 of 1982, if so, how many as at the latest specified date for which figures are available,

(d) 3

(4) 2 000

(5) Yes. (a) and (b) Fall away

Hans and CR. Co 1 985
Surplus products: welfare organizations
Hammond CR. Co 1 983
253. Mr E K MOORCROFT asked the Minister of Agricultural Economics

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(2) (a) and (b) yes,

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(4) what is the total estimated cost relat-

(253)
Two prison
warders in
court action
RDM 12/4/85

Mall Reporter

TWO prison warders yesterday appeared before a Johannesburg magistrate on charges of beating up nine long term prisoners

Mr Martin Theart, 37, and Mr Sybrand van Niekerk, 24, both of the Johannesburg prison, pleaded not guilty to punching, kicking and slapping the prisoners while searching their cells

The prisoners were allegedly assaulted after being found with smuggled goods.

According to an unnamed witness, also a prison warder, Mr Theart was allegedly drunk at the time

The trial continues

Mr D de la Rey was on the bench
Miss D Wrak appeared for the State
Mr D Sonderug appeared for the defence

103 388 in SA prisons, says report

RDM 16/4/85 (253)

Political Staff

PARLIAMENT. — South Africa's prison population as at June last year was 103 388, whereas the total accommodation available at that stage made provision for 78 125 prisoners

This number, which constitutes an occupation figure of 132,33%, was revealed in the annual report of the Department of Justice (for the period July 1983 to June 1984) which was tabled in the House of Assembly by the Minister of Justice, Mr Kobie Coetsee, yesterday

In the statement the department described the overcrowding as "only a minor problem"

It said that when the standards for prison accommodation were exceeded it was done "in a controlled manner and is usually dealt with effectively by using bunk beds or sisal or felt mats instead of conventional beds".

It was the policy of the Prisons Services that "prisoners spend as little of their time as possible in the cells and perform, as far as is possible, constructive labour in the open air and in departmental workshops

"Each prison also has spacious courtyards where prisoners can relax and participate in organised programmes during their leisure time

"Above all, no matter what the number of prisoners is in a specific prison, a high standard of hygiene and tidiness is consistently maintained," the department said.

It also said that on June 30, 1984, there were 103 888 people in custody in South African prisons although the accommodation available at that stage made provision for 78 125 people

"The occupation figure was therefore 132,33%

"These figures compare favourably with those of last year, since there (is) an increase of 3 979 accommodation units — which means a decrease in the occupation figure of 9% "

There was no international area standard for calculating prison accommodation, but these figures were determined on the basis of the guidelines of the Standard Minimum Rules for the Treatment of Prisoners and the Prevention of Crime, adopted by the United Nations in August 1955, in respect of hygiene, sufficient light, air, ventilation and floor space, facilities for medical care, and recreational facilities

● The report shows that 85 827 of the convicts on June 30, 1984, were sentenced prisoners and 9 961 were serving sentences of between one month and six months

Between July 1, 1983, and June 30, 1984, 252 302 of the 528 270 prisoners admitted to prison were awaiting trial prisoners and 81,91% received sentences of six months or less

It also shows that 3 574 infants were admitted to prison during the year, 145 of whom were born during their mother's imprisonment.

RDM
D1 250-15/100 Anti terror

Regulation Act, 1972 (Act 59 of 1972). Both charges were taken together for purpose of sentence and he was in terms of section 294(1) of the Criminal Procedure Act, 1977 (Act 51 of 1977) sentenced to 6 strokes

Port Elizabeth: Supreme Court

776 Mr T ARONSON asked the Minister of Public Works

Whether his Department intends erecting a building to house the Supreme Court in Port Elizabeth, if so, (a) what stage has been reached in the planning of this building, (b) what is the estimated cost and (c) when is it anticipated that the building will be completed?

The MINISTER OF PUBLIC WORKS:

Yes.

(a) The sketch plans have been completed

(b) R5 515 000

(c) End of 1988

Private hospitals

784 Dr M S BARNARD asked the Minister of Health and Welfare

(1) How many registered private hospitals had been established in (a) the Transvaal, (b) the Cape Province, (c) Natal and (d) the Orange Free State as at 31 March 1985,

(2) (a) how many approved private hospitals have been commissioned since that date, (b) where is each located and (c) how many beds are provided at each hospital,

(3) whether any applications for registration as a private hospital have been approved but not yet commissioned, if so, (a) how many, (b) where is it planned to locate each hospital, (c) how many beds will each provide and

(d) when is each due to be commissioned,

(4) whether any applications for registration as a private hospital are awaiting approval, if so, (a) how many, (b) where is each hospital to be located and (c) how many beds will it provide?

The MINISTER OF HEALTH AND WELFARE.

(1) (a) 85

(b) 28

(c) 31

(d) 11

(2), (3) and (4)

Information not readily available.

Identity documents

785. Mr D J N MALCOMMESS asked the Minister of Justice.

Whether any (a) White, (b) Black, (c) Coloured and (d) Indian persons were (i) charged with, (ii) convicted of and (iii) acquitted on a charge of not being in possession of an official identity document during the latest specified 10-year period for which figures are available, if so, (aa) how many and (bb) in terms of what statutory provision in each case?

The MINISTER OF JUSTICE

The required information is unfortunately not readily available. Statistics of this nature have not been kept by the Department up till now. The keeping of statistics in general is at present the subject of an investigation

SABC: alterations to office of Director-General

788. Mr H D K VAN DER MERWE asked the Minister of Foreign Affairs †

(1) Whether he will furnish information

on alterations that have been made to the office of the Director-General of the SABC in Johannesburg, if not, why not, if so, (a) in what manner and (b) what steps are taken in this regard,

(2) whether any (a) alterations to (i) the said office and (ii) the office furniture and (b) other specified alterations were recently made, if so,

(3) (a) what is the nature of the alterations, (b) by whom was the work carried out and (c) what was the cost (i) in total and (ii) per specified item?

The MINISTER OF FOREIGN AFFAIRS

In terms of article 3 of the Broadcasting Act, No 73 of 1976, as amended, the affairs of the South African Broadcasting Corporation are managed and controlled by the Board of Corporation

I would therefore suggest that the Honourable Member submit the question to the Chairman of the Board of the SABC for an answer

FRIDAY, 19 APRIL 1985

†Indicates translated version

For written reply.

General Affairs

Prison warders/prisoners: killed/seriously injured

R. Col. 1149 injured 19/4/85
309 Mrs H SUZMAN asked the Minister of Justice

(1) Whether any prison warders were (a) killed and (b) seriously injured by prisoners in 1984, if so, (i) how many and (ii) in which prisons;

(2) whether any prisoners were (a) killed and (b) seriously injured by fellow prisoners in that year, if so, (i) how many and (ii) in which prisons.

HoA

(3) whether injuries to prisoners are reported to the relevant authorities, if not, why not if so, (a) in what manner and (b) what steps are taken in this regard,

(4) whether these reports are retained by prison authorities, if not, (a) why not and (b) what steps are taken in respect of these reports, if so, where are these reports kept?

The MINISTER OF JUSTICE

(1) (a) None (i) and (ii) Fall away

(b) Yes

(i) Eighteen (18)

(ii) Durban

King William's Town

Kroonstad

Leeuwpkop

Obiqa

Pietermaritzburg

Pollsmoor

Port Elizabeth

Potchefstroom

Pretoria

Stellenbosch

Victor Verster

Zonderwater

(2) (a) Yes

(i) 32

(ii) Durban

Goedemoed

Groenpunt

Johannesburg

Kandaspunt

Leeuwpkop

Modderbee

Pollsmoor

Potchefstroom

Pretoria

Rawsonville

St Albans

Victor Verster

Voorberg

Waterval

Witbank

Pietermaritzburg

Paardeberg

(b) Yes. (i) and (ii) The requested information is unfortunately not available at a central point as injuries sustained by prisoners are noted in registers at 244 prisons countrywide while detail regarding the way in which it was dealt with, is only available on the files of prisoners concerned

(3) Yes (a) and (b) All prisoners who sustain injuries immediately receive the necessary medical treatment and all such injuries are departmentally investigated. The steps which the Prisons Service institute as a result of departmental investigations, depend on the outcome of each investigation and could include correctional, preventative and/or disciplinary measures. If a prisoner's earning ability has been reduced as a result of an accident or an injury sustained in a prison, an *ex gratia* compensation can be made to the prisoner, providing that the accident or injury was not caused by his own negligence or fault.

In the case of injuries which are related to complaints of alleged assault, a suitable entry is made in a complaints register and/or a register of injuries and besides the necessary medical treatment which may be administered or prescribed by the medical officer, a departmental inquiry into the alleged assault is instituted. Where such complaint is found to be substantial, suitable action is taken in terms of Prisons Regulations 71 and 99 in the case of minor assault, while complaints of serious assault are reported to the South African Police without delay for investigation and for the legal process to take its normal course.

Injuries which prisoners have sustained at construction sites, work-

(1) Yes

(2)(a) (b) (c) (d)

Name of Company	Where situated	Type of Industry	RSA Contribution Rand
			1982-83 1983-84 1984-85
King Knitting Co	Dimbaza	Knitted garments and outerwear	20 750 83 252

HoA

shops, agricultural activities on prison farms, abattoirs, butcheries, kitchen, etc, are dealt with in terms of the provisions of the Machinery and Occupational Safety Act, 1983 and the Regulations promulgated in terms thereof

(4) Yes All documents pertaining to departmental investigations (which include sworn statements of all parties and medical reports on the injured) become part of the official records as mentioned in (2)(b)(ii)

(a) and (b) Fall away

Handwritten: ~~Subsidies~~ *subsidies from South African Government 19/4/85*

541. Mr C W EGLIN asked the Minister of Foreign Affairs.

(1) Whether any entrepreneurs/companies have received subsidies from the South African Government to encourage them to establish industries in the Ciskei, if so,

(2) in respect of each such entrepreneur/company, (a) what is its name, (b) where is it located, (c) what is the nature of its operation, (d) what amount in aid did it receive in 1982, 1983 and 1984, respectively, and (e) for how many years is the South African Government committed to subsidize it,

(3) whether any procedures have been laid down for (a) monitoring the activities and (b) auditing the finances of such entrepreneurs/companies, if so, what procedures?

The MINISTER OF FOREIGN AFFAIRS

(2)(a) Name of Company	(b) Where situated	(c) Type of Industry	(d) RSA Contribution Rand
			1982-83 1983-84 1984-85
Ranger Carpets	Montage	Carpets	64 381 24 585
Edward Frank Mnf	Sada	Protective outerwear	53 625 76 183
Lantern	Alice	Pottery	13 501 17 336
Trustor Mnf	Sada	Clothes	286 790 204 570
Olistan Carpets	Dimbaza	Hand woven wool and mohair carpets	34 424 72 910
Kei Carpets	Wesley	Hand knotted carpets	18 648 70 095
Zipha Industries	Dimbaza	Leather safety products—gloves and aprons	45 431 72 219
Associated Leather	Dimbaza	Splitting of leather hides for glove manufacturing	17 160 90 750
Zandla Mnf	Dimbaza	Clothes, toys knitting, motorcar seats, pottery	2 633 2 748
Khandla Workshop	Dimbaza	Textile products for hospitals, hand made products	11 880 19 643
Ciskei Core Mnf	Dimbaza	Radiator cores and oil coolers	58 905 120 078
L K Hurwitch Cycles	Dimbaza	Bicycles	99 330 171 435
Ciskei Saw Mills	Keiskamma-hoek	Saw milling and prefab wood housing	107 018 145 385
Timon Steel	Dimbaza	Furniture	36 795 107 415
Tribal Hand Weavers	Dimbaza	Hand woven karakul carpets	36 135 83 490

HoA

Regulation Act, 1972 (Act 59 of 1972). Both charges were taken together for purpose of sentence and he was in terms of section 294(1) of the Criminal Procedure Act, 1977 (Act 51 of 1977) sentenced to 6 strokes.

Port Elizabeth Supreme Court

776 Mr T ARONSON asked the Minister of Public Works

Whether his Department intends erecting a building to house the Supreme Court in Port Elizabeth, if so, (a) what stage has been reached in the planning of this building, (b) what is the estimated cost and (c) when is it anticipated that the building will be completed?

The MINISTER OF PUBLIC WORKS

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- (a) The sketch plans have been completed
- (b) R5 515 000
- (c) End of 1988

Private hospitals

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- (1) How many registered private hospitals had been established in (a) the Transvaal, (b) the Cape Province, (c) Natal and (d) the Orange Free State as at 31 March 1985,
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- (3) whether any applications for registration as a private hospital have been approved but not yet commissioned, if so, (a) how many, (b) where is it planned to locate each hospital, (c) how many beds will each provide and

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(4) whether any applications for registration as a private hospital are awaiting approval, if so, (a) how many, (b) where is each hospital to be located and (c) how many beds will it provide?

The MINISTER OF HEALTH AND WELFARE

- (1) (a) 85.
- (b) 28.
- (c) 31.
- (d) 11.

(2), (3) and (4) information not readily available

Identity documents

785 Mr D J N MALCOMMESS asked the Minister of Justice

Whether any (a) White, (b) Black, (c) Coloured and (d) Indian persons were (i) charged with, (ii) convicted of and (iii) acquitted on a charge of not being in possession of an official identity document during the latest specified 10-year period for which figures are available, if so, (aa) how many and (bb) in terms of what statutory provision in each case?

The MINISTER OF JUSTICE

The required information is unfortunately not readily available. Statistics of this nature have not been kept by the Department up till now. The keeping of statistics in general is at present the subject of an investigation.

SABC alterations to office of Director-General

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(1) Whether any prison warders were (a) killed and (b) seriously injured by prisoners in 1984, if so, (i) how many and (ii) in which prisons,

(2) whether any prisoners were (a) killed and (b) seriously injured by fellow prisoners in that year, if so, (i) how many and (ii) in which prisons,

(3) whether injuries to prisoners are reported to the relevant authorities, if not, why not, if so, (a) in what manner and (b) what steps are taken in this regard,

(4) whether these reports are retained by prison authorities, if not, (a) why not and (b) what steps are taken in respect of these reports, if so, where are these reports kept?

The MINISTER OF JUSTICE

- (1) (a) None (i) and (ii) Fall away
- (b) Yes

(i) Eighteen (18)

- (ii) Durban 2
- King William's Town 2
- Kroonstad 1
- Leeuwkop 1
- Obiqua 1
- Pietermaritzburg 1
- Pollsmoor 2
- Port Elizabeth 2
- Potchefstroom 1
- Pretoria 2
- Stellenbosch 1
- Victor Verster 1
- Zonderwater 1

(2) (a) Yes

(i) 32

- (ii) Durban 1
- Goedemoed 1
- Groenpunt 1
- Johannesburg 2
- Kandaspunt 1
- Leeuwkop 3
- Modderbee 4
- Pollsmoor 4
- Potchefstroom 1
- Pretoria 1
- Rawsonville 2
- St Albans 1
- Victor Verster 1
- Voorberg 4
- Waterval 2
- Witbank 1
- Pietermaritzburg 1
- Paardeberg 1

HoA



(b) Yes (i) and (ii) The requested information is unfortunately not available at a central point as injuries sustained by prisoners are noted in registers at 244 prisons countrywide while detail regarding the way in which it was dealt with, is only available on the files of prisoners concerned

(3) Yes (a) and (b) All prisoners who sustain injuries immediately receive the necessary medical treatment and all such injuries are departmentally investigated. The steps which the Prisons Service institute as a result of departmental investigations, depend on the outcome of each investigation and could include: corrective, preventative and/or disciplinary measures. If a prisoner's earning ability has been reduced as a result of an accident or an injury sustained in a prison, an *ex-gratia* compensation can be made to the prisoner, providing that the accident or injury was not caused by his own negligence or fault.

In the case of injuries which are related to complaints of alleged assault, a suitable entry is made in a complaints register and/or a register of injuries and besides the necessary medical treatment which may be administered or prescribed by the medical officer, a departmental inquiry into the alleged assault is instituted. Where such complaint is found to be substantial, suitable action is taken in terms of Prisons Regulations 71 and 99 in the case of minor assault, while complaints of serious assault are reported to the South African Police without delay for investigation and for the legal process to take its normal course.

Injuries which prisoners have sustained at construction sites, work-

(1) Yes

(2)(a)

Name of Company	Where situated	Type of Industry	RSA Contribution Rand 1982-83	1983-84	1984-85
King Knitting Co	Dimbaza	Knitted garments and outerwear	20 750	83 252	—

No A

shops, agricultural activities on prison farms, abattoirs, butcheries, kitchen, etc, are dealt with in terms of the provisions of the Machinery and Occupational Safety Act, 1983 and the Regulations promulgated in terms thereof

(4) Yes All documents pertaining to departmental investigations (which include sworn statements of all parties and medical reports on the injured) become part of the official records as mentioned in (2)(b)(ii)

(a) and (b) Fall away

Handwritten: ~~Handwritten~~ *Government 19/14/85*
 Ciskei subsidies from South African Government
 A. Col. 1152
 541 Mr C W EGLIN asked the Minister of Foreign Affairs.

(1) Whether any entrepreneurs/companies have received subsidies from the South African Government to encourage them to establish industries in the Ciskei, if so,

(2) in respect of each such entrepreneur/company, (a) what is its name, (b) where is it located, (c) what is the nature of its operation, (d) what amount in aid did it receive in 1982, 1983 and 1984, respectively, and (e) for how many years is the South African Government committed to subsidize it,

(3) whether any procedures have been laid down for (a) monitoring the activities and (b) auditing the finances of such entrepreneurs/companies, if so, what procedures?

The MINISTER OF FOREIGN AFFAIRS

(1) Yes

(2)(a)

Name of Company	Where situated	Type of Industry	RSA Contribution Rand 1982-83	1983-84	1984-85
King Knitting Co	Dimbaza	Knitted garments and outerwear	20 750	83 252	—

No A

(2)(a) Name of Company	(b) Where situated	(c) Type of Industry	(d) RSA Contribution Rand 1982-83	1983-84	1984-85
Ranger Carpets	Montage	Carpets	64 381	24 585	—
Edward Frank Mnf	Sada	Protective outerwear	53 625	76 183	—
Lantern	Alice	Pottery	13 501	17 336	—
Truster Mnf	Sada	Clothes	286 790	204 570	—
Olistan Carpets	Dimbaza	Hand woven wool and mohair carpets	34 424	72 910	—
Kei Carpets	Wesley	Hand knotted carpets	18 648	70 095	—
Zipha Industries	Dimbaza	Leather safety products—gloves and aprons	45 431	72 219	—
Associated Leather	Dimbaza	Splitting of leather hides for glove manufacturing	17 160	90 750	—
Zandla Mnf	Dimbaza	Clothes, toys, knitting, motorcar seats, pottery	2 633	2 748	—
Khandla Workshop	Dimbaza	Textile products for hospitals, hand made products	11 880	19 643	—
Ciskei Core Mnf	Dimbaza	Radiator cores and oil coolers	58 905	120 078	—
L K Hurwitch Cycles	Dimbaza	Bicycles	99 330	171 435	—
Ciskei Saw Mills	Keiskammahoek	Saw milling and prefab wood housing	107 018	145 385	—
Timon Steel	Dimbaza	Furniture	36 795	107 415	—
Tribal Hand Weavers	Dimbaza	Hand woven karakul carpets	36 135	83 490	—

No A

Challenge to PW to save life of prisoner

The State President has been challenged to show his commitment to reform by granting clemency to death-row prisoner Malesela Benjamin Molise, who is condemned to hang for shooting a Mamelodi security policeman, Mr Phillipus Selepe, in 1982

The challenge has been issued by the Release Mandela Committee (RMC) which will launch its campaign to save Molise's life on Sunday afternoon at a protest meeting scheduled to take place in the Diepkloof Catholic Church.

DEATH

Molise (30) was sentenced to death two years ago and the Chief Justice refused him the right of appeal more than a year ago

His only hope lies in the petition for clemency which his lawyers have submitted to the State President, Mr PW Botha.

The United Nations and various Western governments last year urged Mr Botha to spare Molise.

The RMC said yesterday "If Mr Botha does not save Molise from the gallows, it will be added proof that his commitment to reform is hollow and lacks any substance"

9 Feb 253

18/4/85

19/4/85

Farmer killed hired prisoner

253
Court Reporter
AN INANDA farmer was fined R3 000 in the Supreme Court, Durban, yesterday for shooting and killing a hired prisoner

The farmer was poking him in the back with a 303 rifle in an attempt to get him to obey his demands, the Court heard
Mr Justice Law convicted

ed Manneval Naicker, 38, a father of three, of culpable homicide by negligently causing the death of Cosmos Shozi on June 9, 1983

The man was one of eight prisoners Naicker had collected from Empangeni prison to work on his farm

Naicker, a first offender, was also sentenced to

three years' imprisonment, conditionally suspended for five years

The Judge said Naicker did not appear to be a person who needed the type of reformation provided by a prison sentence

Mr Justice Law said the Court was satisfied that Naicker had been untruthful in his evidence,

particularly in regard to an attack on him by the prisoners and the manner in which Shozi was shot

He said the Court believed the evidence of three eye-witnesses and two expert witnesses, that the shot was fired when Shozi was no more than 10 cm away from the rifle and his back was towards Naicker

The Judge said it appeared that there had been some trouble between Naicker and the prisoners, but in the Court's view Naicker's version that they had attacked his home was exaggerated.

The Court had accepted that there had been a failure on the part of the prisoners to obey Naicker's commands

32 killed
in SA jails
last year

PARLIAMENT. — A total of 32 prisoners were killed by their fellow-prisoners in South Africa's jails last year, the Minister of Justice, Mr Kobie Coetsee, said yesterday in written reply to a question by Mrs Helen Suzman (PFP Houghton).

A total of 18 warders were injured by prisoners during the year.

In the House of Delegates Mr Coetsee said it was not customary for the State President to visit prisoners. He was replying to the Committee Stage of the justice vote of the Budget.

Speaking in the debate earlier, Mr Ranji Nowbath (NPP nominated), said political prisoners on Robben Island had told a group of visiting parliamentarians this week they wanted to talk to Mr P.W. Botha personally. — Sapa

PARLIAMENT

Major changes at gang warfare jail, says Coetsee

ROM 20/4/85 (253)

Political Staff

PARLIAMENT — Major changes have been made at Durban's Point Prison where two members of warring gangs were killed and 41 injured during a bloody clash in an overcrowded cell two months ago

Mr Kobie Coetsee, Minister of Justice and Prisons, revealed in the House of Delegates yesterday the prison's population had been drastically reduced and management procedures had been improved

Identifiable members of opposing gangs had been separated, gang leaders had been isolated, certain staff were sent on a refresher course on how to deal with prison gangs, and observation periods in the prison has been slashed

Mr Coetsee said the prison population had been cut from 1 696 to 716 and other measures, such as more games and allowing prisoners more time out of their cells had been introduced

He displayed various lethal weapons which prisoners had made in jail from door locks, chess pieces and cigarette lighters which he said had been confiscated in specially planned raids to un-arm "dangerous" prisoners

The gang clash had occurred in a "grossly overcrowded" cell but it had been found this had had nothing to do with the incident

In the past three years, 5 416 prisoners had been sent to other prisons

The problem with the Point Prison was that it was used largely for prisoners who

had already been convicted of crimes but were still awaiting trial on further charges

When the new Westville Prison was opened soon, it would alleviate the position at the Point prison as it would be used only for short-term prisoners

Mr Coetsee also said the number of people held in prisons under the influx control laws varied from 35% of the total prison population in the day to about 3% at night

He said that the "day" and "night" figures varied significantly because prisoners could pay fines or could be released or simply complete their sentences during the day

There had also been a progressive reduction in the number of influx control prisoners who spent the night in jail over the past year

On March 15 last year they constituted 7,09% of the total prison population at night and since then the figure had come down progressively to 2,79% on March 15 this year

The total prison population on that date was 128 972, he said, of whom the greatest number were serving sentences or were awaiting trial for crimes of violence — 52 500

Prisoners awaiting trial or serving sentences for "economic" crimes had totalled 47 500

Mr Coetsee said that this showed that overcrowding in South Africa's prisons was not due to people being held under the influx control laws

'Changes' at Point Prison

Ormande Pollok
Political Correspondent

CAPE TOWN—Major changes have been made at Durban's Point Prison, where two members of warring gangs were killed and 41 injured during a clash in an overcrowded cell two months ago

Mr Kobie Coetsee, Minister of Justice and Prisons, disclosed in the House of Delegates yesterday that the prison's population had been reduced drastically and management procedures had been improved.

Identifiable members of opposing gangs had been separated, gang

NM 20/4/85 253
leaders had been isolated, certain staff sent on a refresher course on how to deal with prison gangs and observation periods in the prison had been slashed

Mr Coetsee said the prison population had been cut from 1 696 to 716, and other measures such as more games and allowing prisoners more time out of their cells had been introduced

He displayed various lethal weapons which prisoners had made in jail from door locks, chess pieces and cigarette lighters which he said had been confiscat-

ed in specially-planned yards to disarm 'dangerous' prisoners

The gang clash had occurred in a 'grossly overcrowded' cell, but it had been found this had had nothing to do with the incident

In the past three years, 5 416 prisoners had been sent to other prisons

The problem with the Point Prison was that it was used largely for prisoners already convicted of crimes but still awaiting trial on further charges

When the new Westville Prison was opened, it would alleviate the position

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

†The MINISTER OF PUBLIC WORKS.

(1) NO.

(2) NO

(3) NO.

Hansard Q. Col. 1327
Prince Albert: arrest of certain person
30/4/85

*16 Mr E K MOORCROFT asked the Minister of Law and Order

(1) Whether a resident of Enslin Street, Prince Albert, whose name has been furnished to the South African Police for the purpose of the Minister's reply, was arrested by members of the Police Force in Prince Albert on or about 23 February 1985, if so, (a) for what offence and (b) what is the name of this person,

(2) whether this person was re-arrested on that day, if so, for what offence?

The MINISTER OF LAW AND ORDER

(1) No, he was summoned to appear in court

(a) Contravention of section 128(1) of the Road Traffic Ordinance, Ordinance 21 of 1966

(b) Jan Outa Schoeman

(2) No

Prince Albert: certain person brought to trial

*17 Mr E K MOORCROFT asked the Minister of Justice

(1) Whether a resident of Enslin Street, Prince Albert, whose name has been furnished to the Minister's Department for the purpose of his reply, was brought to trial on or about 27 March 1985, if so, (a) what was the

nature of the offence for which he was tried and (b) what is the name of this person,

(2) whether the court found him guilty of this offence, if so, what sentence was imposed on him;

(3) whether this person made representations for his trial to be deferred; if so, (a) what reasons did he advance for a deferment of the trial and (b) with what result,

(4) whether he was brought to trial again on or about 8 April 1985, if so, (a) what was the nature of the offence for which he was tried and (b) what was the outcome of this trial?

The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice) (Reply laid upon the Table with leave of House)

(1) Yes

(a) Contravention of section 128(1) of the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966) (Cape)—failed to walk on sidewalk

(b) Jan Schoeman

(2) Yes. A fine of R10,00 or 10 days' imprisonment

(3) Yes

(a) He wanted to obtain the services of an attorney in Cape Town

(b) The magistrate did not defer the case for the following reasons:

(i) The summons was serviced on Mr Schoeman on 23 February 1985 and he had enough time to prepare a case or to obtain legal representation

(ii) the three witnesses for the State were present and a

deferment would not have suited them and would have caused disruption

(iii) The magistrate gave Mr Schoeman the opportunity to get a local attorney or an attorney from Beaufort West or Oudtshoorn but he was not interested

(4) Yes, on 10 April 1985

(a) The same as at (1)(a)

(b) He was convicted and sentenced to a fine of R10,00 or 10 days' imprisonment.

Hansard
Internal Security Act
Q. Col. 1329 30/4/85
Mrs H SUZMAN asked the Minister of Law and Order

(1) How many cases were referred to the board of review in terms of the Internal Security Act in 1984,

(2) whether the board recommended the withdrawal of any notices, if so, (a) how many and (b) with what result?

The MINISTER OF LAW AND ORDER.

(1) Four

(2) No

Hansard
Restrictions placed on visits to Black townships by elected public representatives
Q. Col. 1329 30/4/85
*19 Mr R A F SWART asked the Minister of Co-operation, Development and Education

(1) Whether (a) he, (b) any of his predecessors or (c) any Deputy Minister of his Department refused any elected public representative (i) a permit for and/or (ii) entry into any Black township during the latest specified period of five years for which figures are available, if so,

(2) (a) what are the names of each such representative and (b) in respect of which townships were they refused permits or entry in each case,

(3) whether instructions regarding these restrictions were issued during the above period; if so, (a) on what date, (b) on whose authority, and (c) what were the reasons for these restrictions, in each case,

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

†The DEPUTY MINISTER OF EDUCATION AND OF CO-OPERATION.

(1) No The powers to allow or to refuse entry into Black residential areas vest in terms of legal provisions in officials and not in a Minister or Deputy Minister

(2) Falls away

(3) In one event during 1984, namely that in which Mrs Blackburn MPC and Mrs Bishop MPC were involved at Lingshale, Cradock, a former Deputy Minister in the Ministry of Co-operation and Development pointed out to the East Cape Development Board that an official of the Board may take steps in terms of regulation 19 of Chapter II of the Regulations promulgated by Government Notice R 1036 of 1968 to refuse entry to such area

(4) No

Hansard
Durban Point Prison
Q. Col. 1330
253
*20 Mr P H P GASTROW asked the Minister of Justice

(1) Whether any prisoners were (a) killed and (b) injured during rioting in Durban Point Prison on or about 27 February 1985, if so, how many in each category.

(2) (a) in how many cells did rioting take place, (b) what was the size of each

such cell, (c) how many prisoners occupied each of them at the time, (d) for how many prisoners was each such cell designed and (e) what categories of prisoners occupied the cells at the time,

(3) whether any fights took place between prison gangs in the Durban Point Prison in 1984, if so, (a) on how many occasions, (b) between which gangs and (c) how many prisoners were (i) injured and (ii) killed in these fights,

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

The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice) (Reply laid upon the Table with leave of House).

(1) (a) and (b) Two (2) sentenced male prisoners were killed and forty-one (41) were injured in a fight between prisoners at the Durban Point Prison on 27 February 1985

(2) (a) The fight took place in one cell

(b) 19,355 metres long and 6,098 metres wide

(c) There were 117 prisoners in the particular cell

(d) Thirty-one (31)

(e) Sentenced prisoners

(3) (a), (b) and (c)(i) Arguments and fighting between prisoners, are generally caused by several possible factors including gang activities. The causes can however only be determined when investigating such alleged incidents. However, these details are not kept in a register at a central point as investigation dockets and documents on the legal proceedings are kept on prisoners' files, which accompany them on transfer. According to the complaints register which is kept at Durban Point Prison, a total of forty-

seven (47) prisoners complained that they were assaulted by fellow prisoners. However, as already mentioned, it is not possible to indicate how many of these assaults could possibly be related to gang activities.

All complaints by prisoners are noted in a complaints register after which they are investigated and suitably finalized. Complaints by prisoners regarding minor alleged assaults by fellow prisoners are investigated by the South African Prisons Service and if found to be substantive the accused are suitably charged and tried in terms of Prisons Regulation 99. Complaints of serious assaults are immediately reported to the South African Police for investigation and for the legal process to take its normal course.

(c)(ii) None

(4) A departmental investigation into the incident by Major-General G J van Wyk, Deputy Commissioner of Prisons, Prisoner Control, has in the meanwhile been completed and his report was received, studied and dealt with suitably by the Commissioner of Prisons.

It was found that the incident was the result of conflict between opposing gangs. As criminal prosecutions may result from the incident, it will be inappropriate to provide further details or to speculate upon possible causes which may be of substantial importance as evidence during court cases.

It can however be reported that the following measures were taken in order to appropriately strengthen and normalize the situation at Durban Point Prison:

(a) The prison population of this prison was reduced from an occupancy level of 285% to 128% by means of a drastic transfer action,

(b) Monitoring and control measures were implemented to en-

sure the maintenance of a realistic general and an even cell occupancy,

(c) A control measure was implemented to regulate the influx of prisoners to the observation centre in such a way that the accumulation of observation cases is eliminated. At the same time the observation period was shortened in order to increase the turnover,

(d) Identifiable members of opposing gangs were separated and leaders were segregated,

(e) Measures by means of which it is endeavoured to determine the gang affinity of prisoners as soon as possible after admission to prison, were improved with a view to cell allocation and further handling,

(f) A refresher course in the handling of gangs was initiated for personnel of the prison concerned

(g) Shortcomings in management which were identified by the investigation are being followed up and rectified by re-organization, re-evaluation of the utilization of personnel, in-service training, establishment and maintenance of improved monitoring and management control measures as well as the taking of suitable disciplinary steps where necessary

(h) It is envisaged to utilize Durban Point Prison for the incarceration of sentenced short-term prisoners after the opening of the Westville Prison complex. This will not only change the character of the prison, but will also reduce the demands on management

(i) In conclusion it should be men-

tioned that a departmental working group has been instructed to investigate the influence of sexual deprivation on the behaviour of prisoners in general with a view to the possible improvement of methods to prevent such behavioural deviations

Ekuvukeni

*21 Mr M A TARR asked the Minister of Co-operation, Development and Education

(1) Whether, with reference to his reply to Question No 14 on 2 September 1983, the water supply system at Ekuvukeni in Natal has been completed, if not, (a) why not, (b) what was the cause of the delay, (c) when is it due to be completed and (d) what is the source of the water currently being used, if so, (i) on what date, (ii) how many (aa) houses have been connected to the water supply and (bb) stand-pipes have been provided, (iii) from where is the water piped and (iv) what was the cost per household for water (aa) piped into homes and (bb) supplied from stand-pipes as at the latest specified date for which figures are available,

(2) whether this water supply system is to be improved or expanded if so, (a) in what manner and (b) when is it anticipated that this work will be completed

(3) what is the name of the company or companies which were awarded the contracts for (a) the initial water supply system and (b) any later alternative or improved water supply systems,

(4) whether these contracts were put out to tender, if not, (a) why not and (b) in what manner were they awarded, if so,

(5) Whether these contracts were awarded to the lowest tenderers, if not, (a) why not and (b) what was the

difference between the lowest tender submitted and that of the successful tenderer in each case,

(6) (a) what (i) was the total cost of the provision of water to Ekvukeni and (ii) items are included in this figure and (b) in respect of what date is this information furnished?

The DEPUTY MINISTER OF EDUCATION AND OF CO-OPERATION (Reply laid upon the Table with leave of House)

(1) No

(a) and (b) Completion of the Oliphantskop dam planned for January 1985 was delayed due to flood damage to the pump station. The scheme was also extended to supply water to a further 15 townships and settlements

(c) The dam and pump station will be completed by the end of June 1985 and the purification works by July 1986.

(d) The Wasbank River and boreholes

(1) - (iv) fall away

(2) (a) The scheme has already been extended. To complete the mass water supply from the Oliphantskopdam water purification works, pipelines and reservoirs have to be constructed

(b) Approximately July 1986

(3) (a) The initial water supply system was built departmentally

(b) Tenders for water purification works are now being evaluated. The tender for reservoirs was awarded to Interstress and a pipeline is being constructed departmentally. Pumps will be supplied by KSB Pumps

(4) Yes.

(a) Falls away

(b) According to Tender Board regulations

(5) Yes

(a) and (b) fall away

(6) (a) (i) and (ii) The initial water supply system from the Wasbank River cost R80 000 in 1971 and consisted of an extraction system from the river, pipelines, reservoirs and a reticulation network. The total water supply scheme will supply water to Ekvukeni and 15 other towns and settlements in the Region and the first phase will cost about R10,7 million

(b) 1971 to date

Handwritten: **Handerson**
Persons hanged **30/4/85**
Q. 601.1336

*22 Mr D J DALLING asked the Minister of Justice

(1) How many (a) Blacks, (b) Coloureds and (c) Indians were hanged in 1982, 1983 and 1984, respectively, for crimes of violence against Whites,

(2) how many Whites were hanged in 1982, 1983 and 1984, respectively, for crimes of violence against (a) Blacks, (b) Coloureds and (c) Indians?

The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice) (Reply laid upon the Table with leave of House)

1982 1983 1984

(1) (a) 32 27 35
(b) 8 5 5
(c) 0 0 0

(2) (a) 0 0 1

(2) whether Major Nel will be charged with contravening any security laws; if so, what will be the charges?

Whites against Whites

1 2 1

†The MINISTER OF LAW AND ORDER

(3) The following information is also furnished for the hon member's information:

(a) Number of Blacks hanged for crimes of violence against the following race groups

	1982	1983	1984
Coloureds	2	2	3
Indians	2	0	5
Blacks	28	31	45
Chinese	3	1	0

(b) Number of Coloureds hanged for crimes of violence against the following race groups

	1982	1983	1984
Coloureds	20	18	19
Indians	2	0	0
Blacks	6	0	0

(c) Number of Indians hanged for crimes of violence against the following race groups

	1982	1983	1984
Coloureds	0	0	0
Indians	0	0	1
Blacks	0	0	0

Handwritten: **Handerson**
Major H Nel: telephone tapping
Q. 601.1337 30/4/85

*23 Mr S S VAN DER MERWE asked the Minister of Law and Order

(1) Whether, with reference to his reply to Question No 32 on 19 March 1985, Major Henne Nel was suspected of contravening any security laws prior to the tapping of his telephone, if so, (a) what was the nature of these suspected contraventions and (b) on what dates were they suspected to have been committed;

Aircraft damaged by hail

*24 Mr P G SOAL asked the Minister of Transport Affairs

Whether any aircraft belonging to (a) the South African Airways and (b) any other airlines were damaged by hail during the period 19 to 23 November 1984, if so, (i) why had these aircraft been removed from their hangars, (ii) what was the total cost involved and (iii) by whom was the cost borne?

The MINISTER OF TRANSPORT AFFAIRS

(a) Yes

(b) No

(i) Aircraft hangars are used for maintenance purposes and not for the garaging of aircraft. Aircraft are normally removed from the maintenance hangars once the maintenance work has been completed. During the period in question no aircraft were scheduled for maintenance in hangar 8

(ii) R307 500

(iii) South African Transport Services' General Insurance Fund

difference between the lowest tender submitted and that of the successful tenderer in each case;

(6) (a) what (i) was the total cost of the provision of water to Ekuvukeni and (ii) items are included in this figure and (b) in respect of what date is this information furnished?

The DEPUTY MINISTER OF EDUCATION AND OF CO-OPERATION (Reply laid upon the Table with leave of House).

(1) No

(a) and (b) Completion of the Oliphantskop dam planned for January 1985 was delayed due to flood damage to the pump station. The scheme was also extended to supply water to a further 15 townships and settlements

(c) The dam and pump station will be completed by the end of June 1985 and the purification works by July 1986

(d) The Wasbank River and boreholes

(i) - (iv) fall away.

(2) (a) The scheme has already been extended. To complete the mass water supply from the Oliphantskopdam water purification works, pipelines and reservoirs have to be constructed

(b) Approximately July 1986

(3) (a) The initial water supply system was built departmentally.

(b) Tenders for water purification works are now being evaluated. The tender for reservoirs was awarded to Interstress and a pipeline is being constructed departmentally. Pumps will be supplied by KSB Pumps

(4) Yes.

(a) Falls away.

(b) According to Tender Board regulations

(5) Yes

(a) and (b) fall away

(6) (a) (i) and (ii) The initial water supply system from the Wasbank River cost R80 000 in 1971 and consisted of an extraction system from the river, pipelines, reservoirs and a reticulation network. The total water supply scheme will supply water to Ekuvukeni and 15 other towns and settlements in the Region and the first phase will cost about R10,7 million

(b) 1971 to date

253 *Hansard*
Persons hanged 30/4/85
G. 601.1336

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(1) How many (a) Blacks, (b) Coloureds and (c) Indians were hanged in 1982, 1983 and 1984, respectively, for crimes of violence against Whites,

(2) how many Whites were hanged in 1982, 1983 and 1984, respectively, for crimes of violence against (a) Blacks, (b) Coloureds and (c) Indians?

The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice) (Reply laid upon the Table with leave of House).

	1982	1983	1984
(1) (a)	32	27	35
(b)	8	5	5
(c)	0	0	0

(2) (a)	0	0	1
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(2) whether Major Nel will be charged with contravening any security laws, if so, what will be the charges?

Whites against Whites

1 2 1

†The MINISTER OF LAW AND ORDER.

(3) The following information is also furnished for the hon member's information

(1) Yes

(a) and (b) It is neither the policy, nor the practice to divulge information of this nature

(2) Decisions regarding the nature of possible future charges rest with the Attorney-General

Aircraft damaged by hail

*24 Mr P G SOAL asked the Minister of Transport Affairs

Whether any aircraft belonging to (a) the South African Airways and (b) any other airlines were damaged by hail during the period 19 to 23 November 1984, if so, (i) why had these aircraft been removed from their hangars, (ii) what was the total cost involved and (iii) by whom was the cost borne?

The MINISTER OF TRANSPORT AFFAIRS

(a) Yes

(b) No

(i) Aircraft hangars are used for maintenance purposes and not for the garaging of aircraft. Aircraft are normally removed from the maintenance hangars once the maintenance work has been completed. During the period in question no aircraft were scheduled for maintenance in hangar 8

(ii) R307 500

(iii) South African Transport Services General Insurance Fund

Hansard
Major H Nel: telephone tapping
G. 601.1337 30/4/85
*23 Mr S S VAN DER MERWE asked the Minister of Law and Order

(1) Whether, with reference to his reply to Question No 32 on 19 March 1985, Major Henne Nel was suspected of contravening any security laws prior to the tapping of his telephone, if so, (a) what was the nature of these suspected contraventions and (b) on what dates were they suspected to have been committed,

(3) whether he will make a statement on the matter.

The MINISTER OF PUBLIC WORKS.

(1) NO

(2) NO

(3) NO

Hansard Q. 601.1327
Prince Albert, arrest of certain person
30/4/85

*16 Mr E K MOORCROFT asked the Minister of Law and Order.

(1) Whether a resident of Enslin Street, Prince Albert, whose name has been furnished to the South African Police for the purpose of the Minister's reply, was arrested by members of the Police Force in Prince Albert on or about 23 February 1985, if so, (a) for what offence and (b) what is the name of this person,

(2) whether this person was re-arrested on that day, if so, for what offence?

The MINISTER OF LAW AND ORDER

(1) No he was summoned to appear in court

(a) Contravention of section 128(1) of the Road Traffic Ordinance, Ordinance 21 of 1966

(b) Jan Outa Schoeman

(2) No

Prince Albert certain person brought to trial

*17 Mr E K MOORCROFT asked the Minister of Justice:

(1) Whether a resident of Enslin Street, Prince Albert, whose name has been furnished to the Minister's Department for the purpose of his reply, was brought to trial on or about 27 March 1985; if so, (a) what was the

nature of the offence for which he was tried and (b) what is the name of this person;

(2) whether the court found him guilty of this offence, if so, what sentence was imposed on him,

(3) whether this person made representations for his trial to be deferred, if so, (a) what reasons did he advance for a deferment of the trial and (b) with what result,

(4) whether he was brought to trial again on or about 8 April 1985, if so, (a) what was the nature of the offence for which he was tried and (b) what was the outcome of this trial?

The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice) (Reply laid upon the Table with leave of House)

(1) Yes

(a) Contravention of section 128(1) of the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966) (Cape)—failed to walk on side-walk

(b) Jan Schoeman

(2) Yes, A fine of R10,00 or 10 days' imprisonment

(3) Yes

(a) He wanted to obtain the services of an attorney in Cape Town

(b) The magistrate did not defer the case for the following reasons

(i) The summons was serviced on Mr Schoeman on 23 February 1985 and he had enough time to prepare a case or to obtain legal representation

(ii) the three witnesses for the State were present and a

deferment would not have suited them and would have caused disruption

(iii) The magistrate gave Mr Schoeman the opportunity to get a local attorney or an attorney from Beaufort West or Oudtshoorn but he was not interested

(4) Yes, on 10 April 1985

(a) The same as at (1)(a)

(b) He was convicted and sentenced to a fine of R10,00 or 10 days' imprisonment

Hansard
Q. 601.1329 30/4/85
Mrs H SUZMAN asked the Minister of Law and Order

(1) How many cases were referred to the board of review in terms of the Internal Security Act in 1984,

(2) whether the board recommended the withdrawal of any notices, if so, (a) how many and (b) with what result?

The MINISTER OF LAW AND ORDER

(1) Four

(2) No

Hansard
Restrictions placed on visits to Black townships by elected public representatives
Q. 601.1329 30/4/85
*19 Mr R A F SWART asked the Minister of Co-operation, Development and Education

(1) Whether (a) he, (b) any of his predecessors or (c) any Deputy Minister of his Department refused any elected public representative (i) a permit for and/or (ii) entry into any Black township during the latest specified period of five years for which figures are available, if so,

(2) (a) what are the names of each such representative and (b) in respect of which townships were they refused permits or entry in each case,

(3) whether instructions regarding these restrictions were issued during the above period; if so, (a) on what date, (b) on whose authority, and (c) what were the reasons for these restrictions, in each case,

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

The DEPUTY MINISTER OF EDUCATION AND OF CO-OPERATION:

(1) No The powers to allow or to refuse entry into Black residential areas vest in terms of legal provisions in officials and not in a Minister or Deputy Minister

(2) Falls away

(3) In one event during 1984, namely that in which Mrs Blackburn MPC and Mrs Bishop MPC were involved at Lingelihle, Cradock, a former Deputy Minister in the Ministry of Co-operation and Development pointed out to the East Cape Development Board that an official of the Board may take steps in terms of regulation 19 of Chapter II of the Regulations promulgated by Government Notice R.1036 of 1968 to refuse entry to such area.

(4) No.

Hansard *Q. 601.1330*
Durban Point Prison 30/4/85
*20 Mr P H P GASTROW asked the Minister of Justice

(1) Whether any prisoners were (a) killed and (b) injured during rioting in Durban Point Prison on or about 27 February 1985, if so, how many in each category,

(2) (a) in how many cells did rioting take place, (b) what was the size of each

such cell, (c) how many prisoners occupied each of them at the time, (d) for how many prisoners was each such cell designed and (e) what categories of prisoners occupied the cells at the time,

- (3) whether any fights took place between prison gangs in the Durban Point Prison in 1984, if so, (a) on how many occasions, (b) between which gangs and (c) how many prisoners were (i) injured and (ii) killed in these fights,

- (4) whether he will make a statement on the matter?

The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice) (Reply laid upon the Table with leave of House)

- (1) (a) and (b) Two (2) sentenced male prisoners were killed and forty-one (41) were injured in a fight between prisoners at the Durban Point Prison on 27 February 1985

- (2) (a) The fight took place in one cell

- (b) 19 355 metres long and 6,098 metres wide

- (c) There were 117 prisoners in the particular cell

- (d) Thirty-one (31).

- (e) Sentenced prisoners.

- (3) (a), (b) and (c)(i) Arguments and fighting between prisoners, are generally caused by several possible factors including gang activities. The causes can however only be determined when investigating such alleged incidents. However, these details are not kept in a register at a central point as investigation dockets and documents on the legal proceedings are kept on prisoners' files, which accompany them on transfer. According to the complaints register which is kept at Durban Point Prison, a total of forty-

seven (47) prisoners complained that they were assaulted by fellow prisoners. However, as already mentioned, it is not possible to indicate how many of these assaults could possibly be related to gang activities.

All complaints by prisoners are noted in a complaints register after which they are investigated and suitably finalized. Complaints by prisoners regarding minor alleged assaults by fellow prisoners are investigated by the South African Prisons Service and if found to be substantive the accused are suitably charged and tried in terms of Prisons Regulation 99. Complaints of serious assaults are immediately reported to the South African Police for investigation and for the legal process to take its normal course.

- (c)(ii) None

- (4) A departmental investigation into the incident by Major-General G J van Wyk, Deputy Commissioner of Prisons. Prisoner Control, has in the meanwhile been completed and his report was received, studied and dealt with suitably by the Commissioner of Prisons.

It was found that the incident was the result of conflict between opposing gangs. As criminal prosecutions may result from the incident, it will be inappropriate to provide further details or to speculate upon possible causes which may be of substantial importance as evidence during court cases.

It can however be reported that the following measures were taken in order to appropriately strengthen and normalize the situation at Durban Point Prison

- (a) The prison population of this prison was reduced from an occupancy level of 285% to 128% by means of a drastic transfer action.

- (b) Monitoring and control measures were implemented to en-

sure the maintenance of a realistic general and an even cell occupancy,

- (c) A control measure was implemented to regulate the influx of prisoners to the observation centre in such a way that the accumulation of observation cases is eliminated. At the same time the observation period was shortened in order to increase the turnover,

- (d) Identifiable members of opposing gangs were separated and leaders were segregated,

- (e) Measures by means of which it is endeavoured to determine the gang affinity of prisoners as soon as possible after admission to prison, were improved with a view to cell allocation and further handling,

- (f) A refresher course in the handling of gangs was initiated for personnel of the prison concerned

- (g) Shortcomings in management which were identified by the investigation are being followed up and rectified by re-organization, re-evaluation of the utilization of personnel, in-service training, establishment and maintenance of improved monitoring and management control measures as well as the taking of suitable disciplinary steps where necessary

- (h) It is envisaged to utilize Durban Point Prison for the incarceration of sentenced short-term prisoners after the opening of the Westville Prison complex. This will not only change the character of the prison, but will also reduce the demands on management

- (i) In conclusion it should be men-

tioned that a departmental working group has been instructed to investigate the influence of sexual deprivation on the behaviour of prisoners in general with a view to the possible improvement of methods to prevent such behavioural ailments

Ekuvukeni

*21 Mr M A TARR asked the Minister of Co-operation, Development and Education:

- (1) Whether, with reference to his reply to Question No 14 on 2 September 1983, the water supply system at Ekuvukeni in Natal has been completed, if not, (a) why not, (b) what was the cause of the delay, (c) when is it due to be completed and (d) what is the source of the water currently being used, if so, (i) on what date, (ii) how many (aa) houses have been connected to the water supply and (bb) stand-pipes have been provided, (iii) from where is the water piped and (iv) what was the cost per household for water (aa) piped into homes and (bb) supplied from stand-pipes as at the latest specified date for which figures are available,

- (2) whether this water supply system is to be improved or expanded, if so, (a) in what manner and (b) when is it anticipated that this work will be completed.

- (3) what is the name of the company or companies which were awarded the contracts for (a) the initial water supply system and (b) any later alternative or improved water supply systems,

- (4) whether these contracts were put out to tender, if not, (a) why not and (b) in what manner were they awarded, if so,

- (5) Whether these contracts were awarded to the lowest tenderers, if not, (a) why not and (b) what was the

difference between the lowest tender submitted and that of the successful tenderer in each case;

(6) (a) what (i) was the total cost of the provision of water to Ekuvukeni and (ii) items are included in this figure and (b) in respect of what date is this information furnished?

The DEPUTY MINISTER OF EDUCATION AND OF CO-OPERATION (Reply laid upon the Table with leave of House).

(1) No

(4) and (b) Completion of the Oliphantskop dam planned for January 1985 was delayed due to flood damage to the pump station. The scheme was also extended to supply water to a further 15 townships and settlements

(c) The dam and pump station will be completed by the end of June 1985 and the purification works by July 1986

(d) The Wasbank River and boreholes

(1) - (iv) fall away

(2) (a) The scheme has already been extended. To complete the mass water supply from the Oliphantskopdam water purification works, pipelines and reservoirs have to be constructed

(b) Approximately July 1986

(3) (a) The initial water supply system was built departmentally

(b) Tenders for water purification works are now being evaluated. The tender for reservoirs was awarded to Interstress and a pipeline is being constructed departmentally. Pumps will be supplied by KSB Pumps

(4) Yes

(a) Falls away

(b) According to Tender Board regulations

(5) Yes

(a) and (b) fall away

(6) (a) (i) and (ii) The initial water supply system from the Wasbank River cost R80 000 in 1971 and consisted of an extraction system from the river, pipelines, reservoirs and a reticulation network. The total water supply scheme will supply water to Ekuvukeni and 15 other towns and settlements in the Region and the first phase will cost about R10,7 million

(b) 1971 to date

253 *Harwood*
Persons hanged 30/4/85
G. 601.1336

*22 Mr D J DALLING asked the Minister of Justice

(1) How many (a) Blacks, (b) Coloureds and (c) Indians were hanged in 1982, 1983 and 1984, respectively, for crimes of violence against Whites,

(2) how many Whites were hanged in 1982, 1983 and 1984, respectively, for crimes of violence against (a) Blacks, (b) Coloureds and (c) Indians?

The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice) (Reply laid upon the Table with leave of House)

(1) (a) 32 27 1984

(b) 8 5 35

(c) 0 0 5

(2) (a) 0 0 1

(b) 0 0 0

(c) 0 0 0

Whites against Whites

1 2 1

(3) The following information is also furnished for the hon member's information

(a) Number of Blacks hanged for crimes of violence against the following race groups

	1982	1983	1984
Coloureds	2	2	3
Indians	2	0	5
Blacks	28	31	45
Chinese	3	1	0

(b) Number of Coloureds hanged for crimes of violence against the following race groups

	1982	1983	1984
Coloureds	20	18	19
Indians	2	0	0
Blacks	6	0	0

(c) Number of Indians hanged for crimes of violence against the following race groups

	1982	1983	1984
Coloureds	0	0	0
Indians	0	0	1
Blacks	0	0	0

Harwood
Major H Nel, telephone tapping
G. 601.1337 30/4/85

*23 Mr S S VAN DER MLRWE asked the Minister of Law and Order

(1) Whether, with reference to his reply to Question No 32 on 19 March 1985, Major Henne Nel was suspected of contravening any security laws prior to the tapping of his telephone, if so, (a) what was the nature of these suspected contraventions and (b) on what dates were they suspected to have been committed.

(2) whether Major Nel will be charged with contravening any security laws, if so, what will be the charges?

The MINISTER OF LAW AND ORDER

(1) Yes

(a) and (b) It is neither the policy, nor the practice to divulge information of this nature.

(2) Decisions regarding the nature of possible future charges rest with the Attorney-General

Aircraft damaged by hail

*24 Mr P G SOAL asked the Minister of Transport Affairs

Whether any aircraft belonging to (a) the South African Airways and (b) any other airlines were damaged by hail during the period 19 to 23 November 1984; if so, (i) why had these aircraft been removed from their hangars, (ii) what was the total cost involved and (iii) by whom was the cost borne?

The MINISTER OF TRANSPORT AFFAIRS

(a) Yes

(b) No

(i) Aircraft hangars are used for maintenance purposes and not for the garaging of aircraft. Aircraft are normally removed from the maintenance hangars once the maintenance work has been completed. During the period in question no aircraft were scheduled for maintenance in hangar 8

(ii) R 307 500

(iii) South African Transport Services' General Insurance Fund.

CAPL Tink 6/5/85
253

Convict shot in fight dies

Staff Reporter

A PRISONER at the Buffelsjag River Prison in Swellendam died yesterday after being shot by a member of the Prisons Service during a fight among about 80 prisoners, in which another 15 prisoners were hurt.

A spokesman for the Prisons Services issued a statement last night which said that a fight broke out among prisoners in a courtyard at the prison about 3 20pm yesterday.

"The prison warders used tear gas in order to get the prisoners under control and as it did not have the necessary effect members had to fire a number of warning shots," the spokesman said.

"However, the fighting went on and a member of the Prison Services was forced to shoot and wound one aggressor in order to protect a fellow prisoner.

"The prisoner who was shot was taken to the Provincial Hospital in Swellendam, where he later died.

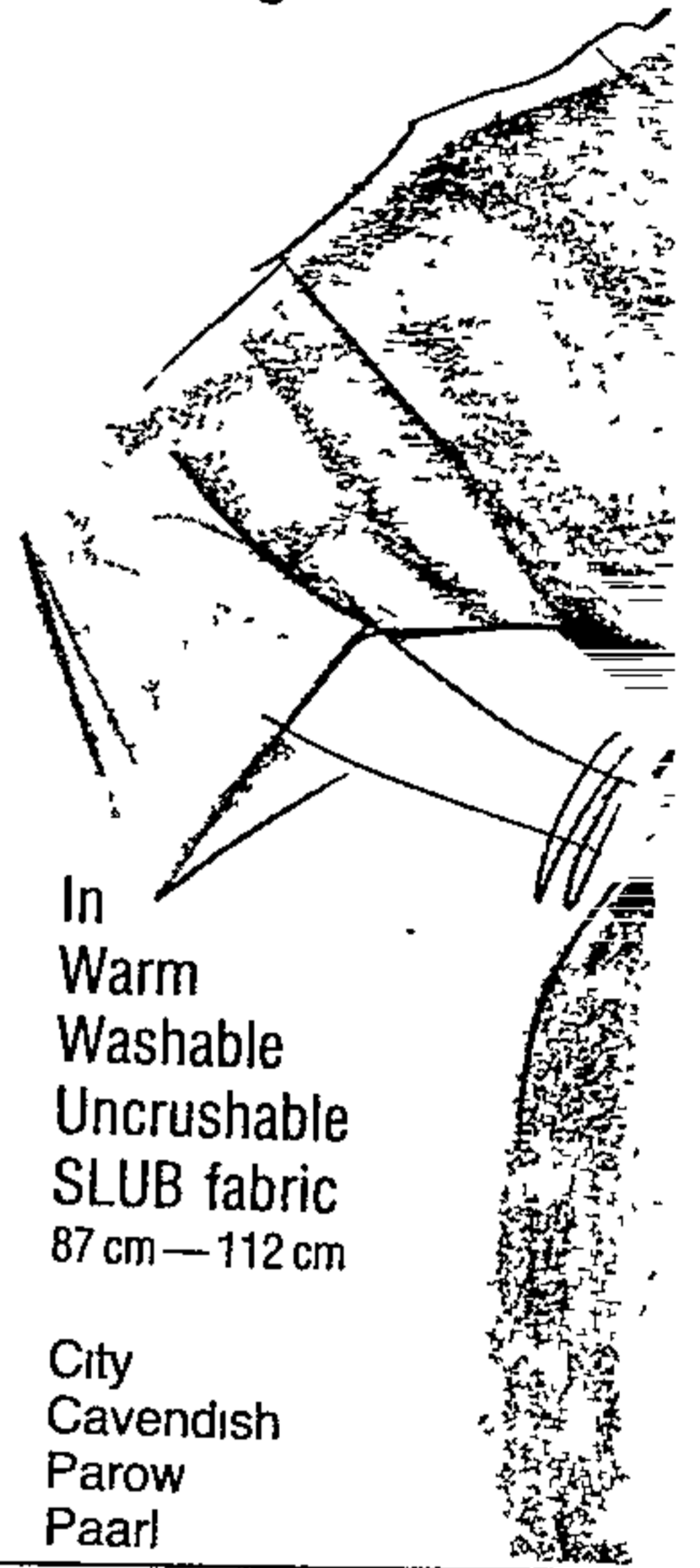
"Fifteen other prisoners were also injured in the fighting. They are all in a satisfactory condition and being treated in the prison.

"The situation at the prison is under control and the case is being investigated by the Prisons department and the South African Police."

The name of the man shot is being withheld until his next of kin have been informed.

Fas

BIG . . .
wedge
shape dress
in soft, warm shade
R89,99
multi-check
design



In
Warm
Washable
Uncrushable
SLUB fabric
87 cm — 112 cm

City
Cavendish
Parow
Paarl

Jail fight: Prisoner shot dead

ARCUS
6/5/85
253

Tygerberg Bureau

A Prisons Service official shot a prisoner dead during a fight among about 80 prisoners near Swellendam

The dead man, Nzumvantu Dumezweni, 23, was serving a four-year term for theft

In a statement on the incident, a spokesman in Pretoria for the Prisons Service said the fight erupted in the courtyard of the Buffelsjag River Prison about 3 20pm yesterday

Tearsmoke failed to pacify the fighting inmates and a number of warning shots were fired

"PROTECT"

"The fighting continued and one aggressor (Dumezweni) was shot in order to protect a fellow prisoner"

Dumezweni was taken to the Provincial Hospital in Swellendam, where he later died

"Fifteen other prisoners were injured. They are all in a satisfactory condition and are being treated at the prison," the statement said

The spokesman said the situation at the prison today was calm and that the incident was being investigated by the Prisons Service and the police

Not guilty plea



LEAVING
over the
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Priscilla P...
of Saturda
nior Derb
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Police and township

were searched were asked to sign a document, written in Xhosa, saying their homes had not been damaged and that nothing had been taken

Shopping law for F...

Provincial FISH HOEK is clearing trolley by... to help the M... clear the streets trolleys

The law...

(iii) Repayment will be considered as soon as the new sources of revenue for local authorities have realized and will depend on the quantum of the new sources of revenue

Hansard Q 61 1415
Members of Development Boards:
race groups 7/5/85

*17 Mr K M ANDREW asked the Minister of Co-operation, Development and Education

- (1) Whether any members of Development Boards in South Africa are members of race groups other than the White race group, if so, (a) which Development Boards have such members and (b) how many of them are there in total, if not, why not,
- (2) whether it is the intention to appoint any (a) Black, (b) Coloured and (c) Indian persons to Development Boards in the near future, if not, why not, if so, when,
- (3) how many members of Development Boards are there in total?

The MINISTER OF CO-OPERATION, DEVELOPMENT AND EDUCATION

- (1) None
 - (a) None
 - (b) None At the appointment of the present members the most suitable candidates were considered
- (2) At the end of the present term of Board members on 31 March 1987, or if vacancies arise before the time, I intend to consider suitable Black persons for appointment as Board members
- (3) 91—consisting of a chairman and six members for each of the 13 boards

HoA

Hansard Q 61 1416 7/5/85
Mrs H SUZMAN asked the Minister of Justice

- (1) Whether, with reference to his reply to Question No 23 on 11 April 1984, the case of the former acting head of a prison on the Barberton Prison Farm has been dealt with by his Department in terms of the Prisons Act, No 8 of 1959, if not, why not, if so, what were the findings,
- (2) whether this person is still employed by the Prisons Service, if not, (a) when and (b) why did he leave the Service, if so, in what capacity,
- (3) whether any action has been or is to be taken against this person as a result of the findings referred to above, if not, why not, if so, (a) when and (b) what action,
- (4) whether he will make a statement on the matter?

†The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice)

- (1) Yes The member was found guilty of misconduct in terms of section 55 of the Prisons Act, 1959 (Act 8 of 1959)
- (2) Yes The member is now employed in an administrative capacity in the general stores at Pietermaritzburg Prison Command
- (3) (a) and (b) Yes As a result of his conviction, the member was reduced in rank from lieutenant to warrant officer with effect from 1 December 1984 in terms of section 4 (2) of the Prisons Act, 1959 He was also transferred from Barberton Prison to Pietermaritzburg Prison Command on 21 January 1985
- (4) No

HoA

1417 Q. 61. 1417
Offences against security of State. life sentences
Hansard 7/5/85
Mrs H SUZMAN asked the Minister of Justice.

(a) How many persons are at present serving life sentences for offences against the security of the State and (b) in respect of what date is this information furnished?

The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice)

(a) and (b) Thirty nine (39) on 29 April 1985 This figure includes seventeen (17) SWA/Namibian prisoners

Q. 61. 1417 7/5/85
Namibian prisoners
*20 Mrs H SUZMAN asked the Minister of Justice

How many South West African/Namibian prisoners in South African prisons were serving sentences for crimes against the security of the State as at the latest specified date for which figures are available?

†The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice)

- (1) Twenty one (21) on 29 April 1985
Hansard Q. 61. 1417 X
Cape Education College: boycott 7/5/85
- *21 Prof N J J OLIVIER asked the Minister of Co-operation, Development and Education
 - (1) Whether a boycott of lectures was held at the Cape Education College at Fort Beaufort in 1985, if so, (a) on what date did the boycott (i) begin and (ii) end and (b) what were the reasons advanced by the students for the boycott,
 - (2) whether any students were (a) sent home and (b) suspended as a result of the boycott, if so,

HoA

1418
TUESDAY, 7 MAY 1985

(3) (a) (i) when and (ii) on whose instructions were they sent home and (b) (i) how many students were suspended, (ii) on whose instructions were they suspended and (iii) (ii) when and (bb) in what manner were they informed of their suspension,

(4) whether the rector gave any verbal assurances to any persons that all the students would be readmitted to the college, if so, (a) when and (b) to whom were these assurances given,

(5) whether the students were informed by letter that they would be permitted to return to the college, if so, on what date,

(6) whether any students were subsequently refused permission to return to the college, if so, (a) how many students were refused such permission and (b) why,

(7) whether a meeting was held on or about 6 March 1985 between the rector of the college and the students and their parents, if so, (a) who (i) called and (ii) chaired the meeting and (b) (i) when and (ii) where did the meeting take place,

(8) whether each student's case was considered individually, if not, (a) why not and (b) in what manner was the matter dealt with,

(9) whether (a) he and/or (b) any official of his Department has met with a parents' committee regarding this matter, if not, why not, if so, (i) on what dates, (ii) what was discussed on each occasion and (iii) with what results,

(10) whether he will readmit all the students to this college, if not, why not, if so, what action has he taken in this regard?

The DEPUTY MINISTER OF EDUCATION AND OF CO-OPERATION (Reply laid upon the Table with leave of House)

(1) Yes

Hansard

(iii) Repayment will be considered as soon as the new sources of revenue for local authorities have realized and will depend on the quantum of the new sources of revenue

Hansard Q. 61.1415
Members of Development Boards:
race groups 7/5/85

*17 Mr K M ANDREW asked the Minister of Co-operation, Development and Education

- (1) Whether any members of Development Boards in South Africa are members of race groups other than the White race group, if so, (a) which Development Boards have such members and (b) how many of them are there in total, if not, why not,
- (2) whether it is the intention to appoint any (a) Black, (b) Coloured and (c) Indian persons to Development Boards in the near future, if not, why not, if so, when,
- (3) how many members of Development Boards are there in total?

The MINISTER OF CO-OPERATION, DEVELOPMENT AND EDUCATION.

- (1) No
 - (a) None
 - (b) None At the appointment of the present members the most suitable candidates were considered
- (2) At the end of the present term of Board members on 31 March 1987, or if vacancies arise before the time, I intend to consider suitable Black persons for appointment as Board members
- (3) 91—consisting of a chairman and six members for each of the 13 boards

HoA

Offences against security of State: life sentences
Hansard 7/5/85
Mrs H SUZMAN asked the Minister of Justice

(a) How many persons are at present serving life sentences for offences against the security of the State and (b) in respect of what date is this information furnished?

The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice)

(a) and (b) Thirty nine (39) on 29 April 1985 This figure includes seventeen (17) SWA/Namibian prisoners

Q. 61.1417
Namibian prisoners 7/5/85
253
Hansard
*20 Mrs H SUZMAN asked the Minister of Justice

How many South West African/Namibian prisoners in South African prisons were serving sentences for crimes against the security of the State as at the latest specified date for which figures are available?

†The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice)

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(2) whether any students were (a) sent home and (b) suspended as a result of the boycott, if so,

HoA

(3) (a) (i) when and (ii) on whose instructions were they sent home and (b) (i) how many students were suspended, (ii) on whose instructions were they suspended and (iii) (aa) when and (bb) in what manner were they informed of their suspension,

(4) whether the rector gave any verbal assurances to any persons that all the students would be readmitted to the college, if so (a) when and (b) to whom were these assurances given,

(5) whether the students were informed by letter that they would be permitted to return to the college, if so, on what date,

(6) whether any students were subsequently refused permission to return to the college, if so, (a) how many students were refused such permission and (b) why,

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(8) whether each student's case was considered individually, if not, (a) why not and (b) in what manner was the matter dealt with,

(9) whether (a) he and/or (b) any official of his Department has met with a parents' committee regarding this matter, if not, why not, if so (i) on what dates, (ii) what was discussed on each occasion and (iii) with what results,

(10) whether he will readmit all the students to this college, if not why not if so, what action has he taken in this regard?

The DEPUTY MINISTER OF EDUCATION AND OF CO-OPERATION (Reply laid upon the Table with leave of House)

(1) Yes

(iii) Repayment will be considered as soon as the new sources of revenue for local authorities have realized and will depend on the quantum of the new sources of revenue

Hansard Q. 61.1415
Members of Development Boards:
race groups 7/5/85

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- (2) whether it is the intention to appoint any (a) Black, (b) Coloured and (c) Indian persons to Development Boards in the near future; if not, why not, if so, when,
- (3) how many members of Development Boards are there in total?

The MINISTER OF CO-OPERATION, DEVELOPMENT AND EDUCATION

- (1) No
 - (a) None
 - (b) None At the appointment of the present members the most suitable candidates were considered
- (2) At the end of the present term of Board members on 31 March 1987, or if vacancies arise before the time, I intend to consider suitable Black persons for appointment as Board members
- (3) 91—consisting of a chairman and six members for each of the 13 boards

HoA

Hansard Q. 61.1417
Offences against security of State: life sentences
Hansard 7/5/85
*19 Mrs H SUZMAN asked the Minister of Justice

(a) How many persons are at present serving life sentences for offences against the security of the State and (b) in respect of what date is this information furnished?

The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice)

(a) and (b) Thirty nine (39) on 29 April 1985 This figure includes seventeen (17) SWA/Namibian prisoners

Hansard Q. 61.1417
Namibian prisoners 7/5/85
*20 Mrs H SUZMAN asked the Minister of Justice

How many South West African/Namibian prisoners in South African prisons were serving sentences for crimes against the security of the State as at the latest specified date for which figures are available?

†The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice)

Twenty one (21) on 29 April 1985

Hansard Q. 61.1417
Cape Education College: boycott 7/5/85
*21 Prof N J J OLIVIER asked the Minister of Co-operation Development and Education

(1) Whether a boycott of lectures was held at the Cape Education College at Fort Beaufort in 1985, if so, (a) on what date did the boycott (i) begin and (ii) end and (b) what were the reasons advanced by the students for the boycott,

(2) whether any students were (a) sent home and (b) suspended as a result of the boycott, if so,

HoA

(3) (a) (i) when and (ii) on whose instructions were they sent home and (b) (i) how many students were suspended, (ii) on whose instructions were they suspended and (iii) (aa) when and (bb) in what manner were they informed of their suspension

(4) whether the rector gave any verbal assurances to any persons that all the students would be readmitted to the college, if so, (a) when and (b) to whom were these assurances given,

(5) whether the students were informed by letter that they would be permitted to return to the college, if so, on what date

(6) whether any students were subsequently refused permission to return to the college, if so, (a) how many students were refused such permission and (b) why,

(7) whether a meeting was held on or about 6 March 1985 between the rector of the college and the students and their parents, if so, (a) who (i) called and (ii) chaired the meeting and (b) (i) when and (ii) where did the meeting take place,

(8) whether each student's case was considered individually, if not, (a) why not and (b) in what manner was the matter dealt with,

(9) whether (a) he and/or (b) any official of his Department has met with a parents' committee regarding this matter, if not, why not, if so, (i) on what dates, (ii) what was discussed on each occasion and (iii) with what results,

(10) whether he will readmit all the students to this college, if not, why not; if so, what action has he taken in this regard?

The DEPUTY MINISTER OF EDUCATION AND OF CO-OPERATION (Reply laid upon the Table with leave of House)

(1) Yes

(iii) Repayment will be considered as soon as the new sources of revenue for local authorities have realized and will depend on the quantum of the new sources of revenue

Hansard Q. 61 1415
Members of Development Boards:
race groups 7/5/85

*17 Mr K M ANDREW asked the Minister of Co-operation, Development and Education

- (1) Whether any members of Development Boards in South Africa are members of race groups other than the White race group, if so, (a) which Development Boards have such members and (b) how many of them are there in total, if not, why not,
- (2) whether it is the intention to appoint any (a) Black, (b) Coloured and (c) Indian persons to Development Boards in the near future, if not, why not, if so, when,
- (3) how many members of Development Boards are there in total?

The MINISTER OF CO-OPERATION, DEVELOPMENT AND EDUCATION

- (1) No
 - (a) None
 - (b) None At the appointment of the present members the most suitable candidates were considered
- (2) At the end of the present term of Board members on 31 March 1987, or if vacancies arise before the time, I intend to consider suitable Black persons for appointment as Board members
- (3) 91—consisting of a chairman and six members for each of the 13 boards

HoA

Offences against security of State: life sentences
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Mrs H SUZMAN asked the Minister of Justice

(a) How many persons are at present serving life sentences for offences against the security of the State and (b) in respect of what date is this information furnished?

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How many South West African/Namibian prisoners in South African prisons were serving sentences for crimes against the security of the State as at the latest specified date for which figures are available?

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X *Hansard* Q. 61 1417 7/5/85
Cape Education College: boycott
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- (2) whether any students were (a) sent home and (b) suspended as a result of the boycott, if so,

HoA

(3) (a) (i) when and (ii) on whose instructions were they sent home and (b) (i) how many students were suspended, (ii) on whose instructions were they suspended and (iii) (aa) when and (bb) in what manner were they informed of their suspension,

(4) whether the rector gave any verbal assurances to any persons that all the students would be readmitted to the college, if so, (a) when and (b) to whom were these assurances given,

(5) whether the students were informed by letter that they would be permitted to return to the college, if so, on what date,

(6) whether any students were subsequently refused permission to return to the college, if so, (a) how many students were refused such permission and (b) why,

(7) whether a meeting was held on or about 6 March 1985 between the rector of the college and the students and their parents if so (a) who (i) called and (ii) chaired the meeting and (b) (i) when and (ii) where did the meeting take place,

(8) whether each student's case was considered individually, if not, (a) why not and (b) in what manner was the matter dealt with,

(9) whether (a) he and/or (b) any official of his Department has met with a parents' committee regarding this matter, if not, why not, if so, (i) on what dates, (ii) what was discussed on each occasion and (iii) with what results,

(10) whether he will readmit all the students to this college if not why not, if so, what action has he taken in this regard?

The DEPUTY MINISTER OF EDUCATION AND OF CO-OPERATION (Reply laid upon the Table with leave of House)

(1) Yes

(iii) Repayment will be considered as soon as the new sources of revenue for local authorities have realized and will depend on the quantum of the new sources of revenue

Hansard Q. 601.1415
Members of Development Boards:
race groups 7/5/85

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- (1) Whether any members of Development Boards in South Africa are members of race groups other than the White race group, if so, (a) which Development Boards have such members and (b) how many of them are there in total, if not, why not,
- (2) whether it is the intention to appoint any (a) Black, (b) Coloured and (c) Indian persons to Development Boards in the near future, if not, why not, if so, when,
- (3) how many members of Development Boards are there in total?

The MINISTER OF CO-OPERATION, DEVELOPMENT AND EDUCATION

- (1) No
 - (a) None
 - (b) None At the appointment of the present members the most suitable candidates were considered
- (2) At the end of the present term of Board members on 31 March 1987, or if vacancies arise before the time, I intend to consider suitable Black persons for appointment as Board members
- (3) 91—consisting of a chairman and six members for each of the 13 boards

Hpa

Hansard Q. 601.1416
Barberton Prison Farm
7/5/85
*18 Mrs H SUZMAN asked the Minister of Justice

- (1) Whether, with reference to his reply to Question No 23 on 11 April 1984, the case of the former acting head of a prison on the Barberton Prison Farm has been dealt with by his Department in terms of the Prisons Act, No 8 of 1959, if not, why not, if so, what were the findings,

- (2) whether this person is still employed by the Prisons Service, if not, (a) when and (b) why did he leave the Service, if so, in what capacity,
- (3) whether any action has been or is to be taken against this person as a result of the findings referred to above, if not, why not, if so, (a) when and (b) what action,
- (4) whether he will make a statement on the matter?

†The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice)

- (1) Yes The member was found guilty of misconduct in terms of section 55 of the Prisons Act, 1959 (Act 8 of 1959)
- (2) Yes The member is now employed in an administrative capacity in the general stores at Pietermaritzburg Prison Command
- (3) (a) and (b) Yes As a result of his conviction, the member was reduced in rank from lieutenant to warrant officer with effect from 1 December 1984 in terms of section 4 (2) of the Prisons Act, 1959 He was also transferred from Barberton Prison to Pietermaritzburg Prison Command on 21 January 1985
- (4) No

Hansard Q. 601.1417
Offences against security of State: life sentences
7/5/85

*19 Mrs H SUZMAN asked the Minister of Justice.

- (a) How many persons are at present serving life sentences for offences against the security of the State and (b) in respect of what date is this information furnished?

The MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice)

- (a) and (b) Thirty nine (39) on 29 April 1985 This figure includes seventeen (17) SWA/Namibian prisoners

Q. 601.1417
Namibian prisoners 7/5/85
253 Hansard
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7/5/85
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- (1) Whether a boycott of lectures was held at the Cape Education College at Fort Beaufort in 1985, if so, (a) on what date did the boycott (i) begin and (ii) end and (b) what were the reasons advanced by the students for the boycott,

- (2) whether any students were (a) sent home and (b) suspended as a result of the boycott, if so,

- (3) (a) (i) when and (ii) on whose instructions were they sent home and (b) (i) how many students were suspended, (ii) on whose instructions were they suspended and (iii) (na) when and (nb) in what manner were they informed of their suspension,

- (4) whether the rector gave any verbal assurances to any persons that all the students would be readmitted to the college, if so, (a) when and (b) to whom were these assurances given,

- (5) whether the students were informed by letter that they would be permitted to return to the college, if so, on what date,

- (6) whether any students were subsequently refused permission to return to the college, if so, (a) how many students were refused such permission and (b) why,

- (7) whether a meeting was held on or about 6 March 1985 between the rector of the college and the students and their parents, if so, (a) who (i) called and (ii) chaired the meeting and (b) (i) when and (ii) where did the meeting take place,

- (8) whether each student's case was considered individually, if not, (a) why not and (b) in what manner was the matter dealt with,

- (9) whether (a) he and/or (b) any official of his Department has met with a parents' committee regarding this matter, if not, why not, if so, (i) on what dates, (ii) what was discussed on each occasion and (iii) with what results,

- (10) whether he will readmit all the students to this college, if not, why not, if so, what action has he taken in this regard?

The DEPUTY MINISTER OF EDUCATION AND OF CO-OPERATION (Reply laid upon the Table with leave of House)

- (1) Yes

(11) Repayment will be considered as soon as the new sources of revenue for local authorities have realized and will depend on the quantum of the new sources of revenue

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Members of Development Boards.
race groups 7/5/85

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The MINISTER OF CO-OPERATION, DEVELOPMENT AND EDUCATION

- (1) No
- (a) None
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HOA

Offences against security of State: life sentences
(253) *Hansard* 7/5/85
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(a) How many prisons are at present serving life sentences for offences against the security of the State and (b) in respect of what date is this information furnished?

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(10) whether he will readmit all the students to this college, if not, why not, if so, what action has he taken in this regard?

The DEPUTY MINISTER OF EDUCATION AND OF CO-OPERATION (Reply laid upon the Table with leave of House)

(1) Yes

House of Assembly

Former prison head moved *ME Times 8/5/85 253*

HOUSE OF ASSEMBLY — The former head of a Barberton prison has been transferred to an administrative post in Maritzburg after being found guilty of misconduct, the Minister of Justice, Mr Kobie Coetsee said yesterday in reply to a PEP question

No meeting yet held on Mathopestad

Star 8/5/85
By David Braun, Political Correspondent

PARLIAMENT — The Government has not yet consulted the committee it requested the residents of Mathopestad to form to negotiate their resettlement on land in Bophuthatswana

This emerged in the reply to a question by Mr Peter Soal (PFP, Johannesburg North) to the Minister of Co-operation and Development, Dr Gerrit Viljoen, in the House of Assembly yesterday

The residents of Mathopestad, near Koster, in the Transvaal are under threat of removal to land on Onderstepoort farm, near Sun City, in Bophuthatswana

According to the Minister, all the people registered as owners of the land at Mathopestad are dead and the land has not been transferred to their successors

"Consequently it is a very complicated matter to determine who has rights to the land," Dr Viljoen said in response to Mr Soal's question on whether the people taken to inspect the land at Onderstepoort were Mathopestad landowners.

In answer to a further question, Dr Viljoen said that no meeting had yet been held between the Mathopestad committee and officials of his department and no date had been set for such a meeting

Mr Soal said later that the Government should settle the question of the future of Mathopestad as soon as possible

He said it was not a complicated matter to sort out who were the rightful owners of the Mathopestad land as the local people could easily point out who were the descendants of the original owners

Mr Soal also called on the Government to meet the committee which it had asked to be created

20 security lifers

Barberton jail head is demoted

Star 8/5/85
By David Braun, Political Correspondent

PARLIAMENT — The former acting head of Barberton Prison Farm has been demoted and was now employed in an administrative capacity in the general stores at Maritzburg Prison Command, the House of Assembly learnt yesterday

The Minister of Justice, Mr Kobie Coetsee, said in reply to a question by Mrs Helen Suzman (PFP, Houghton) that the officer, Lieutenant JW Niemand, who was convicted of assault, was found guilty of misconduct in terms of section 55 of the Prisons Act

Mr Niemand was originally fined R900 or 360 days and sentenced to two years' jail suspended for four years, for an assault in connection with incidents in which a number of black prisoners who were made to do hard labour in severe heat conditions died

Mr Coetsee said that as a result of his conviction, Mr Niemand was reduced in rank from lieutenant to warrant officer

He was also transferred from Barberton Prison to Maritzburg Prison Command on January 21 1985

Mrs Suzman said in reaction that she did not think Warrant Officer Niemand's punishment was conducive to maintaining discipline in the Prisons Service

"The retention of this man in the Prisons Service belies the stated policy that members of the Prisons Service should at all times act in a disciplined and correct fashion and that assault is strictly prohibited," said Mrs Suzman

Inter-state police link nets vast drugs haul

PARLIAMENT — Co-operation between the South African Police and the police of neighbouring states resulted in the confiscation of 4 297 kg of

LATE TIMES 14/5/85

Barnard dissects the national health service

Question

- ① Introduction
- ② Referrals
- ③ Assumptions
- ④ General
- ⑤ Conclude

HOUSE OF ASSEMBLY. — The future of South Africa's health services was inadequately defined and was endangered by the country's "frightening" population growth, Dr Marius Barnard (PFP Parktown) said yesterday

Speaking in the committee stage of the Health and Welfare vote, Dr Barnard said there did not appear to be a national health policy to meet the demands of the future

Medical training, hospitals and facilities in "developed" areas of the country equalled the best in the Western world while underdeveloped areas had to be satisfied with "the medical left-overs"

The percentage of the GNP devoted to health by most Western nations had increased over the past decade to between seven and 11 percent. In South Africa the figure had decreased from 4,2 to about 3 percent

● Dr Barnard was called to order several times yesterday by the Chairman of Committees

Dr Barnard said he found it "very odd" that Mr Siphos Mutisi, who died of head injuries last week after being arrested by police, had suffered an epileptic fit during interrogation

"I've repeatedly asked the Minister of Health and Welfare about health facilities in prisons. The answer has always been that detainees are well cared for and that district surgeons visit them regularly

"But there are never any reports by district surgeons of injury resulting from police action"

The chairman, Dr Helgaard van Rensburg, who earlier advised Dr Barnard to confine himself strictly to "the health aspect", ruled that he could not debate the merit of allowing prisoners to be seen by doctors

Dr Van Rensburg said that prisoners' access to medical care fell under Prisons, actual medical care fell under Health — Sapa

253

N.M. 20/5/85

253

Mandela report

★ FROM PAGE 1

comment on it since he was not acquainted with the facts

But he referred to a visit by Lord Nicholas Bethell to Mandela and a subsequent Press report by the peer which appeared in Britain.

Mr Botha said Lord Bethell quoted Mandela as saying that he was 'very well treated and his conditions were of the best, under the circumstances' N.M. 20/5/85

According to Mr Botha's offer, Mandela would be released if he renounced the use of violence as a means to attain political goals. His daughter, Zinzi, announced his rejection of the terms at a rally in Soweto three months ago.

Lord Bethell, who serves on the European Parliament's sub-committee on human rights, said Mandela's case was under continual scrutiny by the committee.

While Lord Bethell did not want to comment on the contents of yesterday's newspaper report as such, he said 'If Mrs Mandela or anyone else asks me to take up the allegations in the report, I will do so.'

Lord Bethell added it would be 'very disturbing' if Mandela's conditions of imprisonment had become worse since he had visited him at Pollsmoor.

A South African Prisons' Service spokesman said yesterday that Mandela's treatment did not differ from other prisoners in the same category, namely the A category.

He said Mandela's visitors were not treated differently to other visitors and rejected the allegation of harassment as 'far-fetched and a figment of the imagination'.

The allegation of bodily searches of any visitors was also rejected.

Report claims Mandela 'victimized' since refusal

253

Mercury Correspondent
LONDON—Allegations that Nelson Mandela, the jailed leader of the African National Congress, was being victimised in prison because he rejected President Botha's offer of conditional release three months ago, appeared in the British Sunday newspaper, the

Observer, yesterday. The allegations were rejected by the South African Prisons' Service.
The report claimed that life for Mandela and his fellow ANC prisoners was being 'made very difficult' since they rejected the offer.
Yesterday's report said Mrs Winnie Mandela was

searched for the first time by prison guards when she went to visit her husband earlier this month. Her daughter, Zinzi, was subjected to a body search soon afterwards, according to the report.
It said Mandela's letters were being heavily censored since his re-

jection of the offer.
The South African Foreign Minister, Mr P. W. Botha, was asked about the allegations of victimisation during an international telephone programme on BBC Radio yesterday.
He said he could not

★ TURN TO PAGE 2

20/5/85 (273) (A) D. Dispatch

Mandela victimisation denied

Dispatch Correspondent
JOHANNESBURG — A South African Prisons Service spokesman denied yesterday that Nelson Mandela was being victimised by prison authorities

Reacting to allegations published in a London newspaper yesterday, he said Mr Mandela's treatment did not differ from other prisoners in the same category, namely the A category

The weekly newspaper, The Observer, claimed that the jailed leader of the African National Congress was being victimised in prison because he re-

jected President P. W. Botha's offer of conditional release three months ago.

It also alleged that Mrs Winnie Mandela was searched for the first time by prison guards when she went to visit her husband earlier this month and that her daughter, Zinzi, was subjected to a body search soon afterwards.

The Minister of Foreign Affairs, Mr Pik Botha, was asked about the allegations during an international telephone-in programme on BBC Radio yesterday.

He said he could not comment on them since he was not acquainted

with the facts, but referred to a visit to Mr Mandela by the British peer, Lord Nicholas Bethell, earlier this year

While Lord Bethell did not want to comment on the contents of yesterday's newspaper report, he said: "If Mrs Mandela or anyone else asks me to take up the allegations in the report, I will do so"

The prisons spokesman said Mr Mandela's visitors were not treated differently to other visitors and rejected the allegation of harassment as "far fetched and a figment of the imagination"

See also page 11.

Call Times 20/5/85
Life for Mandela
'made difficult'

Own Correspondent

LONDON — Lord Nicholas Bethell, the Tory peer who visited Nelson Mandela in jail in January, is likely to take allegations of the ANC leader's victimization by prison authorities to the European Parliament's human-rights committee

Allegations that Mandela is being victimized in prison because he rejected President P W Botha's offer of conditional release appeared yesterday in the British Sunday newspaper, The Observer

The report claimed that life for Mandela and his fellow ANC prisoners was being made "very difficult"

It said Mrs Winnie Mandela was searched for the first time by prison guards when she visited her husband this month, and claimed Mandela's letters were being heavily censored

Lord Bethell said yes-

terday "If Mrs Mandela or anyone else asks me to take up the allegations in the report, I will do so"

He added that it would be "very disturbing" if Mandela's conditions of imprisonment had become worse since he had visited him at Pollsmoor

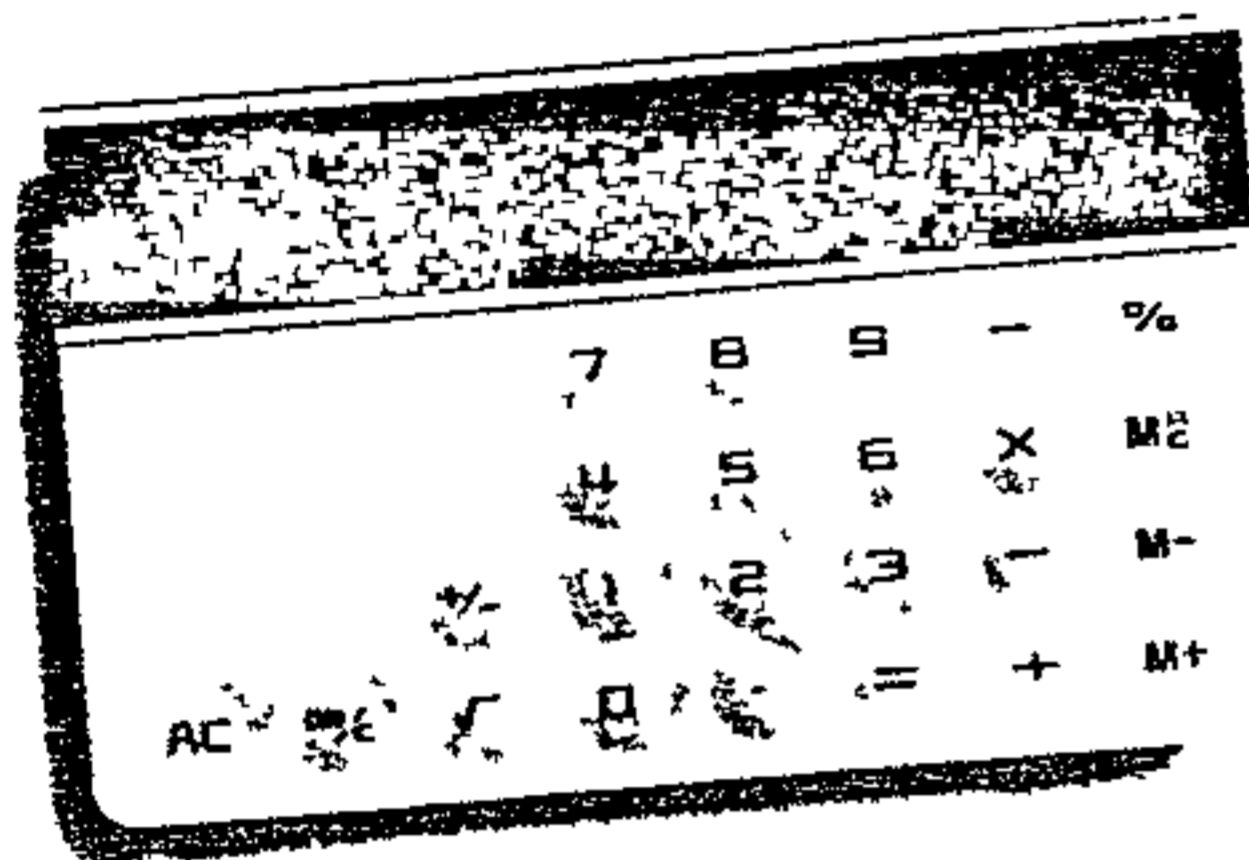
He said he kept in contact with the Mandela family, adding "I will do anything to help them"

He reiterated his call for the unconditional release of Mandela, saying it was unrealistic to impose conditions for his, and his colleagues', release

A report he drew up after visiting Mandela is being considered by ministers at the European Parliament

A South African Prisons Service spokesman said yesterday that Mandela's treatment did not differ from other prisoners', and that his visitors were not treated differently from other visitors

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**Mandela
claims
rejected**

By SELLO RABOTHATA *253*

THE South African Prisons Department yesterday rejected allegations of harassment against imprisoned ANC leader, Nelson Mandela, as far fetched and figments of the imagination.

A spokesman for the department, Lieutenant-Colonel Danie Immelman, was reacting to a story which appeared in the Observer newspaper at the weekend. The story said Nelson Mandela is being victimised in prison for rejecting President P W Botha's offer of conditional release three months ago and he told this to his wife, Winnie.

Treatment

According to the report, Mandela claimed that he and the other ANC leaders imprisoned at Cape Town's Pollsmoor Prison were being continually harassed in an indirect way and their lives have been made "very difficult". This, they claimed has been happening since they refused the President's offer telling the South African leaders they would not accept conditions until their people were free of apartheid.

Lieutenant-Colonel Immelman said Mandela's treatment did not differ from any other prisoner's in the same category (namely the A-category). The prison services treatment policy is a policy of long standing. He also dismissed claims by Mrs Mandela that she and her daughter, Zinzi, were subjected to body searches on their two visits there recently, saying they were not treated differently from visitors to other prisoners.

Sowdan 21/5/85

- (2) whether the Knysna Magistrate's Court has recording equipment; if so, since what date; if not, why not,
- (3) whether such equipment will be provided to this court; if not, why not; if so, when,
- (4) whether he will make a statement on the matter?

†The MINISTER OF JUSTICE

- (1) (a) There were 12 civil cases heard from 1 July 1984 until 15 May 1985
- (b) Between 3 and 4 months.
- (2) Yes Since 5 December 1984.
- (3) Falls away
- (4) No statement is called for

Handwritten: **Khayelitsha** Q. Col. 1551 21/5/85
 *24 Mr K M ANDREW asked the Minister of Co-operation, Development and Education.

- (1) Whether Site C in Khayelitsha falls within a prescribed area as defined in the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, if so, within which prescribed area, if not,
- (2) whether he intends to (a) declare as a prescribed area an area which includes Site C and/or (b) extend an existing prescribed area to include Site C, if so, when,
- (3) who are the owners of the land on which Site C is situated,
- (4) whether (a) there were any changes in ownership of the land on which Site C is situated during the past five years and (b) any changes in the ownership of this land are planned, if so, (i) what changes, and (ii) when, in each case,
- (5) whether Site C was part of the orig-



inal (a) site and (b) plans for Khayelitsha; if not, (i) when and (ii) why were changes made?

The MINISTER OF CO-OPERATION, DEVELOPMENT AND EDUCATION:

- (1) Yes. The area of the Cape Divisional Council
- (2) (a) and (b) fall away
- (3) The State
- (4) (a) Unknown
- (b) (i) and (ii) Yes The Western Cape Development Board is negotiating to purchase the land.
- (5) (a) and (b)(i) and (ii) Although Site C did not form part of the initial master planning it was tentatively marked for possible institutional use

Handwritten: **March in Pretoria** 21/5/85
 *25 Mr K M ANDREW asked the Minister of Law and Order:

- (1) Whether any persons were (a) arrested and (b) charged for holding a march in Pretoria on or about 30 April 1985 in support of the South African Police, if so, (i) how many persons, (ii) what are their names in each case, (iii) what was the nature of the charges and (iv) in terms of what statutory provision were they charged,
 - (2) whether permission had been granted for this march to be held; if not,
 - (3) whether the South African Police took any action as a result, if so, what action?
- †The MINISTER OF LAW AND ORDER
- (1) (a) and (b) No
 - (2) No.



(3) Yes, a contravention of section 57(1) of the Internal Security Act, No 84 of 1972, is being investigated

†Mr K M ANDREW. Mr Speaker, arising out of the hon the Minister's reply and replies to previous questions about demonstrations against Senator Kennedy, can he tell us whether the Police have discretion as to whether to take action against different sorts of demonstrators depending on the nature of the cause they are demonstrating for?

†The MINISTER. Mr Speaker, I cannot now recall the reply I gave in connection with the question relating to Senator Kennedy's visit to South Africa, and I can therefore not express myself on that. Concerning the hon member's question as to whether the Police have discretion to decide whether to investigate a case and charge someone, the reply is no. The Police do not have a discretion in that regard, and as in this case they simply carry out the provisions of the law. A dossier was opened in connection with a case being investigated, and the result thereof will be submitted to the Attorney-General for his decision

March in Pretoria

*26 Mr K M ANDREW asked the Minister of Justice:

- (1) Whether any organization applied to his Department for permission to hold a march in Pretoria on or about 30 April 1985 in support of the South African Police, if so, (a) what organization and (b) in respect of what (i) date and (ii) location,
- (2) whether permission was granted; if not, why not; if so,
- (3) whether such permission was granted subject to any conditions, if so, what conditions,
- (4) whether any persons taking part in this march were (a) prosecuted and (b) found guilty, if so, what are their names in each case?



†The MINISTER OF JUSTICE.

(1) The Magistrate of Pretoria received no such application

(2), (3) and (4) Fall away

Handwritten: **Howmond** 21/5/85
Robben Island Q. Col. 1552
 *27 Mrs H SUZMAN asked the Minister of Justice

How many prisoners were being held at the (a) maximum security and (b) medium security prison on Robben Island as at the latest specified date for which figures are available?

†The MINISTER OF JUSTICE.

The figures as at 14 May 1985 were as follows:

- (a) 236
- (b) 273

Mrs H SUZMAN Mr Speaker, arising out of the hon the Minister's reply, can he tell us whether it is still the intention to close Robben Island as a prison, if so, when?

The MINISTER Mr Speaker, we made an announcement on this issue last year, namely that as long as we lack the accommodation, the situation there will have to prevail in the meanwhile the Government is giving attention to this issue on an ongoing basis

Handwritten: **Howmond** Q. Col. 1552
Boards of enquiry 21/5/85
 *28 Mrs H Suzman asked the Minister of Law and Order

- (1) Whether, with reference to his reply to Question No 1 on 25 April 1984, the boards of enquiry convened in terms of section 17 of the Police Act, No 7 of 1958, have completed their investigations if not, (a) why not and (b) when is it anticipated that they will be completed, if so, what were the findings in regard to each of the three policemen concerned.



- (2) whether the Knysna Magistrate's Court has recording equipment, if so, since what date; if not, why not,
- (3) whether such equipment will be provided to this court, if not, why not, if so, when;
- (4) whether he will make a statement on the matter?

†The MINISTER OF JUSTICE:

- (1) (a) There were 12 civil cases heard from 1 July 1984 until 15 May 1985
- (b) Between 3 and 4 months
- (2) Yes Since 5 December 1984
- (3) Falls away
- (4) No statement is called for

Handwritten: **Handsond** Khayelitsha Q. Col. 1551 21/5/85

*24 Mr K M ANDREW asked the Minister of Co-operation, Development and Education

- (1) Whether Site C in Khayelitsha falls within a prescribed area as defined in the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, if so, within which prescribed area, if not,
- (2) whether he intends to (a) declare as a prescribed area an area which includes Site C and/or (b) extend an existing prescribed area to include Site C, if so, when,
- (3) who are the owners of the land on which Site C is situated,
- (4) whether (a) there were any changes in ownership of the land on which Site C is situated during the past five years and (b) any changes in the ownership of this land are planned, if so, (i) what changes, and (ii) when, in each case;
- (5) whether Site C was part of the original

- (a) site and (b) plans for Khayelitsha, if not, (i) when and (ii) why were changes made?

The MINISTER OF CO-OPERATION, DEVELOPMENT AND EDUCATION

- (1) Yes The area of the Cape Divisional Council
- (2) (a) and (b) fall away
- (3) The State
- (4) (a) Unknown
- (b) (i) and (ii) Yes The Western Cape Development Board is negotiating to purchase the land
- (5) (a) and (b)(i) and (ii) Although Site C did not form part of the initial master planning it was tentatively marked for possible institutional use

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 - (2) whether permission had been granted for this march to be held, if not,
 - (3) whether the South African Police took any action as a result, if so, what action?
- †The MINISTER OF LAW AND ORDER
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 - (2) No

- (3) Yes, a contravention of section 57(1) of the Internal Security Act, No 84 of 1972, is being investigated

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- (2) whether permission was granted, if not, why not, if so,
- (3) whether such permission was granted subject to any conditions, if so, what conditions,
- (4) whether any persons taking part in this march were (a) prosecuted and (b) found guilty, if so, what are their names in each case?

†The MINISTER OF JUSTICE.

- (1) The Magistrate of Pretoria received no such application

(2), (3) and (4) Fall away.

Handwritten: **Handsond** Robben Island Q. Col. 1554 21/5/85

*27 Mrs H SUZMAN asked the Minister of Justice

How many prisoners were being held at the (a) maximum security and (b) medium security prison on Robben Island as at the latest specified date for which figures are available?

†The MINISTER OF JUSTICE

The figures as at 14 May 1985 were as follows

- (a) 236
- (b) 273

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The MINISTER Mr Speaker, we made an announcement on this issue last year, namely that as long as we lack the accommodation, the situation there will have to prevail. In the meanwhile the Government is giving attention to this issue on an ongoing basis.

Handwritten: **Handsond** Q. Col. 1554

Boards of enquiry 21/5/85

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- (1) Whether, with reference to his reply to Question No 1 on 25 April 1984, the boards of enquiry convened in terms of section 17 of the Police Act, No 7 of 1958, have completed their investigations, if not, (a) why not and (b) when is it anticipated that they will be completed, if so, what were the findings in regard to each of the three policemen concerned,

Man survives jailhouse 'execution'

NM 22/5/85

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Mercury Correspondent

PORT ELIZABETH—A white prisoner, who was hanged in a cell in the North End Prison here by a number of his fellow prisoners after being convicted and sentenced to death in a mock trial, survived the ordeal after he had lost consciousness, it was revealed yesterday

The convict had been forced to stand on a bed and a makeshift rope of pieces of bedsheets and towels had been tied around his neck and then to the iron bars of the cell window

The bed was then kicked out from under

him

Lt-Col Gerrie van Rooyen, South African Police liaison officer for the Eastern Cape, last night confirmed that attempted murder charges were being investigated in connection with the incident

The victim, who lost consciousness after the bed was kicked from under him, came round after prisoners released him

The prisoner initially kept quiet about his ordeal and mentioned it to authorities only on Sunday and was then sent for a medical examination

Soweto man dies in cell

By SELLO
RABOTHATA

A YOUNG Soweto man was this week found dead in a cell at the Moroka Police Station after he and more than 20 others had allegedly been locked up with no blankets on a cold night.

Mr John Kolo Moreki (28) of 534 Zone 1, Meadowlands, was arrested last Saturday evening at a party in Mofapo. Twenty-three other young men were also arrested in the raid. According to those arrested with him he died the following day at about 5.45 am and the body was removed around 7.30 am.

The public relations division of the South African Police in Pretoria yesterday confirmed Mr Moreki's death. In a telex to The SOWETAN it said "Mr John Moreki was detained by the South African Police at 8 pm on May 25 in the Moroka police cells, on a charge under the Liquor Act. The next day at 5.45 am during a routine cell visit it was found that he had died. A post-mortem was held on Tuesday where it was established that the deceased had died of natural causes (acute cardiac arrest). A death certificate to the effect has

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Sowetan "30/5/85
been issued"

A man who shared a cell with Mr Moreki said they were all arrested at a party by a group of policemen travelling in a big van and a number of private cars.

He claimed: "We were all locked up in one cell and it was bitterly cold. We called on the police to give us blankets and one of them said they would, but they did not. All night long we shouted and cried for blankets and food but we were ignored."

The above allegations were sent to the police late yesterday and a response is awaited.

The man said Mr Moreki died the next morning and those in the cell tried to call the policeman on duty but received no response. After a long time a policeman came and after checking on Mr Moreki, doused him with water saying he was unconscious. One of the policemen, who had also come to the cell, allegedly told the others that Mr Moreki was dead and the body was then removed.

Mrs Josephine Moreki, John's mother, said her son was in good health and had never complained of any sickness.

Mr Moreki will be buried at the Avalon Cemetery on Saturday at 12 noon.

Man dies in police cell

POLICE are investigating an allegation that a young Soweto man died in a cell at Moroka Police Station last week after he and more than 20 others were locked up without blankets on a cold night.

He was Mr John Kolo Moreki (28) of 534 Zone 1, Meadowlands. According to the po-

lice he died of natural causes

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Colonel P J J Swart, assistant divisional CID officer for Soweto, told The SOWETAN yesterday that they were investigating claims that Mr Moreki and others were not supplied with sufficient cell blankets and mats while being kept at the Moroka cells on May

25 *SOWETO*
"We are making a departmental inquiry on the matter and should the allegations be true, steps will be taken against the members of the police concerned," he said

Mr Moreki was arrested on Saturday, May 25, at a party in Molapo. Twenty-three other young men were also arrested in the

27/5/85
raid. According to those arrested with him, he died the following day at about 5 45am and his body was removed around 7 30am

According to a telex reply from the South African Police in Pretoria confirming his death, he was detained by the police at 8pm on May 25 in Moroka

4/6/85
cells on a charge under the Liquor Act

The next day at 5 45am during a routine cell visit it was found he had died. A post-mortem was held last Tuesday where it was established that he had died of natural causes (acute cardiac failure). A death certificate to this effect was issued

CAPE TOWN — The PFP MP for Houghton, Mrs Helen Suzman, told Parliament today of startling allegations of "disturbing conditions" in Port Elizabeth's North End Prison.

These included gross overcrowding, beatings administered by prisoners to others and the sodomising of young people

Speaking during the committee stage Budget debate on the Justice Vote, Mrs Suzman said she had received a statement from a former prisoner who did not want his name disclosed

"He fears re-arrest and re-incarceration at North End Prison, with dire consequences for himself. He is, I am assured, a very responsible person," Mrs Suzman said

He had been picked up by police, charged with public violence and had his case remanded

In his statement he said, among other things, that he was kept in a cell about five metres by seven metres in extent in which 90 prisoners slept on mats

In one corner was a pit which served as a toilet, with no privacy

Among the 90 people were children awaiting trial

There were "bosses" in the cell belonging to gangs which bullied other prisoners, stole bread and meat from the other prisoners, and beat up those who resisted, using the "pompa" punishment (blows to the face)

Mrs Suzman said her informant claimed the children and young adults were sodomised every night by the "bosses"

He alleged that the warders were "well aware" of what was happening and did nothing to stop these practices

Mrs Suzman pointed out that the estimates stated that one aim of the Budget programme was "to contribute to the maintenance of law and order by detaining persons under legal warrant in prisons"

She added "It seems to me that law and order, like charity, should start at home and that the Prisons Department should commence by putting North End Prison in order"

Earlier, she said that influx control was contributing largely to the "chronic" overcrowding in most jails

She quoted Professor Dirk van Zyl Smit, head of the University of Cape Town's Institute of Criminology, as saying that influx control violators comprised 35% of all short-term black sentenced prisoners

Mrs Suzman called on the Minister of Justice, Mr Kobie Coetsee, to use his influence with his Cabinet colleagues to get rid of "these offensive, discriminatory laws"

Turning to long-term political prisoners, she said "In no civilised country are people kept locked up for periods of over 20 years, no matter what their sentence or crime, unless they are a real menace to society"

Mrs Suzman added "No one who has met and spoken to Nelson Mandela, Walter Sisulu, and others in that category of prisoner would seriously believe they would constitute such a menace"

"On the contrary, their unconditional release would probably help to defuse the present conditions of unrest"

Shrock claims shoot PEF jail

BY DIRK VAN ZYL
Political Correspondent

5/6/85

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E. Post

CAPE TOWN — A Supreme Court judge visited the North End Prison today to investigate allegations of shocking malpractices in the jail.

The judge, Mr Justice Smalberger, was appointed by the Eastern Cape Division of the Supreme Court at the request of the Minister of Justice, Mr Kobie Coetsee, to probe conditions in the jail after Mrs Helen Suzman, the PFP MP for Houghton, made startling allegations in the Assembly yesterday about overcrowding and of brutality and sexual assaults by cell "bosses" in the prison.

The Minister announced in Cape Town last night that he had requested the judicial visit after hearing Mrs Suzman's charges during the debate on the budget vote of the Prisons Department in Parliament.

A spokesman for the Prisons Department in Pretoria confirmed that Mr Justice Smalberger had driven to Port Elizabeth from Grahamstown today to start his investigation immediately.

In her speech yesterday Mrs Suzman said she had received a statement from a former awaiting trial prisoner, who did not want to be named, in which he alleged conditions of gross overcrowding, terrorising of prisoners by gang "bosses" and sexual assaults on young men and boys.

Mrs Suzman said she regarded the man, who feared re-arrest and being sent back to jail if his identity became known, as "a highly responsible person".

She said he claimed he had been detained in a cell 5m by 7m in extent in the North End jail along with 89 other prisoners, including children, awaiting trial.

A pit in one corner of the cell served as a toilet, with no privacy.

Gang leaders or "bosses" stole bread and meat from other prisoners, bullied and beat them up if they resisted, and nightly sodomised the young adults and children, Mrs Suzman said.

Prison warders were "well aware" of these practices and did nothing to stop them, her informant alleged.

During the debate, Mr Coetsee asked that the name of Mrs Suzman's informant be made known. He said his safety would be guaranteed.

Mrs Suzman said she could not do so without the man's permission.

Earlier, Mrs Suzman said that influx control was a major factor in the "chronic overcrowding" in prisons.

She quoted Professor Dirk van Zyl Smit, head of the department of criminology at UCT, as saying that income tax violators contributed 35% of all short-term black prisoners.

She called on Mr Coetsee to use his influence with his Cabinet colleagues to get rid of "these offensive, discriminatory laws".

Mr Coetsee said in his statement that he had decided, after consulting the Commissioner of Prisons, Lieutenant-General W H Willemse, to request the Judge-President of the Eastern Cape Division of the Supreme Court, Mr Justice Cloete, to ask a judge to visit North End Prison and to report on his observations.

At the same time, Mr Coetsee said, Gen Willemse had ordered the Regional Commissioner for the Eastern and Western Cape, Brigadier J Bothma, to conduct a full inspection of the prison and to issue a report — Sapa

Judge starts probe jail

6/6/85
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Post

Judge to visit prison after Suzman report

Parliamentary Staff

THE Minister of Justice, Mr Kobie Coetsee, has ordered that a Supreme Court judge visit Port Elizabeth's North End jail to investigate allegations that prisoners there are being kept in undesirable conditions.

In a statement issued in Cape Town yesterday Mr Coetsee said he had ordered the visit after a speech by Mrs Helen Suzman (PFP Houghton) during debate on the budget vote of the Prisons Department in the House of Assembly.

In his statement Mr Coetsee said he had instructed the Judge-President of the Eastern Cape Supreme Court, Mr Justice Cloete, to appoint a judge to visit the prison and to report on his observations.

At the same time the Prisons Commissioner, Lieutenant-General W H Willemse, had ordered the regional Commissioner for the Eastern and Western Cape to conduct a full inspection of the prison and to issue a report.

Allegations of violence and sodomy in the overcrowded Port Elizabeth prison sparked heated debate in the House.

Mrs Suzman, chief Opposition spokesman on prisons, said she had received a "disturbing" report on conditions in North End Prison.

A statement, from a man who had been charged with public violence and kept in prison when his case was remanded, claimed he had been kept in a cell, five metres by seven metres, in which 90 other prisoners slept on mats.

"In one corner of the cell there was a pit which served as

a toilet, with no privacy. Among the 90 were children awaiting trial.

"There were 'bosses' in the cell belonging to gangs which bullied other prisoners, appropriated bread and meat of other prisoners and beat up those who resisted using the 'pompa' punishment — blows on the face," Mrs Suzman said.

"Dire consequences"

"Every night the young adults and the children were sodomised by the 'bosses' — in other words, they were raped. Warders were well aware of what was going on and did nothing to stop this practice."

Mrs Suzman said the man who made the statement did not want his name mentioned for fear of reincarceration at North End Prison with "dire consequences" for himself, but she had been assured that the

young man was a "responsible member of society".

At that point Mr Coetsee interjected "You can take it from me that no harm will come to him."

Said chief Opposition whip Mr Brian Bamford, referring to the case where three ambulance orderlies who gave evidence before the Kannemeyer Commission lost their jobs: "That's what (Judge) Kannemeyer told the ambulance-men."

Mrs Suzman added that people who had helped MPC Mrs Molly Blackburn in gathering evidence on the Langa shootings were arrested.

Earlier Mrs Suzman said prisons were grossly overcrowded — 16 by more than 100 percent.

The vast majority of prisoners — 73,3 percent — were serving sentences of four months or less.

ARGUS 6/6/88 (253)

PRISONS

9 have accepted conditional release

Parliamentary Staff

NINE political prisoners had already accepted President P W Botha's offer of conditional release, the Minister of Justice, Mr Kobie Coetsee, told the House of Assembly

Replying to Mrs Helen Suzman (PFP Houghton) in his department's vote, Mr Coetsee said he was not prepared to release details about the prisoners' identity because the Government had "reason to fear for their safety and the safety of their families."

Mrs Suzman asked Mr Coetsee earlier in the debate whether political prisoners other than four Pan-African Congress members and African National Congress member Denis Goldberg had accepted the offer of conditional release.

She also reiterated her appeal to the Government to unconditionally release Nelson Mandela, Walter Sisulu and other prisoners in that category, saying that such a move would "defuse the present unrest in the townships"

ARMED STRUGGLE

In his reply Mr Coetsee gave no indication of whether he would accede to Mrs Suzman's request, made yesterday, to visit Mr Mandela

The external leader of the ANC, Mr Oliver Tambo, had made it clear that the armed struggle would continue and Mr Mandela's daughter, Zinzi, had made a statement in Soweto saying that her father would not accept Mr Botha's conditional release offer, he said

Mr Coetsee said that Mr Mandela's response to the offer had been manipulated by outside leaders of the ANC, because he was worth more to them in jail than he was outside.

"Then why don't you let him out," interjected PFP members.

CAPE TOWN
6/6/85
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Call for prison probe

HOUSE OF ASSEMBLY
— A thorough investigation was needed into conditions at Port Elizabeth's North End Prison, the MP for Houghton, Mrs Helen Suzman, said yesterday

Speaking during the debate on the Justice Vote in the committee stage of the Budget, Mrs Suzman said she had received a "particularly disturbing report" about conditions at North End which alleged that:

- 90 people slept in a cell about five metres by seven

- Among the 90 were children awaiting trial

- Gang "bosses" bullied prisoners and assaulted them

- Young adults and children were sodomized every night by the bosses

Saying that the Eastern Cape "certainly has more than its fair share of horrors", Mrs Suzman said the report made "ugly reading"

The prisoners slept on mats while in one corner of the cell was a pit which served as a toilet — with no privacy.

There were "bosses" in the cell who belonged to gangs and they bullied other prisoners and appropriated the bread and meat of other prisoners. Those who resisted were beaten up.

She said the warders were aware of what was going on and did nothing to stop it.

- In a statement last night the Minister of Justice, Mr Kobie Coetsee, announced that he has ordered that a Supreme Court judge visit North End jail to investigate these allegations

In his statement, Mr Coetsee said he had instructed the Judge President of the Eastern Cape Supreme Court, Mr Justice Cloete, to appoint a judge to visit the prison and to report back.

The Prisons Commissioner, Lieutenant-General W H Willemse, has ordered the Regional Commissioner for the Eastern and Western Cape to conduct a full inspection of the prison and to issue a report — Political Staff and Sapa

LONDON — Dennis Goldberg, who was released from serving a life sentence in a Pretoria jail in February this year — after signing an “anti-violence” undertaking — spoke openly about this for the first time on Monday.

He was launching an international campaign here to save the lives of three members of the African National Congress (ANC) who have been sentenced to death in South Africa

At the end of the Press conference, he spoke of his own situation — his jailing in 1964 with Nelson Mandela and others, his 21 years in jail and his subsequent controversial re-

Goldberg tells why he signed

lease

Mr Goldberg told members of the Press the text of the undertaking he gave to South African authorities. This is how it read: “I, Dennis Goldberg, undertake that I will not (a) plan, instigate or participate in acts of violence for the attainment of political purposes and (b) make myself liable for

arrest”

The latter applied to South Africa, where he remained for a short while before leaving the country first for Israel and then for the UK

Explaining his undertaking, which has been widely interpreted as a renunciation of the ANC and their policy of “armed struggle” Mr Goldberg said: “My

function is political. I am not a soldier. This does not change my commitment to the liberation in South Africa or my upholding of the right of oppressed people to take up arms.”

Launching the international campaign to commute the death sentence against the three ANC members Mr Goldberg also introduced two new publications dealing with political trials in the Republic and allegations of torture.

Mr Goldberg said he could speak as a former detainee and a prisoner, as well as someone who had personally known several of the detainees who have died during detention.

Chief: Mandela influenced ²⁵³ ^{D. Dispatch} ^{12/6/85}

Dispatch Reporter

EAST LONDON — A claim in Parliament by South Africa's Minister of Justice, Mr Kobie Coetsee, that Nelson Mandela's refusal of President P. W. Botha's conditional offer of release was orchestrated by outside influence has been supported by the representative in East London of the Paramount Chief of Western Transkei, Mr J J Matotie

In a letter addressed to Mr Coetsee, a copy of which was given to the Daily Dispatch, Mr Matotie names the present leader of the banned African National Congress, Mr Oliver Tambo,

as having influenced Mandela's decision

Mr Matotie says Mandela was not imprisoned by the South African Government, but on evidence voluntarily given to the Pretoria Supreme Court in the 1964 "Rivonia trial"

He said he was cited in the trial as a victim of an ANC petrol bomb attack and there was evidence of killings in East London under a "Mandela plan"

Mr Matotie said he was surprised Mandela had turned down Pres Botha's offer

"What do they say about people who died or were injured through

their 'Mandela plan'?" he asked

"I was a petrol bomb victim. An 11-year-old girl, Daphne Hoyi, was murdered by an ANC petrol bomb. This happened under the Mandela plan

"I, as a Christian, have forgiven my assailants and their masterminds

"I still say Mandela must agree to go home to the Transkei. His family is waiting for him"

Mr Matotie also questioned why the British Prime Minister, Mrs Margaret Thatcher, and the PFP MP for Houghton, Mrs Helen Suzman, did not "shout out" for

the release of Rudolf Hess, the imprisoned former deputy Fuhrer of Nazi Germany

He said Hess had been imprisoned in 1941 and was still imprisoned in West Berlin

"Mrs Suzman is reported as saying 'In no civilised country are people kept locked up for periods of over 20 years, no matter what their sentence or crime, unless they are a real menace to society and likely to commit acts of violence'

"Rudolf Hess is 91 years old. Why is he still in jail?"

"Mandela said he will not renounce violence"



"Throwing stones at each other must come to an end," former ANC activist

Vuyisile Tole told over 1 000 people

'WELCOME HOME, COMRADE TOLE'

'COMRADE TOLE'

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FORMER Umkhonto we Sizwe Eastern Cape activist Vuyisile Tole was given a rousing welcome in Uitenhage last weekend — after serving 21 years on Robben Island for ANC activities.

The 55-year-old Mr Tole smiled repeatedly, and was clearly moved by the 1 000-strong crowd who repeatedly chanted "Viva Comrade Tole".

The rally was organised by the Congress of SA Students, the Uitenhage Youth Congress, E Cape region of the Release Mandela Committee and the Uitenhage Women's Organisation.

"Throwing stones at each other must come to an end. We should learn from the lessons of history. In China, it was only the united action of two Chinese leaders — Mao Tse Tung and Chiang Kai Chek — that brought about the downfall of imperial Japan," said Mr Tole.

"We must organise ourselves to fight against apartheid — and then we

must fight imperialism".

Without elaborating, he added "I do not hold a grudge against those who sold me out, but will try to win them to my side because they are my brothers".

Eastern Cape Release Mandela Committee chairman Aubrey Mah said divisions among black people came at a time when "the struggle" was intensifying daily.

"The enemy has been able to interrupt the struggle when it is beginning to take new shape. Those in power must eventually sit

at the negotiating table."

A trade union speaker said job reservation and the bad relations between bosses and workers were the causes of strikes.

"The migrant labour system is responsible for the poverty faced by black people in the rural areas. Children in these areas are often left on their own, while their parents are forced to work in the cities."

He also criticised trade unionists who were "aligning themselves with the enemy by accepting overseas trips organised by employers".

16/6/87

statement of an ex-prisoner who was discharged from North End Prison. She declined to furnish his name.

The Chief Magistrate visited the North End Prison on 15 March 1985 and he confirmed during the meeting that the juveniles are being accommodated in a separate section of the prison. He also informed the meeting that the juveniles had no complaints such as those raised by the Black Sash.

The Chief Magistrate again visited the juveniles on Sunday 17 March 1985 and again noted that the complaints raised by the Black Sash had been denied by the juveniles. They did however have minor complaints relating to mutual fighting.

On 15 March 1985 the prison population with regard to awaiting trial prisoners were inter alia as follows:

- Arson 2
- Public Violence 49
- Bomb Threats 1

No prisoners, being sentenced or awaiting trial, were imprisoned for influx control measures on that date.

D In the course of the investigation it came to the attention that another person, namely Sigdla Neison Ndumo has written to a number of persons in connection with prison conditions. Because this is a matter concerning a prison in the Eastern Province I regard it in the public interest to inform Parliament on this occasion regarding this matter. This person's complaints came to the attention of the Honourable Judge President Cloete of the Eastern Cape Division of the Supreme Court through the mediation of Professor Dugard. The specific complaints deal with Grahamstown Prison and its administration. The Honourable Judge President visited that prison and as is clear from annexure D hereto, the allegations were found to be unsubstantiated.

E The South African Prisons Service shall continue to pursue high standards notwithstanding the fact that they have to cope with older buildings as is the case with North End Prison where structural problems exist. Every complaint will be dealt with on its own merit and the necessary courtesy will be afforded to Members of Parliament. Others

tion realities have to be kept in operation. In other words:

— North End Prison is old but clean. Certain structural aspects and renovations need attention.

— The prison is overcrowded, compared with the South African Prisons Service's own broad standards, but it is still manageable.

— The Standard Minimum Rules of the United Nations are still being complied with regarding physical treatment.

I visited the prison myself on 17 June 1985 and acquainted myself with circumstances prevailing at the prison.

B. The fact that the Honourable Member for Houghton refrained from releasing the name of her correspondent seriously hampered our investigation into circumstances which allegedly prevailed on a specific date.

A striking facet of the prison population at North End Prison on the evening of 12 June 1985 was as follows:

- (a) That there were persons awaiting trial on charges of inter alia
 - In possession of a petrol bomb 1
 - Arson 21
 - Intimidation 10
 - Public violence 77
 - In possession of explosives 31

and
(b) There were no prisoners being sentenced or awaiting trial for influx control offences.

C The complaints contained in the letter of the Honourable Member for Houghton's correspondent are significantly similar to complaints which the Black Sash lodged to the Chief Magistrate of Port Elizabeth and a few other magistrates on 16 March 1985 during a meeting which was convened at the request of the Black Sash to have their complaints heard. The complaints were all related to awaiting trial juveniles who had been arrested during the unrest. The Black Sash was represented by Mmes Duncan (President), Coleman, Burton and Dr Rordan. Mrs Coleman, had in her possession a

frained from identifying her correspondent, notwithstanding my offer to the effect and my declaration to her that this person will enjoy immunity.

Notwithstanding the fact that the complaint were anonymously based, I requested the Honourable Judge President of the Eastern Cape Division of the Supreme Court, Mr Justice Cloete, to arrange for a judge to visit the prison in terms of the Hon-Regulations and to report to me. The Honourable Mr Justice J W Smalberger visited the Prison on 6 June 1985 and I received his report on 10 June 1985, whereafter I requested the Commissioner of Prisons to comment on the Judge's findings, whose comments I received on 11 June 1985. Mr Justice Smalberger visited the North End Prison again on 13 June 1985.

Annexure A hereto is an analysis of

- In the first column the allegations and complaints contained in the letter of the correspondent to the Honourable Member for Houghton
- In the second column the findings and/or recommendations by the Honourable Mr Justice Smalberger
- In the third column the comments of the Commissioner of Prisons

Annexure B hereto is the report by the Honourable Mr Justice Smalberger

Annexure C hereto is the comments of the Commissioner of Prisons dealing also with the complaints raised to the Honourable Mr Justice Smalberger as well as the steps taken in this regard.

Annexure A reflects that seven (7) out of nine (9) allegations contained in the letter of the correspondent of the Honourable Member for Houghton are unfounded and/or misleading. The remaining two (2) aspects deal with structural and accommodation problems.

From the Commissioner's Report it is clear that the facilities at North End Prison are not on the same standard as those of newer South African Prisons, but judged from reports and articles which come to our attention from time to time, are still substantially better as some prisons in Western Countries which on account of accommoda-

crease in commuter numbers at the station during the period of 3 months preceding the above-mentioned date, if so, to what factor is this decrease attributed?

The MINISTER OF TRANSPORT AND FAIRS.

- (1) (a) and (b) Approximately 13 700 on 11 June 1985
- (2) No, since a previous census on 15 January 1985 a gradual increase of approximately 350 commuters per peak period was experienced

North End Prison 18/6/85 253
*18 Mrs SUZMAN asked the Minister of Justice

(1) Whether a certain judge, whose name has been furnished to the Minister's Department for the purpose of his reply, visited the North End Prison recently, if so, (a) when, (b) why and (c) what is his name,

(2) whether he has received a report on this visit from the judge in question, if not, when is it anticipated that he will receive this report, if so, (a) when and (b) what were the findings,

(3) whether this report will be made available to (a) Parliament and (b) the Press, if not, why not, if so, when?

†The MINISTER OF JUSTICE

Mr Chairman, the report of the judge to which the hon member is referring, has been received. I am laying it upon the Table as an appendix to my reply. In view of the fact that the reply comprises a number of pages I request leave to Table it.

(1), (2) and (3)

A On 5 June 1985 The Honourable Member for Houghton quoted to Parliament from a letter she received regarding alleged adverse conditions at the North End Prison, Port Elizabeth. The Honourable Member re-

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and myself come to the conclusion that some representations and complaints in the Eastern Cape are aimed at disrupting public

institutions and to irritate it to such an extent as to make it impossible to perform their normal task thus sabotaged

TUESDAY, 18 JUNE 1985

1896

COMPLAINTS BY
CORRESPONDENT OF
THE HONOURABLE
MEMBER FOR
HOUGHTON

1 "The statement states that this man was kept in a cell 5 metres by 7 metres in which 90 prisoners slept on mats"

ANNEXURE A

FINDINGS OF THE
HONOURABLE JUDGE
J W SMALBERGER AS
IN WRITTEN REPORT

1 "Ek het hoegenaamd geen rede om te vermoed dat daar oort 90 aangehoudenes tege-lykertyd in enge van die selle was nie, en beskou dit as hoogs onwaarskynlik dat so 'n getal persone in 'n 5 x 7 meter sel ingepron wou word. Daar word daagluks rekord gehou van die aantal aangehoudenes in elke sel, en ek het versoek dat dié nagegaan word om vas te stel wat die hoogste aantal aangehoudenes te enge tyd in een sel was"

2 "In one corner of the cell there was a pit which served as a toilet"

2 "Elke sel het 'n spoeltoilet. Die bak van die toilet is in die vloer, en daar moet skynbaar gehurk word om daarvan gebruik te maak. In dié mate kom die toilet met 'n put ooreen, maar vir sover die bewering in die Volksraad dat daar in een van die selle 'n put is wat as 'n toilet dien iets minder as 'n spoeltoilet voorstel, is dit misleidend en verkeerd"

COMPLAINTS BY
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WRITTEN REPORT

3 "with no privacy whatever"

3 "Daar is egter geen muur of afskorting om enge toilet nie, en dit verleen dus geen privaatheid nie. Dit is in alle opsigte onbevredigend om 'n oop toilet te hê, veral as daar in aanmerking geneem word dat maaltye in die selle geëet word (Die toilet fasiliteite in die Blanke afdeling verskil en is bevredigend)"

COMMENTS BY THE
COMMISSIONER OF
PRISONS ON THE
FINDINGS OF THE
HONOURABLE JUDGE
J W SMALBERGER

Blanke mans en die vroue-afdeling gehuistes word, is alle toilette van die konvensionele tipe toilette omdat dit uit die aard van die saak nie in die vloer ingesink kan word nie

Die ontwerp van gevangnisse wat sedert die vroeë sestigter jare beplan en oprig is, maak egter voorsiening vir 'n afgeskorte gedeelte in elke gemeenskaplike sel waar 'n urinaal, toilette, wasbakke en stortbaddens aangebring is. Bouprogramme maak voorts voorsiening vir die vervanging van ouer uitgediende gevangnisse of vir die modernisering van daardie geboue waar dit ekonomies gedoen kan word. Die huidige St Albansgevangenis buite Port Elizabeth sal by uiteindelijke voltooiing in 1992 uit vyf gevangnisse bestaan, wat onder andere die Noord-Eindegevangenis sal vervang"

3 "PRIVAATHEID BY
TOILETTE EN ANDER
STRUKTURELE
ASPEKTE

Ten slotte lig ek u graag ook in dat 'n omvattende opname reeds gemaak word by al ons ouer gevangnisse oor strukturele eienskappe wat in terme van moderne standaarde aanpassings behoeft. Hierdie veranderinge sal dan geprogrammeer word saam met ander akkommodasieprioriteite waarvan uitvoering in die finale instansie afhanklik is van die beskikbaarheid van fondse"

HoA

HoA

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J W SMALBERGER

4 "Among the 90—and this is almost the worst aspect of this matter—there were children awaiting trial."

4. "Ek het geen kinders in die tronk aangetref nie—as deur "kinders" verstaan word persone onder 14 jaar Ek verneem dat kragtens 'n administratiewe voorskryf van die Hooflanddros van Port Elizabeth kinders jonger as 14 jaar na die tronk verwys word nie, behalwe in uitsonderlike gevalle soos, byvoorbeeld, waar hulle van moord aangekla word. Waar dit geskied word hulle saam met die jeugdige aangehou. Alle jeugdige tot ouderdom 17 jaar word in aparte selle gehuisves. Ek verneem dat dit gevestigde beleid is om jeugdige en volwassene van mekaar te skei. By die tronk het ek by talle volwasse verhoorafwagendes verneem of daar oot kinders in dieselfde selle as hulle slaap, en almal het ontkenend geantwoord. By die hof het een volwasse verhoorafwagende wel beweer dat daar met geleentheid jeugdige van 16 of 17 jaar saam met hom in 'n sel was. Syne was die enigste bewering tot dien effek, en ek het afgelei dat die jeugdige se verblyf tydelik van aard was (Skynbaar word ouderdomme op lasbriewe partykeer verkeerd aangegee en dit lei tot verwarring.) Hy het egter ontken dat die jeugdige die slagoffers van enige seksuele wanpraktyke was, of dat hulle aanwesigheid in die sel tot enige probleme aanleiding gegee het

HoA

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COMMENTS BY THE
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J W SMALBERGER

Ek het geen rede om te vermoed dat kinders oot by volwassene toegesluit is nie."

5 "In the cell were "bosses" belonging to gangs which bullied other prisoners."

5 "Dat daar gereeld moelikheid of probleme snags in die selle is, was deurgaans deur die aangehoudenes ontdek."

6 "appropriated bread and meat of other prisoners and beat up those who resisted using the so-called "pompa" punishment which apparently means blows on the face."

6 en 7 "Ek kon geen staving vind nie vir die bewering wat skynbaar in die Volksraad gemaak is dat daar bullebakke is wat ander aangehoudenes se vleis en brood neem, hulle aanrand as hulle weerstand bied en gereeld dade van sodomie pleeg. Aangesien hulle in aparte selle is kon volwassene nie so teenoor jeugdige opgetree het nie—nog minder teenoor kinders. My navrae by beide jeugdige sowel as volwassene het ook geen klagtes in die verband uitgelok nie. Ek sou verwag dat daar eerder onder gevonnisdies as verhoorafwagendes klagtes van dié aard sou wees—dog het ek nie 'n enkele klagte van enige aard van die gevonnisdies ontvang nie. Die algehele indruk wat ek gekry het is dat daar nie noemenswaardige probleme in die selle onder die verhoorafwagendes bestaan nie."

7 "Every night, according to this report, the young adults and the children were sodomised by these bosses. In other words, they were raped by these bosses."

8 "Dit is skynbaar bekend dat sodomie wel met tye in die tronk tussen mede-aangehoudenes plaasvind, maar personeel se opleiding en

8. "The worst thing about this particular case was that the warders were apparently well aware of what was

8 "PERSONEEL SE
HANtering VAN
WANPRAKTYKE

Personeel se opleiding en

HoA

COMPLAINTS BY
CORRESPONDENT OF
THE HONOURABLE
MEMBER FOR
HOUGHTON

going on and did nothing to
stop the practice "

ANNEXURE A

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dit gebeur snags en kan nie
maklik bekamp word nie.
Ek het geen rede om te ver-
moed dat beamptes wan-
praktyke van enige aard
waarvan hulle kennis dra nie
probeer uitroei nie "

COMMENTS BY THE
COMMISSIONER OF
PRISONS ON THE
FINDINGS OF THE
HONOURABLE JUDGE
J W SMALBERGER

toerusting is sodanig dat hul
gereeld in belang van die
handhawing van 'n ordelike
dog menswaardige gevange-
nisgemeenskap, streng maar
regverdige beheer uitoeven
en daar word konsekwent
opgetree teen alle gevang-
enes wat hul aan enige vorm
van wangedrag skuldig sou
maak

Soos in die gemeenskap in
die algemeen, word bende-
elemente asook wanprak-
tyke soos sodome ook on-
der gevangenes aangetref
maar anders as wat beweert
word, word dit geensins
deur personeel geduld nie
Daar bestaan intendeel 'n
omvattende hanteringsstrate-
gie ter bekamping van sulke
verskynsels en is dit steeds
die onderwerp van studie
van departementele werk-
groepe met die oog op ver-
dere verfyning daarvan "

9. "Die tronk is beslis erg
oorbevolk. Dit is ver-
onderstel om akkommodasie
vir 455 aangehoudenes te
bied. Die bevolking is tans
822, waarvan 598 verhooraf-
wagend is. Die twee groot-
ste selle (albei 5.1 x 10.7
meter groot) huisves tans 40
en 44 persone onderskeide-
lik. In selle van 5 x 7.1 me-
ter was daar tot 25 persone
Een sel van 5.1 x 5.1 meter
het 26 persone bevat, maar
ek is meegedeel dat van
hulle snags na ander selle
verskuif word. My navrae
onder die aangehoudenes

9 "OORBEVOLKING

Hierdie gevangenis is die op-
namesentrum vir Port Eliza-
beth en na gelang van op-
names en gevonniste gevan-
genes wat op verdere aan-
klagte in die howe moet ver-
skyn, fluktureer die daagkse
gevangenesbevolking. Inge-
volge die dekonsentrasiebe-
leid van die Suid-Afrikaanse
Gevangenisdiens in terme
waarvan gevangenes met in-
agneming van beperkende
faktore so eweredig moont-
lik binne beskikbare akkom-
modasie versprei word,
word gevonniste gevangenes

COMPLAINTS BY
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MEMBER FOR
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het nie aangedui dat groter
getalle in die selle aangehou
word nie, en ek verneem
van Kol Hills dat in die ver-
lede, in uiterste omstandig-
hede, daar hoogstens 50 tot
55 persone in die twee
grootste selle gehuisves is "

COMMENTS BY THE
COMMISSIONER OF
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FINDINGS OF THE
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J W SMALBERGER

gereeld vanaf Noord-Einde-
gevangenis na St Albans en
elders oorgeplaas om die be-
setting van hierdie gevange-
nis so redelik as moontlik te
probeer hou. Hierbenewens
oefen die Hoof van die Ge-
vangenis interne beheer uit
oor die individuele selbeset-
ting om so 'n eweredige
moontlike verspreiding te
verseker te midde van reali-
teite soos die verskillende
kategorieë gevangenes wat
afsonderlik van mekaar aan-
gehou moet word soos by-
voorbeeld gevonniss en onge-
vonniss, jeugdige en
volwassenes, lede van oppo-
nerende bendes ens. 'n Ana-
lise van die selbesettingsre-
gister vanaf begin 1985 tot
datum toon dat die selbeset-
ting van selle van 5 x 7.1
(waaroor die aanligging ge-
maak is) 'n gemiddelde be-
setting tydens hierdie tyd-
perk van 26,2 gevangenes
gehad het. Die bewering dat
'n sel van hierdie grootte dus
90 gevangenes geakkommo-
deer het, is van alle waar-
heid ontbloot—dit is trouens
fisies onmoontlik "

ANNEXURE B

REPUBLIEK VAN SUID-AFRIKA

Geagte Minister

REGTERSKAMERS,
HOOGGEREGSHOF,
GRAHAMSTAD

7 June 1985

Die Minister van Justisie
Ministene van Justisie
Hendrik Verwoerdgebou
Parlementstraat
KAAPSTAD
8001

Na aanleiding van u versoek daartoe het
ek op 6 Junie 1985 die Noord Emde tronk te
Port Elizabeth besoek. My besoek het oor 'n
tydperk van nagenoeg vier uur gestrek. In
die loop daarvan het ek alle afdelings van
die tronk besoek behalwe dié vir dames.
Laasgenoemde moes noodwendig oorgeslaan
word weens 'n gebrek aan tyd—ek moes te-
rugkeer om my hofverpligtinge na te kom.
Tydens my besoek het ek oor die dienste van

'n amptelike hofolk beskik Ek moet beklemtoon dat wat ek onderneem het 'n besoek was eerder as 'n ondersoek, ofskoon ek deurgaans gedagtig was aan aantygings wat in die Volksraad gemaak is aangaande omstandighede in die tronk.

Ek het ruim geleentheid aan groepe aangehoudenenes (verhoorafwagendes sowel as gevonnisdies) gebied om klagtes in te dien Waar hulle huiwering voorgekom het, het ek hulle verseker dat reelings getref kon word om my privaat te spreek sou hulle dit verkies By die Nuwe Gereghof het ek twintig verhoorafwagendes wat van Noord-Einde tronk afkomstig was gespreek Dit het geskied in die afwesigheid van enige tronk-beamptes

Die Noord-Einde tronk is 'n ou gebou (dit is in 1949 opgerig) wat beslis opknapping nodig het Aan die suidelike en oostelike kante is die selle geneig om koud en selfs klam te wees Baie van die ruite is stukkend, en koue lug en selfs reën dring van die selle binne Waar dit die geval is behoort dringende aandag daaraan geskenk te word Dit was opvallend dat die meeste klagtes afkomstig was van persone wat in die selle aan die suidelike en oostelike kante aangehou word

Elke sel het 'n spoeltoilet Die bak van die toilet is in die vloer, en daar moet skynbaar gehurk word om daarvan gebruik te maak In dié mate kom die toilet met 'n put ooreen, maar vir sover die bewering in die Volksraad dat daar in een van die selle 'n put is wat as 'n toilet dien iets minder as 'n spoeltoilet voorstel, is dit misleidend en verkeerd Daar is egter geen muur of afskorting om enige toilet nie, en dit verleen dus geen privaatheid nie Dit is in alle opsigte onbevredigend om 'n oop toilet te hê, veral as daar in aanmerking geneem word dat maaltjete in die selle geëet word (Die toilet fasiliteite in die blanke afdeling verskil en is bevredigend)

Die selle is oor die algemeen skoon en redelik higiënies (ofskoon daar in sekere selle klagtes was oor luse) Net in een sel was daar 'n onaangename reuk van die toilet afkomstig, en in twee selle het die waterpype wat na die toilet lei kwaai gelek. Hierdie probleme geniet skynbaar aandag

Die kombuis- en wasgenewe is bevredigend dog ietwat verouderd Die kombuis was netjies en skoon, en die gehalte van die kos in voorbereiding het 'n goeie indruk ge-

skep. Die hospitaalgeriewe blyk aanvaarbaar te wees.

Wat die blanke afdelings betref het ek geen klagtes ontvang nie behalwe dat daar 'n gebrek aan ontspanningsgeriewe is Ek vernem dat daar tans gepoog word om sekere ontspanningsgeriewe daar te stel.

Onder die swart en kleurling aangehoudenenes was daar verskeie klagtes ten opsigte van die kos, genewe, kombiese, die aanwezigheid van luse in sekere selle, en te min geleentheid vir oefening of winkelbesoek (daar is 'n klein winkel in die tronk waar verhoorafwagendes aankope mag doen). Daar was ook enkele klagtes teen die optrede van beamptes, en sekere klagtes van 'n persoonlike aard Die oorgrote meerderheid van die verhoorafwagendes het egter geen klagtes gehad nie Die klagtes ontvang was nie sodanig ernstig van aard dat hulle onafhanklike ondersoek verg nie Die verskillende klagtes is onder die aandag van Kol-Hills en Kapt Treurnich gebring met die versoek dat hulle dit verder ondersoek en desnoods daaraan aandag skenk

Die tronk is beslis erg oorbevolk Dit is veronderstel om akkommodasie vir 455 aangehoudenenes te bied Die bevolking is tans 822, waarvan 598 verhoorafwagend is Die twee grootste selle (albei 5 1 x 10 7 meter groot) huisves tans 40 en 44 persone onderskeidelik In selle van 5 x 7 1 meter was daar tot 25 persone. Een sel van 5 1 x 5 1 meter het 26 persone bevat, maar ek is meegedeel dat van hulle snags na ander selle verskuif word My navrae onder die aangehoudenenes het nie aangedui dat groter getalle in die selle aangehou word nie, en ek vernem van Kol Hills dat in die verlede, in uiterste omstandighede, daar hoogstens 50 tot 55 persone in die twee grootste selle gehuisves is Ek het hoegenaamd geen rede om te vermoed dat daar ooit 90 aangehoudenenes tegelykertyd in enige van die selle was nie, en beskou dit as hoogs onwaarskynlik dat so 'n getal persone in 'n 5 x 7 meter sel ingeproop wou word Daar word daaglik rekord gehou van die aantal aangehoudenenes in elke sel, en ek het versoek dat dié nagegaan word om vas te stel wat die hoogste aantal aangehoudenenes te enige tyd in een sel was

Ek het geen kinders in die tronk aangetref nie—as deur "kinders" verstaan word persone onder 14 jaar Ek vernem dat kragtens 'n administratiewe voorskyn van die

Hooflandros van Port Elizabeth kinders jonger as 14 jaar nie na die tronk verwys word nie, behalwe in uitsonderlike gevalle soos, byvoorbeeld, waar hulle van moord aangekla word. Waar dit geskied word hulle saam met die jeugdige aangehou. Alle jeugdige tot ouderdom 17 jaar word in aparte selle gehuisves Ek vernem dat dit getygdige beleid is om jeugdige en volwassenes van mekaar te skei By die tronk het ek bytalle volwassene verhoorafwagendes vernem of daar ooit kinders in dieselfde selle as hulle slaap, en almal het onkenning geantwoord By die hof het een volwassene verhoorafwagende wel beweer dat daar met geleentheid jeugdige van 16 of 17 jaar saam met hom in 'n sel was Syne was die enigste bewering tot dien effek, en ek het afgelei dat die jeugdige se verblyf tydelik van aard was (Skynbaar word ouderdomme op lasniewe partykeer verkeerd aangegee en dit lei tot verwarring) Hy het egter ontken dat die jeugdige die slagoffers van enige seksuele wanpraktike was, of dat hulle aanwezigheid in die sel tot enige probleme aanleiding gee het Ek het geen rede om te vermoed dat kinders ooit by volwassenes toegesluit is nie

Dat daar gereeld moeilikheid of probleme snags in die selle is, was deurgaans deur die aangehoudenenes ontken Ek kon geen staving vind nie vir die bewering wat skynbaar in die Volksraad gemaak is dat daar bullebakke is wat ander aangehoudenenes se vleis en brood neem, hulle aanrand as hulle weerstand bied en gereeld dade van sodomepleeg Aangesien hulle in aparte selle is kon volwassenes nie so teenoor jeugdige opgetree het nie—nog minder teenoor kinders My navrae by beide jeugdige sowel as volwassenes het ook geen klagtes in die verband uitgelok nie Ek sou verwag dat daar eerder onder gevonnisdies as verhoorafwagendes klagtes van dié aard sou wees—dog het ek nie 'n enkele klagte van enige aard van die gevonnisdies ontvang nie Die algehele indruk wat ek gekry het is dat daar nie noemenswaardige probleme in die selle onder die verhoorafwagendes bestaan nie

Dit is skynbaar bekend dat sodome wel met tye in die tronk tussen mede-aangehoudenenes plaasvind, maar dit gebeur snags en kan nie maklik bekamp word nie Ek het geen rede om te vermoed dat beaamptes wanpraktike van enige aard waarvan hulle ken-

nis dra nie probeer uitroei nie

Ten slotte dien gemeld te word dat Noord-Einde tronk gereeld deur die Hooflandros van Port Elizabeth besoek word Hy het my meegedeel dat hy nog nooit toestand teëgekomm of klagtes van aangehoudenenes ontvang het wat die bewerings wat in die Volksraad gemaak is, staaf nie

Ek beoog om aanstaande week die dames afdeling van die tronk te besoek Ek sal ook van die geleentheid gebruik maak om vas te stel of aandag geskenk is aan die klagtes wat ek na Kol Hills en Kapt Treurnich verwys het Ek vernem dat daar tans ook verhoorafwagendes by St Albans Gevangenis aangehou word, en ek sal poog om hulle ook te besoek

Die uwe

J W SMALBERGER
REGTER VAN DIE HOOGGEREGSHOF
VAN SUID-AFRIKA
(OOS-KAAPSE AFDELING)

ANNEXURE C

1/3/6 Die Kommissaris van Gevangenis
Privaatsak X136
PRETORIA
0001

DIE MINISTER VAN JUSTISIE

'NOORD EINDEGEVANGENS' PORT
ELIZABETH BEWERINGS VAN WAN-
TOESTANDE

1 Na aanleiding van bewerings gemaak deur mevrou H Suzman LP in haar toespraak tydens die Gevangenis Be-grotingsposdebat in Die Volksraad op 5 Junie 1985 het u die Regterpresident van die Oos-Kaapse Afdeling van die Hooggereshof versoek om te reël dat 'n regter so spoedig moontlik 'n besoek ingevolge Gevangenisregulasie 104(2)(a) aan die betrokke gevangenis bring Ek het terselfdertyd die Streek-kommissaris van Gevangenis van die Wes- en Oos-Kaapstreek versoek om 'n omvattende inspeksie by die gemelde gevangenis uit te voer en verslag te doen

2 Sy Edele Regter J W Smalberger se verslag aan u gedateer 7 Junie 1985 voortspruitend uit sy besoek aan genoemde gevangenis is op 10 Junie 1985 deur u ontvang en na my verwys vir kommentaar. Die Streekkommissaris is nog besig met sy ondersoek en sy verslag sal so spoedig doenlik na ontvangs en bestudering met kommentaar aan u voorgeleë word.

3 Ek lewer vervolgens graag kommentaar na aanleiding van bepaalde aspekte van Sy Edele Regter Smalberger se verslag

3 1 RUIITE IS STUKKEND

Die Suidelike en Oostelike kant van die gevangenis is veral blootgestel aan 'n hoe roesfaktor en gepaardgaande verwerking van vensterrame en skarniere as gevolg van die gevangenis se ligging teenaan die see. Vensterruite aan hierdie kante breek dus dikwels in die oop- en toemaakproses of as gevolg van moedswilgheid van gevangenes. Instandhouding vind gevolglik deurtiopend plaas en vanaf Julie 1984 tot op datum was reeds 400 vensterruite vervang. Stukkende vensters soos tydens die regter se besoek gevind is reeds in die proses van herstel maar dit is 'n tydsame proses omdat die draadgaaswerrings voor die vensters afgehaal moet word alvorens enige herstelwerk gedoen kan word. As 'n langertermynoplossing en met inagneming van die verwagte benuttingstermyn van hierdie gevangenis, word ook ondersoek ingestel na die totale vervanging van vensterrame.

3 2 TOILETTE IN SELLE

Vroeere ontwerpe van gevangenis se het slegs voorsiening in selle gemaak vir 'n toilet en drinkwater vir behoeftes wat gedurende die nag mag ontstaan terwyl ruim gemeenskaphke ablusiege-nuwe in die verskillende seksies van die gevangenis voorsien is vir daaglikse bad en ander behoeftes. Wat Noord Endegevangenis betref is alle toilette op die grondvloer van die gevangenis, spesifiek wat in die vloer ingesimk is. Dit is van dieselfde tipe tor-

lette wat in sekere gevalle by hospitale gebruik word veral by geestesversteurdes sodat dit nie gebreek kan word nie.

Op die boonste vloer waar die hospitaalafdeling, die Blanke mans en die vroue-afdeling gehuisves word, is alle toilette van die konvensionele tipe toilette omdat dit uit die aard van die saak nie in die vloer ingesimk kan word nie.

Die ontwerp van gevangenis wat sedert die vroeë sestiger jare beplan en opgerig is, maak egter voorsiening vir 'n afgeskorte gedeelte in elke gemeenskaplike sel waar 'n urinaal, toilette, wasbakke en stortbaddens aangebring is. Bouprogramme maak voorts voorsiening vir die vervanging van ouer uitgediende gevangenis of vir die modernisering van daardie geboue waar dit ekonomies gedoen kan word. Die huidige St Albansgevangenis buite Port Elizabeth sal by uiteindelijke voltooiing in 1992 uit vyf gevangenis bestaan, wat onder andere die Noord Endegevangenis sal vervang.

3 3 HIGIËNE

Hoe standaard ten opsigte van netheid en higiëne word in gevangenis gehandhaaf. Selle, ablusieblokke, gange, binneplase ens word daagliks skoongemaak en waar toepaslik afge-skoonmaak. Daar word periodiek was en ontsmet. Daar word periodiek verhoorafwagte gevangenes opgeneem wat besmet is met luise. Afgesien van die ontsmetting van sulke gevangenes en hul kiere by opname word daar ook van die dienste van gespesialiseerde privaats kontrakteurs gebruik gemaak om selle en ander toepaslike gedeeltes van die gevangenis teen luise te ontsmet. Sodanige omvattende ontsmettingsdienste was die afgelope 12 maande by ses (6) geleenthede aan Noord Endegevangenis gelewer—die jongste geleentheid was 14 Mei 1985. Op 28 Mei 1985 het die Distriksgeneesheer die gevangenis besoek en in die besoekregster aangedui dat alle beddegoed skoon was.

3 4 ONTSPANNINGSGERIEWE

Noord Endegevangenis akkommodeer hoofsaaklik Port Elizabeth se verhoor-

afwagte gevangenes en gevonniste gevangenes met verdere aanklagte. Die restant van hierdie gevangenis se gevangenisbevolking bestaan uit gevonniste gevangenes wat benut word in die bedryf van die gevangenis en die instandhouding van die gevangenissterrein.

Die ligging en struktuur van hierdie gevangenis is sodanig dat buitemuurse sport soos sokker nie beoefen kan word nie. Binnemuurse speletjies soos tafeltennis, veerpyltjies, skaak, domino's, dambord en kaart is egter beskikbaar terwyl films gereeld vertoon word (38 films in die huidige statistiese jaar). Die Hoof van die gevangenis is sedert vroeg vanjaar reeds besig met beplanning om die binnemuurse sportgeriewe uit te brei om ook boks en vlugbal in te sluit.

3 5 KLAGTES DEUR GEVANGENES BY REGTER SMALBERGER AAN HANGIG GEMAAK EN NA DIE BEVELVOERENDE OFFISIER VERWYS VIR ONDERSOEK

(i) Kos

Nege (9) Gevangenes het gekla dat die suiker in byvoorbeeld die pap en koffie te min is terwyl 1 gevangene gekla het dat die mielie-meel te grof is met ander woorde 10 gevangenes uit 'n totaal van 832 (012%) wat klagtes oor kos gehad het.

Die voedselrantsoen asook voorbereide voedselporsies word daaglik deur die verantwoordelike assistent hoof van die gevangenis geïnspekteer en geen substansie kon vir hierdie klagtes gevind word nie.

(ii) Komberse

Elke gevangene word uitgereik met twee slaapmatte en drie komberse. In die winter word komberse aangevul tot vier terwyl gevangenes op versoek aanvullende komberse kan kry. Uitgediende komberse word gereeld vervang. Beddegoed van die verskillende seksies word weekliks om die

beurt uitgehang terwyl dit gereeld deur die loop van die jaar uitge-was word.

(iii) Ouers

'n Gevangene in Afdeling C2 het beweer dat sy ouers nie weet dat hy in die gevangenis is nie. Na ondersoek deur die Hoof van die gevangenis is vasgestel dat die gevangene se ouers wel volgens standaard prosedure skriftelik ingelig is van hul seun se opname in die gevangenis.

(iv) Beamptes

Gevangenes in Afdeling C2 het gekla dat 'n beampte of beamptes hul sou gevloek het. Huile kon egter nie enige beampte uitwys sodat daar teen die skuldige(s) opgetree kan word indien klagtes substansief sou blyk te wees nie.

(v) Tand

'n Gevangene in Afdeling C1 het gekla oor tandpyn. Hy het reeds dieselfde dag medikasie by die gevangenshospitaal ontvang en tydens die daaropvolgende besoek van die tandarts op 10 Junie 1985 het hy die nodige tandheelkundige behandeling ontvang.

(vi) Verwysing na hospitaal vir geestes-ongesteldes

'n Gevangene in Afdeling C1 wou weet waarom hy nog nie na Komamhospitaal vir waarneming verwyder is nie. Geen sodanige verwyderingslasbrief was tot op die datum van die gevangene se klagte ontvang nie. Navraag is gevolglik deur die Hoof van die gevangenis gedoen en daaruit voortspruitend kon die gevangene op 10 Junie 1985 na die Tower Hospitaal vir waarneming verwyder word.

(vii) Hospitalisasie

'n Gevangene in Afdeling C3 het gekla dat hy uit die hospitaal ontslaan is voordat sy behandeling verstryk het. Na ondersoek deur

die Hoof van die gevangenis blyk dit egter dat hy eers uit die hospitaal ontslaan is nadat sy behandeling op 5 Junie 1985 afgehandel is. Die nodige opvolgbesoek aan die geneesheer is egter gereel

(viii) *Koel in arm*

'n Gevangene in Afdeling C3 het gekla oor 'n koel wat in sy arm sit

Die mediese lêer van hierdie gevangene dui daarop dat hy op 26 Maart 1985 in die gevangenis opgeneem is. Hy het op 9 April die besoekende geneesheer gekonsulteer oor 'n koelwond wat hy na bewering gedurende Januarie 1985 opgedoen het en waaroor hy nie tydens sy opname of by vorige geleenthede oor gekla het nie.

Die gevangene is deur die geneesheer na die Livingstonehospitaal verwys waar daar op 12 April 1985 X-strale geneem is wat daarop dui dat daar nie 'n koel in die weefsel is nie, maar wel 'n beensplinter. Hy het sedert die konsultasie op 9 April 1985 by meer as een geleentheid 'n geneesheer gespreek.

(ix) *Borg*

'n Gevangene in Afdeling C3 het gekla dat sy familie nog nie sy borg wat op 5 Junie 1985 deur die hof vasgestel is betaal het nie. Die familie is op 7 Junie 1985 deur die Hoof van die gevangenis gekontak wat toe onderneem het om sy borg te kom betaal.

(x) *Hospitaalafpraak*

'n Gevangene in Afdeling C3 kla dat hy op 6 Junie 1985 vir 'n afspraak by die Livingstonehospitaal moes wees. Na ondersoek deur die Hoof van die gevangenis blyk dit dat daar wel vir die gevangene 'n afspraak by gemelde hospitaal gereel is maar vir 10 Junie 1985.

3.6 OORBEVOLKING

Hierdie gevangenis is die opnamesentrum vir Port Elizabeth en na gelang van opnames en gevonniste gevangenes wat op verdere aanklagte in die howe moet verskyn, fluktureer die daaglikse gevangenesbevolking. Ingevolge die dekonsentrasiebeleid van die Suid-Afrikaanse Gevangenisdiens in terme waarvan gevangenes met inagneming van beperkende faktore so eweredig moontlik binne beskikbare akkommodasie versprei word, word gevonniste gevangenes gereeld vanaf Noord-En-gevangenis na St Albans en elders oorgeplaas om die besetting van hierdie gevangenis so redelik as moontlik te probeer hou. Hierbenewens oefen die Hoof van die Gevangenis interne beheer uit oor die individuele selbesetting om so 'n eweredig moontlike verspreiding te verseker te midde van realiteite soos die verskillende kategorie gevangenes wat afsonderlik van mekaar aangehou moet word soos byvoorbeeld gevonniste en ongevonniste, jeugdige en volwassenes, lede van opponerende bendes ens. 'n Analise van die selbesettingsregister vanaf begin 1985 tot datum toon dat die selbesetting van selle van 5 x 7 1 (waaroor die aantyging gemaak is) 'n gemiddelde besetting tydens hierdie tydperk van 26,2 gevangenes gehad het. Die bewering dat 'n sel van hierdie grootte dus 90 gevangenes geakkommodeer het, is van alle waarheid ontbloot—dit is trouens fises onmoontlik.

3 7 JEUGDIGES

Dit is staande beleid om jeugdige gevangenes sover enigsins moontlik afsonderlik van volwasse gevangenes aan te hou. Waar getalle dit regverdig word te hou, andersins slegs in afsonderlike selle waar binneplase dan bedags gedeel word.

3 8 PERSONEELSE HANTERING VAN WANPRAKTYKE

Personeel se opleiding en toerusting is sodanig dat hul gereel in belang van die handhawing van 'n ordelike dog menswaardige gevangensgemeenskap,

ANNEXURE D

REPUBLIEK VAN SUID-AFRIKA

KAMERS VAN DIE REGTER-PRESIDENT
HOOGGEREGSHOF VAN SUID-AFRIKA
GRAHAMSTAD
17 Junie 1985

Die Minister van Justisie
Ministerie van Justisie
Hendrik Verwoerdeggebou
Parlementstraat
KAAAPSTAD
8001

Geagte Minister

Ek sluit hierby in 'n memorandum oor die Gevangenis te Grahamstad soos aangevra

Met vriendelike groete

J D CLOETE

REGTER-PRESIDENT VAN DIE HOOG-
GEREGSHOF VAN SUID-AFRIKA
(OOS-KAAPSE AFDELING)

MEMORANDUM ON GRAHAMSTOWN
PRISON

I propose writing this memorandum in English as the letter to which I will address my remarks is in English.

Following upon receipt of this letter from Professor Dugard enclosing a letter from Sigdla Nelson Ndumo I held an inspection at the Grahamstown prison where I fully enquired into the allegations made in the letter of Ndumo. I should mention that the name of Ndumo was not disclosed to me by Professor Dugard but the prison authorities were immediately able to identify him as the complainant. They had had similar complaints from him in his own handwriting as well as complaints which had been submitted by him to others.

I made a full inspection of the prison—that is of

(a) the cells,

(b) the fabric of the building,

(c) the facilities,

streng maar regverdige beheer uitoefen en daar word konsekwent opgetree teen alle gevangenes wat hul aan enige vorm van wangedrag skuldig sou maak.

Soos in die gemeenskap in die algemeen, word bende-elemente asook wanpraktyke soos sodomie ook onder gevangenes aangetref maar anders as wat beweert word, word dit geensins deur personeel geduld nie. Daar bestaan intendeel 'n omvattende hantestategie ter bekamping van sulke verskynsels en is dit steeds die onderwerp van studie van departementele werkgroepe met die oog op verdere verfyning daarvan.

3 9 WATERPYPE NA TOILETTE WAT LEK

Daar was twee van die pype van die toilette in die selle wat by die spoelknop geleë het tydens die besoek maar dit is reeds herstel. Hierdie water het nie op die vloer van die sel beland nie maar het in die spoelbak self afgeloop.

3 10 ONAANGENAME REUK IN EEN SELAFKOMSTIG VAN TOILET

Hierdie reuk waarna verwys word het ontstaan as gevolg van 'n spoelbak wat buitewerking was en dit was reeds dieselfde dag herstel. Dit het vermoedelik gedurende daardie nag onklaar geraak want dit was nie voorheen gerapporteer nie.

4 PRIVAATHEID BY TOILETTE EN ANDER STRUKTURELE ASPEKTE

Ten slotte lig ek u graag ook in dat 'n omvattende opname reeds gemaak word by al ons ouer gevangenis oorstrukturele eienskappe wat in terme van moderne standdaarde aanpassings behoeft. Hierdie veranderinge sal dan geprogrammeer word saam met ander akkommodasieprioriteite waarvan uitvoering in die finale instansie afhanklik is van die beskikbaarheid van fondse.

Luitenant-generaal
KOMMISSARIS VAN GEVANGENISSE
WH WILLEMSE

- (d) the kitchens and the
(e) hospital facilities

(a) I found the cells to be in good order and neat and clean. None of the sentenced prisoners or the awaiting trial prisoners had any complaints save that in one cell the roof had a slight leak where water was oozing through. This however was a very minor matter and certainly could not have caused discomfort to any of the inmates.

(b) The fabric of the building was outwardly and inwardly in good order. The prison is a fairly new one and has not been in use for many years.

The authorities are having problems with leaks from the flat roof. This causes dampness in the passages and peeling of the paint from the walls. I am informed, however, that at present work is in progress to remedy this fault by the construction of an umbrella roof above the existing flat roof.

(c) The facilities, that is toilets, ablution facilities, and exercise yards are in my view adequate and beyond criticism.

(d) The kitchens and kitchen facilities were impressive for the standard of the equipment and their general cleanliness. The condition appeared to me to be hygienic and clean.

Food was being cooked when I was there and it seemed even for bulk preparation to be appetising.

(e) The hospital section was attractive and neat. I understand that improved dental facilities are being installed in the dental clinic. The installation was in progress when I inspected them.

I interviewed the sentenced prisoners and those awaiting trial and asked for complaints if any, but more specifically about the sleeping conditions, the quality and the quantity of the food. I explained that I would interview any prisoner privately if he or she desired it. There were no complaints about

anything, nor any request for a private interview. With regard to Ndumo's specific complaints I found the following:

(a) There is no substance in the allegation that prisoners could not sleep well or comfortably during the rainy days. Nor are the cells damp.

(b) There is no substance in the complaint that on hot days the water in the taps is hot and cold on cold days.

(c) There are not a lot of cracks or leaks which cause discomfort.

(d) The rain does not come through the doors.

(e) The prisoners get sufficient food. In fact Ndumo gained 5,5 kg in weight during the period 20 September 1983 and 18 October 1983—a period of one month.

(f) The allegation of slavery working conditions was investigated by Captain N Gouws of St. Albans prison and found to be untruthful. There were no complaints made to me about working conditions. It is untrue to say that the rest periods were only 20 minutes a duration.

(g) There is no truth in the allegation that the prisoners are "victims of such diseases like fly, T B, rheumatism etc." Dr. Gough the District Surgeon has denied the truth of this allegation.

(h) The toilets are in good condition and in proper working order. It is untrue that prisoners have to use cold water in Winter and hot in Summer.

It is also untrue that the mats and clothes they wear are dirty. Proper and impressive laundry conditions are provided. The women prisoners do the main washing but male prisoners wash their own under clothing.

As to the allegation that the white sister, Sister M. M. Aucamp, ill treated the prisoners by kicking them and using abusive language was investigated by Captain Gouws of

the Prison Service and found to be without any substance. I have had sight of his report and the documents relating thereto.

Again there were no complaints from any prisoners to this effect.

Dated at Grahamstown on 17th June, 1985

J D CLOETE
JUDGE PRESIDENT OF THE SUPREME COURT OF SOUTH AFRICA (EASTERN CAPE DIVISION)

For written reply

General Affairs

Corporation for Public Deposits

937 Mr H H SCHWARZ asked the Minister of Finance

(1) What amounts (a) had been placed to the credit of the Corporation for Public Deposits since 1 April 1984 up to the latest specified date for which figures are available and (b) are anticipated will be placed to the credit of this Corporation for the financial year ending on 31 March 1986,

(2) (a) what amounts have been raised in terms of the Local Authorities Loans Fund Act, No 67 of 1984, since its inception and (b) in respect of what date is this information furnished,

(3) (a)(i) what amounts were dealt with in terms of the Public Investment Commissioners Act, No 45 of 1984, since its inception and (ii) in respect of what date is this information furnished and (b)(i) what transactions is it anticipated will be negotiated in terms of the said Act up to and including 31 March 1986 and (ii) what is the estimated value of each such transaction?

The MINISTER OF FINANCE

(1) (a) The average monthly deposits were as follows (R Million):

April 1984. R2 198

May 1984 R2 239
June 1984 R2 253
July 1984 R2 595
August 1984 R2 739
September 1984 R2 547
October 1984 R2 752
November 1984 R2 683
December 1984 R2 537
January 1985 R2 624
February 1985 R2 491
March 1985 R2 582

The highest deposit during the financial year ending on 31 March 1985 was R2 929 million on 27 October 1984.

The lowest deposit during the financial year ending on 31 March 1985 was R2 087 million on 1 April 1984.

(b) It is expected that the present level of deposits will remain the same during the next 12 months.

(2) (a) The following amounts were borrowed in terms of the Local Authorities Loans Fund Act of 1984 since its inception on 1 October 1984

A short term domestic bridging facility of R10 million was rolled over on 1 October 1984 for a further term of 1 year.

A five year Deutsche Mark bond issue for DM75 million (R45,5 million) was raised on 7 March 1985.

(b) The above-mentioned information refers to the period 1 October 1984 to 21 May 1985.

(3) (a) (i) and (ii) The total amount received for the period 1 April 1984 to 31 March 1985 amounted to R2 974 980

(b) (i) It is estimated that transactions of approximately R2 500 000 will be negotiated up to and including 31 March 1986

Cape Town ²⁵³
prison ^{19/6/85}
complaint
dismissed

Parliamentary Staff

CAPE TOWN — An investigation conducted by the Judge-President of the Eastern Cape, Mr Justice J D Cloete, into complaints made by a Grahamstown prisoner proved to be totally unfounded.

This was disclosed in a memorandum compiled by the Judge-President on conditions at the prison and tabled in Parliament yesterday.

In his report, Mr Justice Cloete states that he made a full inspection of the prison and found both the inside and outside of the prison to be in good order and none of the prisoners had any complaints, apart from a minor one about a leak in the roof.

In this regard, he adds, the authorities admitted there were problems with leaks from a flat roof, but that this was being attended to.

With regard to other facilities at the prison, the Judge-President states:

- Facilities such as toilets and ablution facilities and exercise yards are "adequate and beyond criticism"
- Kitchens and kitchen facilities are hygienic and clean

Mr Justice Cloete said he interviewed both sentenced and awaiting-trial prisoners and there were no complaints.

Suzman wants surprise visits

By DIRK VAN ZYL

CAPE TOWN → Chief Opposition spokesman on prisons Mrs Helen Suzman (PFP, Houghton) today called for judges to make more surprise jail visits

She was reacting to a report by Mr Justice J W Smalberger, of the Eastern Cape Division of the Supreme Court, who had been asked to investigate conditions at Port Elizabeth's North End Prison

During the Justice Vote debate Mrs Suzman read the contents of a letter from a former inmate in which, among other things, severe overcrowding, inadequate toilet facilities and sodomising of children and young adults by prison gang bosses were alleged

A four-hour visit to North End Prison was made by Mr Justice Smalberger on June 6 (the day after she raised the matter) and his report was tabled as part of the reply to the debate by the Minister of Justice, Mr Kobie Coetsee

The judge, who stressed that he had undertaken a visit rather than an investigation, rejected most of the allegations contained in the letter, but he found it unsatisfactory that cells had open toilets without privacy, although

an impression that they were not flush toilets had to be rejected

Mr Justice Smalberger found that the jail was "definitely badly overcrowded" but said he had found no children in the prison — "if by 'children' is understood persons under the age of 14"

"I have no reason to believe that officials did not try to eradicate malpractices of any nature of which they knew," Mr Justice Smalberger said

Mrs Suzman was today sceptical about the findings and said that had the judge paid a surprise visit to the jail before the allegations were made public, he may well have produced a far more critical report

Mrs Suzman said her informant undoubtedly exaggerated the overcrowding or underestimated the cell's size

But, she said, even the biggest cell at North End (5,1 by 10,7 metres) with more than 40 people (as found by the judge) and only a single toilet with no privacy, was surely evidence of a "pretty disgusting" state of affairs

"Judges are the only officials who are allowed to make surprise visits to prisons, and I sincerely hope they will do so more often," Mrs Suzman said

253 E. Post 19/6/85

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MP calls on judges to visit prisons often

Political Staff

THE spokesman on prisons for the Progressive Federal Party, Mrs Helen Suzman, today called on judges to make more surprise visits to prisons.

She was reacting to the report of Mr Justice J W Smalberger of the Eastern Cape division of the Supreme Court, who was instructed to investigate claims of appalling conditions and sexual abuse among prisoners in the North End Prison in Port Elizabeth.

Mr Justice Smalberger was asked to investigate after Mrs Suzman read to Parliament a letter from a former inmate of North End. The letter claimed, among other things, of overcrowding (90 people in a seven-by-five-metre cell), lack of privacy and proper toilet facilities and of bullying and forced sodomy of children by prison gang bosses.

Four hours

Mr Justice Smalberger's findings after a four-hour visit were that none of these charges was justified, although the prison was over-populated.

Mrs Suzman was sceptical about the findings today.

If the judge had paid a surprise visit before the allegations appeared in the Press he may have produced a more critical report, she said.

"The judge could find no evidence of gangs in the prison, yet the notorious Mafia and Mongrel gangs are known to operate there. The head of the Prisons Service himself makes mention of opposing gangs in his report," Mrs Suzman said.

Malpractices

"The judge further found no reason to believe that prison officials tolerated malpractices such as sodomy, which he categorically admits takes place — as if officials would ever admit to such dereliction of duty.

"The judge refutes allegations that there were children in the jail. He considers persons under 14 to be children. In fact the Criminal Procedure Act deems persons under 18 to be children."

Mrs Suzman said her informant undoubtedly exaggerated the degree of overcrowding.

But the judge found that even the largest cell (5.1 by 10.7 metres) contained more than 40 people. It had one toilet. This was disgusting.

Press allowed a look at Durban's overcrowded jails

By Stovin Hayter

DURBAN'S Point Prison is 46 percent overcrowded, but the S A Prisons Service say there is nothing they can do about it.

There were 822 prisoners in the prison yesterday morning, but it has 'approved accommodation' for only 558 prisoners.

'We're not like a hotel that can turn people away because we're full,' said a spokesman during a Press tour of Durban's prisons and the new Westville prison complex yesterday.

Reporters and photographers were shown the Point Prison cell in which two people were killed and six seriously injured during a gang fight in February when there were 117 people crammed into the cell.

Yesterday there were 49 prisoners in the cell, designed to accommodate only 31.

Figures released by the S A Prisons Service liaison section showed there were just not enough prisons to accommodate all the people sent to jail by South Africa's courts.

Worsens

There were 108 692 prisoners in 420 prisons designed to hold about 78 500 people on April 30 this year.

Alleviating the situation in one place simply worsens it somewhere else.

The Durban Central Prison is designed to hold 1 017 prisoners and on May 31 this year there were 1 799.

The Press party was shown the reception areas, hospital sections,



Forty-nine prisoners line the walls of the Point Prison cell in Pietermaritzburg and another 15 which two prisoners were killed and another six seriously injured in a gang fight in February this year. The official capacity of the cell is 31, and at the time of the fight there were 117 prisoners in the room. Pictures by Philip Littleton.

Full prisons 'can't just turn people away'

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NM 21/6/85

Moved

prisoners in the room

communal and solitary confinement cells, in the Durban prisons. All the areas were clean, tidy and reasonably well-lit.

As the party moved through the cell areas the prisoners lined the walls, holding their identity cards up to their chests.

Gangs

The reporters were allowed to speak to the prisoners, some of whom appeared amused at the visitors' curiosity.

One prisoner's identity card had been marked '28', showing him to be a member of one of the gangs which had been involved in the fight at the Point Prison in February, although he claimed that he was not a member of the gang.

'I'm just a small man,' he said.

All the prisoners who had been involved in the fight had immediately been separated and transferred to other prisons and some would be appearing in court, said Maj Gen Hennie Botha, the Prisons Service's head of personnel and information, who accompanied the Press on the tour.

The group was shown a collection of improvised weapons, which had been found on prisoners during their daily searches. These included knives fashioned from dishes, pieces of tin and chess pieces — and the most

tempt by the Prisons Service to improve relations with the Press and the public.

'We have nothing to hide. It's impossible to hide anything in a prison anyway,' said Gen Botha. 'We are as open as we can be. Prisoners' family members, magistrates, judges, doctors and lawyers visit prisoners regularly.'

As soon as the Durban Central Prison could be emptied it would no longer be used as a prison. A new prison is also being regularly



Maj A D Britz, the officer in charge of Point Prison, with a knife fashioned from a chess piece. The weapon was one of several found on prisoners during searches.

NLM
21/6/85

233

Mr Carl Mouton, the architect in charge of the R52-million project, with part of the new Westville prison complex in the background.



Jail with all mod.cons.

253
NM 25/ 27/6/85

Many novel features in new Westville prison



A prison officer with a complete set of prison kit issued to prisoners, on arrival at the new Westville complex.

THE huge new Westville prison complex — actually five separate jails — includes features new to prisons in South Africa

Mr Carl Mouton, the architect in charge of the project, says that the final touches are being put to the complex and the first prisoners could be moved in by the end of next month

The R52-million complex, one of the largest in the country, will hold 4 830 prisoners in separate jails for whites, women, coloureds and Indians, unsentenced black prisoners and sentenced black prisoners

With three times the combined capacity of Durban's Central and Point prisons, it is expected to solve jail overcrowding in the Durban area 'for the time being'

According to Brig Erika van Zyl, head of the SA Prisons Service liaison division, the Prisons Service plans to move out of the outdated Durban Central Prison in phases. The Point Prison would remain in use 'for some time to come'

Each of the five prisons in the complex has its own reception and administration area, hospital, chapel, kitchens, storage areas,

multi-purpose dining rooms — and of course communal and single cells

Residents' objections

Mr Mouton, who started work on the project

By
Stovin Hayter

16 years ago, described the problems which had to be overcome in the design when he showed a party of journalists around the complex

'It was clear from the start that we could not use a standard plan,' he said

'We had to go back to basics and start from there'

One problem was Westville residents' objection to the presence of the prison. The complex was built on steeply sloping land in a natural amphitheatre facing away from the town and hidden behind built-up banks of earth

Cells set at an angle

Cell block layout was planned to minimise the manpower needed

the different floor levels is by spiral ramps rather than stairs, eliminating vulnerable situations which might develop on stairs

'It is impossible to design a prison people cannot break out of. But I think most of the possible routes out of this one have been taken care of,' said Mr Mouton.

Climate also a problem

Durban's climate, 'either very hot or raining', presented another challenge.

'It's all right for people who move around all day, in and out of buildings, and in and out of air conditioning, but for people who have to stay in one building our weather becomes a problem'

Each level of each multi-storey cell block has its own covered exercise yard, protected from rain but still open to fresh air and sunlight

The cells had been angled so that there would always be air movement inside, no matter what direction the wind blew from, Mr Mouton said

Loudspeakers in each cell can be used for piped music or as an intercom, allowing com-

to guard the prisoners. A single warder working in a central lock can control four doors instead of at least one warder, and sometimes two, to a door, as in a traditional layout.

At the same time each warder can be seen by others at similar locks.

The distances warders have to walk were cut down by turning the cells at a 45-degree angle to the central passage in each block, forming a herringbone pattern.

The whole of each cell can be seen from a single observation point.

Mr Mouton said another challenge had been to deal with the possibility of violence between prisoners, or of warders being attacked or taken hostage.

'We tried to create a psychological environment in which a prisoner would know he could not get away with anything like that.'

All the open areas in the prison can be observed from overhead walkways.

Movement between

One of 26 houses built for officers stationed at the Westville prison complex.

Below: The visiting cubicles, believed to be among the most sophisticated in the world, in one of the new Westville prisons.

munication between warders and prisoners.

Each communal cell has been built to hold 19 prisoners, but the beds can be stacked to form bunks so that more prisoners can be accommodated if necessary.

Visiting facilities

The Prisons Service believes the visiting facilities at the new prison are among the most sophisticated in the world. Prisoners can see their visitors through glass screens and speak to them through intercoms fitted to each cubicle, but cannot come into physical contact with them.

Mr Mouton said the complex would be manned by about 600 warders and other staff.

Staff housing — single quarters, duplexes and officers' houses — had been built for several hundred.

This and other facilities, including sports fields, indoor sports facilities, a hall and a clinic, cost R18-million.



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NM 27/6/85

Warder dies after attack by prisoners

Mercury Reporter

AN SA Prisons Service warder died after being attacked by prisoners in the Durban Central Prison yesterday afternoon

A Prisons Service liaison division spokesman, Col Danie Immelman, said the warder, who had been opening cells, was overpowered and hit over the head with a fire extinguisher

His cell keys were seized and the prisoners managed to open several other cells in the section, where 146 awaiting trial prisoners were being held

Prison staff managed to lock the security gate through which access to the section was controlled

The dead warder's keys were found lying outside one of the cells

The prisoners became even more unruly and began tearing out fittings in the cells to use as weapons, Col Immelman said

The South African Police riot squad was called and the prisoners were eventually persuaded to call off their uprising

No force had to be used on the prisoners and they were moved to another section of the prison without any further incidents

The SAP and the SA Prisons Service are investigating.

The name of the dead man, a black sergeant, could not be released until his next-of-kin had been informed.

Detainees added to prisons crush

by Peter Honey

Emergency detainees have swollen South Africa's 110 000 prison population by nearly one percent within the first week of the country's emergency declaration.

Sunday's emergency proclamation in 36 districts of the Reef, Vaal and Eastern Cape, into the country's jails, which authorities say already house one of the highest per capita prison populations in the Western world — more than 900 by yesterday.

A Prisoners Department spokesman said yesterday the country's 242 prisons were, on average, 36 percent overcrowded, with 109 704 inmates occupying accommodation approved

for 80 200 at the end of June. Justice Minister Mr Kobie Coetsee revealed in March that overpopulation was 150 percent in several prisons and as high as 224 percent in one case.

The Prisons Department spokesman said yesterday that the overcrowding was "not an unmanageable phenomenon". He rejected suggestions that special camps were being established to accommodate the sudden influx.

Overcrowding in prisons was "a relative concept" he said. "The accommodation figure for South African prisons is determined against a broad norm

and a high standard of health and hygiene is maintained.

"Prisoners also have access to spacious courtyards and ample opportunity is given for outdoor recreation."

He added that prisoners were transferred to less crowded prisons in cases where there was an above average influx of admissions due to temporary circumstances.

Asked if emergency detainees had to be kept incommunicado from ordinary and awaiting-trial prisoners in jails had aggravated the problem of accommodation, the spokesman said it

was "not unmanageable".

It is believed that prison transfers might be expected in the smaller districts where a comparatively high number of people have already been detained — in Graaff Reinet, for example, 68 people had been arrested by yesterday, according to police sources.

The National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO) director, Mr John Pegge, said yesterday South Africa's prison population was one of the highest per capita in the Western world.

Prisoner dies

A BLACK prisoner died in the Boksburg-Benoni Hospital on Wednesday after being injured at Modderbee Prison. A spokesman for South African Prison Services said in Pretoria yesterday the man, who was not named, had been injured in "an incident" at the prison.

He did not reveal the nature of the incident, but said it was being investigated by the South African Police — Sapa

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SOWETAN

2/8/85

253
R. Day 12/8/85
Government signals shift in position on Mandela's release

GOVERNMENT has signalled a shift in its position on terms for the release of Nelson Mandela.

This is the impression that Foreign Minister P W Botha gave at a Press conference on Saturday on his return from talks in Vienna with representatives of the United States, Britain and West Germany.

There is little prospect, however, Mandela's release will come soon.

Botha said "I think there are members of

PAUL BELL
Political Correspondent

the SA government who believe that he has been in jail for many years and ought to be set free. The question now is — how?"

Botha said that government and President P W Botha — who made the January offer to free Mandela if he rejected violence — had never looked on this rejection as a condition for his release

Rather, this was regarded as "a norm ... which applies to all of us in this country who really want reform and a peaceful solution to our problems"

Botha also claimed that it was government's impression that Mandela was effectively jailing himself. Citing government's preparedness to release Mandela to Transkei, he said there had been no lack of effort on government's part in trying to release him.

Government seems to be trying to find a face-saving formula for Mandela's release — one which would not lock it into expectations that they would negotiate with him alone.

At present, they seem to be prepared to allow a moderate climate of expectation to grow, but refuse to be drawn into public discussion on the issue.

Pretoria would not wish to play all of

● Turn to Page 3



● PIK BOT no lack of c

Govt signals slight change over Mandela

From Page 1 12/8/85

its cards too quickly Government will be hoping that P W Botha's new reform package — expected on Thursday and already partially disclosed to the West by P W Botha — will buy time abroad, allowing the Mandela ace to be held for later.

Observers differed in their interpretation of the apparent shift in government's position implied in the reference to "a norm" as opposed to "a condition", but agreed that a shift had taken place

Natal social scientist Professor Laurence Schlemmer said he believed the circumstances for Mandela's release were fairly propitious, if and when some form of collective process of negotiation with black leaders got under way.

Progressive Federal Party MP Helen Suzman said P W Botha's statement seemed to indicate a slight shift in position but that it still did not make much more sense than had the original condition.

She also cautioned against any expectation that Mandela would be freed soon.

APC Tomp S
14/8/85

258

Amnesty fears for safety of prisoners

Own Correspondent

LONDON — The human rights organization Amnesty International claims in a report to be released today that there has been "a dramatic escalation of South Africa's human rights violations" since the declaration of a state of emergency on July 21.

Amnesty said that more than 1 400 "political detentions" had been reported since July 20, compared to roughly 1 000 under security regulations during the entire year of 1984.

Sapa reports that police said that 1 646 people had been detained since the state of emergency was declared on July 21 and that 682 people are currently being held under emergency regulations.

Whipping

Amnesty said under the new powers detainees can be held incommunicado and may be punished by up to 30 days solitary confinement or whipping with a cane for violating the rules under which they are held. These include bans on singing, whistling and "false, frivolous or malicious" complaints about treatment.

"There are grave fears

for the safety of prisoners now in custody."

Amnesty International said it had previously published evidence that political prisoners had been subjected to electric shocks, partial suffocation and beatings.

In earlier cases some detainees had died in custody, it said.

The organization has appealed to the South African Government to revoke immunity granted to security personnel and allow regular access to detainees.

Indefinite

Detainees should be held in publicly recognised places and those held for non-violent criticism of the government should be released.

UPI reports that a spokesman for Law and Order Minister Mr Louis le Grange asked reporters to telex details of the alleged brutality to his office when asked for comment but there was no immediate reaction.

A spokesperson for the Detainees Parent Support Committee yesterday said that another 300 people have been held this year under separate security legislation allowing almost indefinite detention without trial.

15/8/85

Business Daily

THE NATIONAL NEWSPAPER FOR DECISION

253 B. Day 15/8

'Mandela would be freed only if he i

LONDON — South Africa's Deputy Foreign Minister Lous Nel said in a BBC television interview on Monday night that ANC leader Nelson Mandela would be released only if he renounced violence.

"We want to release Nelson Mandela," he said "But he must renounce violence. We are all civilised people and we must apply civilised standards. We think that if we say Nelson Mandela must be released

STANLEY UYS

on the basis that he renounces violence, it is only stating a norm

"It should be a mere formality for civilised people. We think that Mandela should accept this situation."

Mandela was offered release from Pollsmoor prison in Cape Town earlier

this year on condition that he renounced violence, but he turned down the offer.

Nel said "many moderate black leaders" were unable to negotiate with government at present because of intimidation, which included arson, murder and assault. This was why it was important to re-establish law and order in all areas of SA.

Asked whether President P W Botha's

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Nel said "many moderate black leaders" were unable to negotiate with government at present because of intimidation, which included arson, murder and assault. This was why it was important to re-establish law and order in all areas of SA

Asked whether President P W Botha's

constitutional reforms were getting anywhere Nel said "I can assure you that the special Cabinet committee has been negotiating with several leaders from time to time. We are looking forward to the State President's speech on Thursday"

Meanwhile British television newscasts last night headlined the challenge from Nelson Mandela to Botha for a

meeting in Pollsmoor Prison

This followed a visit by Winnie Mandela to her husband earlier. Independent Television said Mandela had reacted to Botha's claims that the ANC leader's advisers wanted him free in order to spearhead further violence

Mandela's response, according to the newscast, was to invite Botha to have discussions with him in jail

Coetsee issues warning on Mandela prison visits

JUSTICE Minister Kobie Coetsee last night warned that social visits to prisoners "might be reviewed" in response to reports that jailed ANC leader Nelson Mandela had used such a visit to issue indirectly a public statement.

As a first step, said Coetsee, he had requested the Commissioner of Prisons to ensure the strict application of quotas, regulations and selections involving social visits to prisoners.

He was speaking at the opening of the National Party's by-election campaign in Sasolburg. An extract of his speech, which dealt with the Mandela issue, was released in Pretoria.

It said "In recent weeks, reports have appeared where reference was made to statements that prisoner Mandela was supposed to have made... it must be pointed out that it is standing policy that prisoners are not allowed to make any statements from a prison to the media. Prisoner Mandela is no exception to this rule."

This followed a statement in Johannesburg yesterday after Mandela's wife, Winnie, held her second Press conference in a week in open defiance of a

PETER HONEY and Sapa

banning order which restricts her to the Free State town of Brandfort and which prohibits her from speaking to more than one person at a time.

Being banned, she may not be quoted.

But family friends said she had been told when she visited Mandela in Pollsmoor Prison last week that the ANC leader had not changed his stance on a national convention, which his organisation had called for in the early 1960s.

But Mandela has set preconditions on his participation in negotiations with government — conditions which government is almost certain to continue rejecting for some time. These are:

- Release of all imprisoned political leaders;
- Abolition of apartheid;
- Government's recognition of the ANC as a legitimate political party.

But a convention was out of the question so long as government continued to jail its black political opponents.

Mandela and the ANC remained in favour of international economic sanctions against South Africa as an alternative to violence.

Soweto 253

man dies

in cells

STAR

22/8/85
A Soweto man died in the cells at Pilgrim's Rest police station within 48 hours of being taken into custody.

Mr Sonnyboy Mokoena (24) of Moroka North, Soweto, was detained on August 14 at Mphato near Pilgrim's Rest while visiting his grandmother.

His family said they had only learnt of his death by chance.

HANGING

His mother, Mrs Hilda Mokoena of Soweto, said that on inquiry, police said he had been found hanging from a blanket in his cell on Friday.

The death was confirmed by Major J. Janeke, of the Police Public Relations Directorate.

Asked about allegations that Mr Mokoena had been assaulted before being detained, Major Janeke said these would soon be answered by a post mortem.

ANC NO talks until

amnesty

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CAPE TIMES 22/8/85

JOHANNESBURG. — The African National Congress believes that a national convention would be "futile", Ms Zinzi Mandela, daughter of the jailed ANC leader, said yesterday.

Ms Mandela said the time for a national convention — which the ANC called for more than 23 year ago, before it was banned — was definitely past

She said her father's declaration last Thursday was the standing position of the ANC leadership at this juncture. The stance had been conveyed to her mother, Mrs Winnie Mandela, during a visit to her father at Pollsmoor Prison last week.

"My father and the leadership believe that after 23 years it would be futile," she said, adding that the ANC leadership was now concerned only with discussing the mechanics of handing over power to the majority of South Africans

The ANC's Department of Information in Lusaka released a statement yesterday also ruling out the possibility of a national convention at this juncture

"Our policy has been that only after the unconditional release of political leaders can the democratic movement as a whole consult on whether to negotiate or not and what form negotiations would take," the statement said

"As it is, the question on the agenda is not a national convention but the unconditional release and enablement of all democratic forces to consult and agree on the principle of negotiation

"If (Mr) Botha wants to discuss handing over power to the majority, the forum can be agreed on"

Meanwhile, Mrs Mandela addressed a major media conference here yesterday and while her comments will be heard around the world, they may not be published in South Africa since she is banned

About 60 journalists — mainly foreign correspondents — attended the conference

The police were conspicuous by their absence, and journalists at the conference speculated whether they could also be arrested for aiding Mrs Mandela to break her banning order

Mrs Mandela left the conference immediately after answering several questions

A letter to the Reagan administration was read out in which her lawyer, Mr Ismael Ayob, explained why Mrs Mandela would not accept a donation of R10 000 for repairs to her Brandfort home and clinic, recently gutted in an arson attack

The refusal was because of the Reagan administration's support of the South African Government

● The leader of the PFP, Dr Van Zyl Slabbert, yesterday wrote to the State President, Mr P W Botha, seeking permission for a meeting with Mr Mandela

Commitment to politics of negotiation

Last night, Dr Slabbert said he had intended to speak to Mr Mandela some time ago, adding that he would not disclose the agenda of the talks

He said he was "prepared to talk to any person of consequence, whether in the United Democratic Front or the ANC to explore the possibilities of the politics of negotiation"

The PFP leader said he had no intention of becoming involved in a "cheap publicity stunt" in this regard or of "engaging in political posturing"

Dr Slabbert said he would try to convince Mr Mandela to take part in a national convention

If he was allowed to see Mr Mandela — and if Mr Mandela wanted to see him — he would try to persuade him to participate in a national convention and a negotiated future

"I would not try to persuade him to do anything I would not ask anybody else to do. My view is that we should have negotiation and consultation rather than confrontation"

● In Pretoria the Minister of Justice, Mr Kobie Coetsee, last night warned that social visits to prisoners might be reviewed

He said press reports had referred to "statements that prisoner (Mr) Mandela was supposed to have made" and that "prisoners are not allowed to make any statements from a prison to the media"

"Prisoner (Mr) Mandela is no exception to this rule" — Sapa and Own Correspondent

(253)
B. Day

Bid to re-open Moloise trial with new evidence

23/8/85

THE Zambian headquarters of the African National Congress has offered to produce evidence claiming the black poet Malesela Benjamin Moloise was not responsible for killing a Mamelodi security policeman in 1982

Moloise, a member of the banned ANC, was convicted in the Pretoria Supreme Court in 1983 for having shot and killed Warrant Officer Phillip Selepe, who died in a hail of bullets from a Soviet AK-47 assault rifle in an ambush at his Mamelodi home on November 7, 1982

On Tuesday he was granted a last minute stay of execution by Judge C F F Eloff following an urgent application in the Pretoria Supreme Court

Moloise's lawyer, Priscilla Jana, confirmed the ANC had offered to produce evidence claiming responsibility for the killing

"We accepted knowing that if they did, this would save an innocent man from going to the gallows," she said

Own Correspondent

Jana is still waiting to hear from the headquarters

The impending execution of Moloise, who was to be hanged in Pretoria on Tuesday morning, had prompted appeals for clemency from all over the world including the United Nations Security Council

In South Africa special prayer services were held for the Moloise family

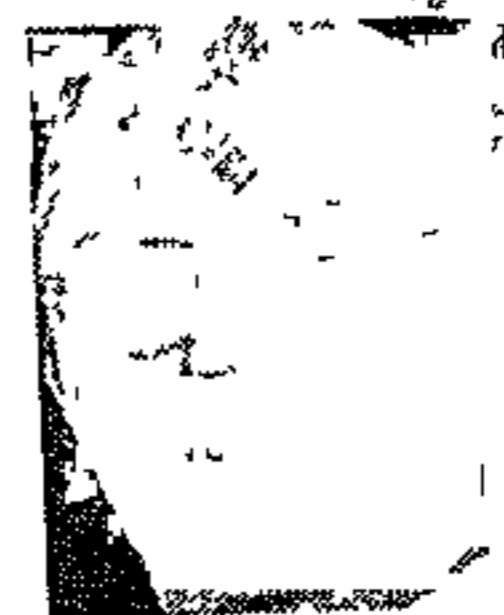
After news of Moloise's reprieve had spread like wildfire, several thanksgiving services were held throughout the country

UN Secretary General Javier Perez de Cuellar is reported to have added his voice to the appeal during a private meeting with South African Ambassador Kurt von Schirnding

Moloise's attorneys are to present new evidence in a petition to the State President in the hope that the trial will be re-opened

P.W. personally passed US newsmen's application

SA permission for Mandela interview



P.W. Botha

23/8/85

TWO *Washington Times* journalists had been given permission to interview Nelson Mandela at Pollsmoor Prison in Cape Town and the meeting had taken place earlier this week.

This was confirmed by Minister of Justice, Kobie Coetsee's office in Pretoria yesterday.

It is understood State President P.W. Botha personally cleared the application by the two journalists, Cal Thomas and John Lofton, on Monday, and that the interview took place later that day.

Coetsee's office had no further comment on the journalists' visit.

Their reports, in *The Washington Times* yesterday, quoted Mandela as saying he saw "no alternative" to violent revolution in South Africa and that there was "no room for peaceful struggle"

He repeated his refusal to renounce violence to win his freedom. If released, he predicted, he would probably be back in custody in a matter of hours.

Mandela said it appeared that the lot of black South Africans had not

improved in the 21 years he had spent behind bars, according to the report.

"As far as I can follow from political events, conditions are much the same now, if not worse," he said.

Coetsee had issued a warning about Mandela's prison visits at a National Party political meeting in Sasolburg on Wednesday night

He said conditions attached to prisoners' social visits would be strictly enforced.

He also said there might be a clampdown on Mandela's visits after reports that he had used such a visit to issue a statement rejecting the idea of a national convention for South Africa

A full interview with Mandela appeared on the front page of *The Washington Times* — despite Coetsee's statement

As Mandela is in prison, South African media may not publish the story without the permission of the Minister of Law and Order, Louis le Grange.

Sapa has submitted the available version of *The Washington Times* story to the minister for his decision

on publication, as Mandela discusses his attitude towards peaceful change in South Africa.

It is still awaiting a decision by Le Grange on whether it can publish any of the statements made at a Press conference in Johannesburg on Wednesday by Mandela's wife, Winnie

She is a restricted person and may not be quoted in South Africa without the minister's permission.

About 60 journalists — most of them foreign correspondents — including five foreign television crews, attended the conference, and her comments have been relayed round the world.

Meanwhile the Azanian Students Movement (Azasm) yesterday "applauded" Mandela for finally rejecting a national convention, an Azasm spokesman said in a statement.

The spokesman said the organisation applauded Mandela for "the ultimate recognition of the genuine anti-convention gospel" which has been preached by Azapo (Azanian Peoples' Organisation) and the Black Consciousness movement as a whole." — Sapa-AP



R6 000 claim over cell attack

A man who was allegedly attacked by several prisoners while he was in a cell at John Vorster Square is suing the Minister of Law and Order for R6 000 in the Rand Supreme Court

The action for damages against the Minister of Law and Order was brought by Mr Freddie Tarentaal of Eldorado Park on behalf of his minor son, Mr Dennis Tarentaal (20)

Mr Justice R J Goldstone was told yesterday that on June 17, 1982, Mr Dennis Tarentaal, who was then 16, was arrested and detained at John Vorster Square

While in the cells Mr Tarentaal was allegedly assaulted by about eight of the occupants on about June 26, 1982

He could not remember the precise dates of

the assault as a result of injuries he sustained, Mr Tarentaal said

Earlier, on June 20 he had been assaulted by cell inmates and the incident was reported to a police sergeant the following morning, it was alleged

He was transferred to another cell but later taken back into the original cell where he was assaulted

It was submitted that as a result of the attack Mr Tarentaal suffered head injuries, a weakness in his right arm and leg, and speech defects

Mr Tarentaal claimed the police were responsible for his safety and welfare or had not acted in terms of the Prisons Act

Negligence on the part of the police has been denied

The case continues

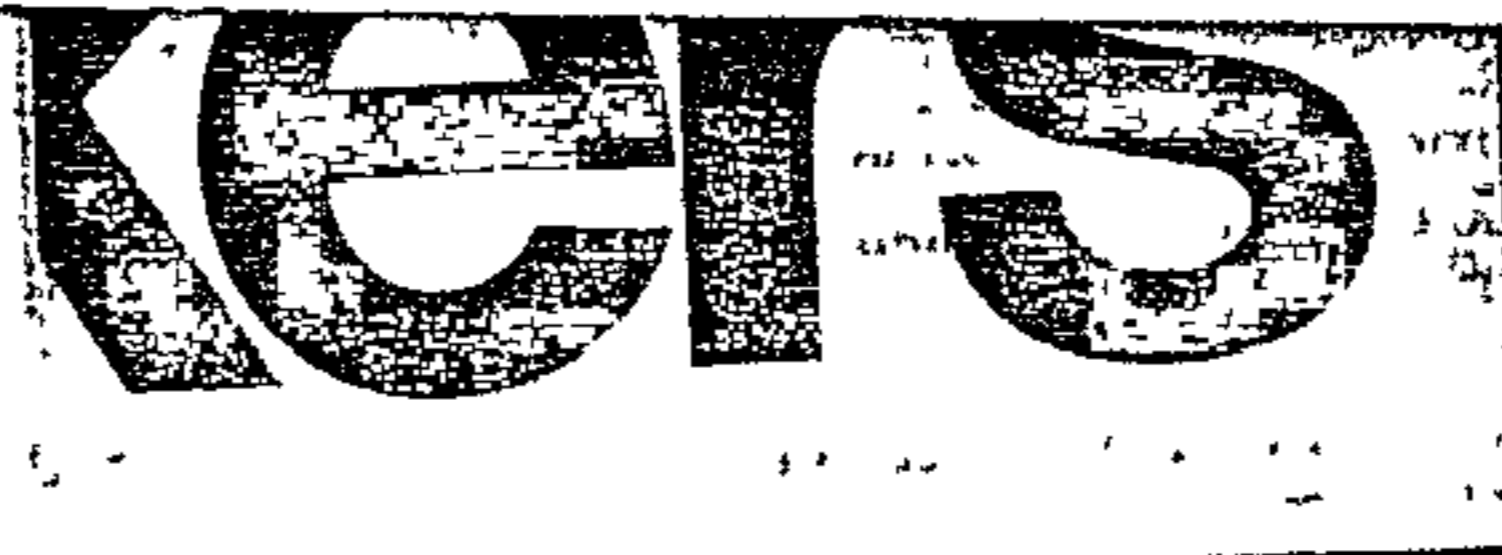
Mr Justice R J Goldstone was told yesterday that on June 17, 1982, Mr Dennis Tarentaal, who was then 16, was arrested and detained at John Vorster Square

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'WE'LL FREE MANDELA'

THAT old "send Mandela to Transkei" argument is back again.

SA Foreign Minister Pik Botha told the Transkei government last week that the banned African National Congress leader may be released "unconditionally" - except for one condition!

And that condition? That he take up residence in Transkei - an option he rejected more than a year ago

Transkei government sources told City Press Mr Botha had visited Transkei last week before President P W Botha's "major" speech in Durban

They said it became obvious from their conversation that South Africa still regarded Mandela as a threat

Even when released to Transkei, South Africa would dictate certain conditions to

By STAN MZIMBA

Matanzima's government regarding Mandela, the sources said

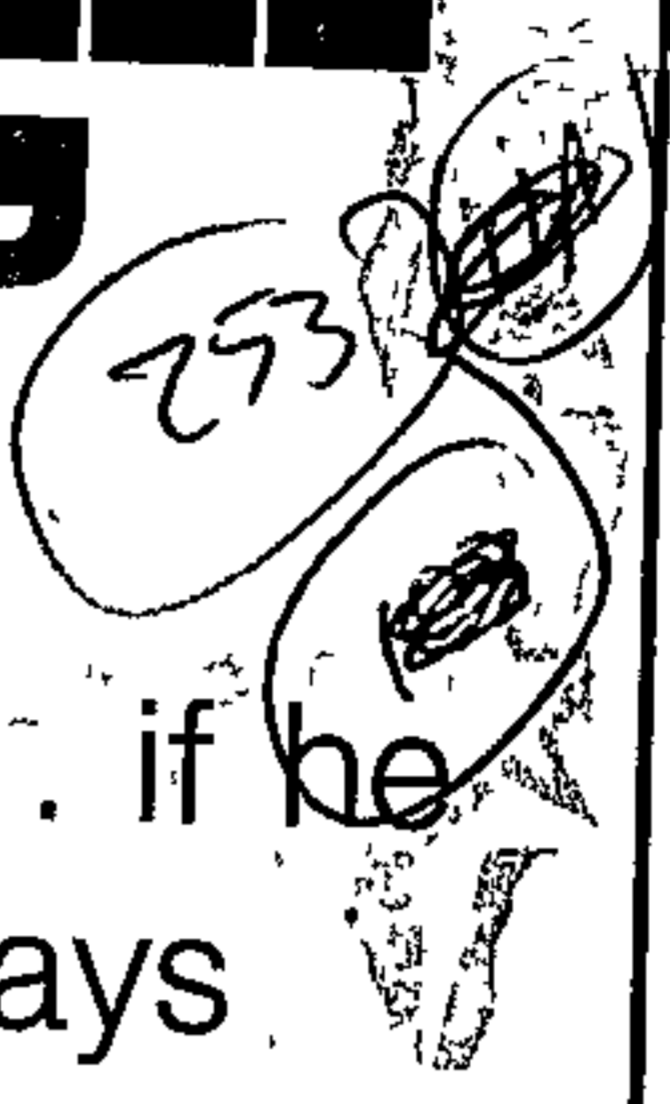
There is a strong feeling within the territory that Mandela will be released in the same fashion as Swapo's Toivo Ja Toivo. The minute the jail doors are opened, the Transkei authorities will be there to "collect" him

City Press also learned that Mr Botha plans to hold

... if he stays in the Transkei

individual meetings with all homeland leaders and black mayors in the near future to "talk about the future of South Africa"

Meanwhile, Prime Minister George Matanzima said his territory would not accept a dispensation which did not "attempt to accommodate the aspirations of the black majority"



25/8/85 (293) C.P. 20

No joy for freed attorney

FORMER Durban Attorney Bulelani Ngcuka just released from Pollsmoor prison - came home to be caught in a clash of emotions instead of a celebration

Ngcuka, who served three years for refusing to testify against a friend charged with

treason, suffered a sense of loss on hearing of the brutal killing of Victoria Mxenge's

Mrs Mxenge was at Ngcuka's side when the law society took action to have him struck off as a practising attorney for his "disloyalty to the State". And they won that battle

Ngcuka was the first articled clerk under Victoria's slain husband Griffiths

Mrs Mxenge was killed at her home only 24 hours before Ngcuka was released from prison

Mr Ngcuka told *City Press* how earlier last week Mrs Mxenge visited him at Durban's Point Prison where he was awaiting release and told him she was planning a welcome home party for him

But Mr Ngcuka came out to bury Mrs Mxenge instead

'21 days to fight

for
my
son's
life'

~~253~~ 253

City Press
25/8/85

By **MONO BADELA**

MAMIKE Moloise is relieved her condemned son has been given an 11th hour reprieve.

But the frail mother is unhappy with the short time given to save her son's life

"21 days is too short a time for me to save him," she said

The Diepkloof grandmother spoke to City Press after visiting her son on deathrow on Wednesday

"I am relieved - but the struggle ahead to try and save his life is enormous," she said

"This is a matter of life and death. We'll keep praying until it is all over."

Her son Benjamin Moloise, 30, was in good spirits when she visited him in Pretoria Central Prison, she said

At 7pm on Tuesday - 12 hours before he was to be hanged - he was granted a stay of execution pending the outcome of a petition to the State President

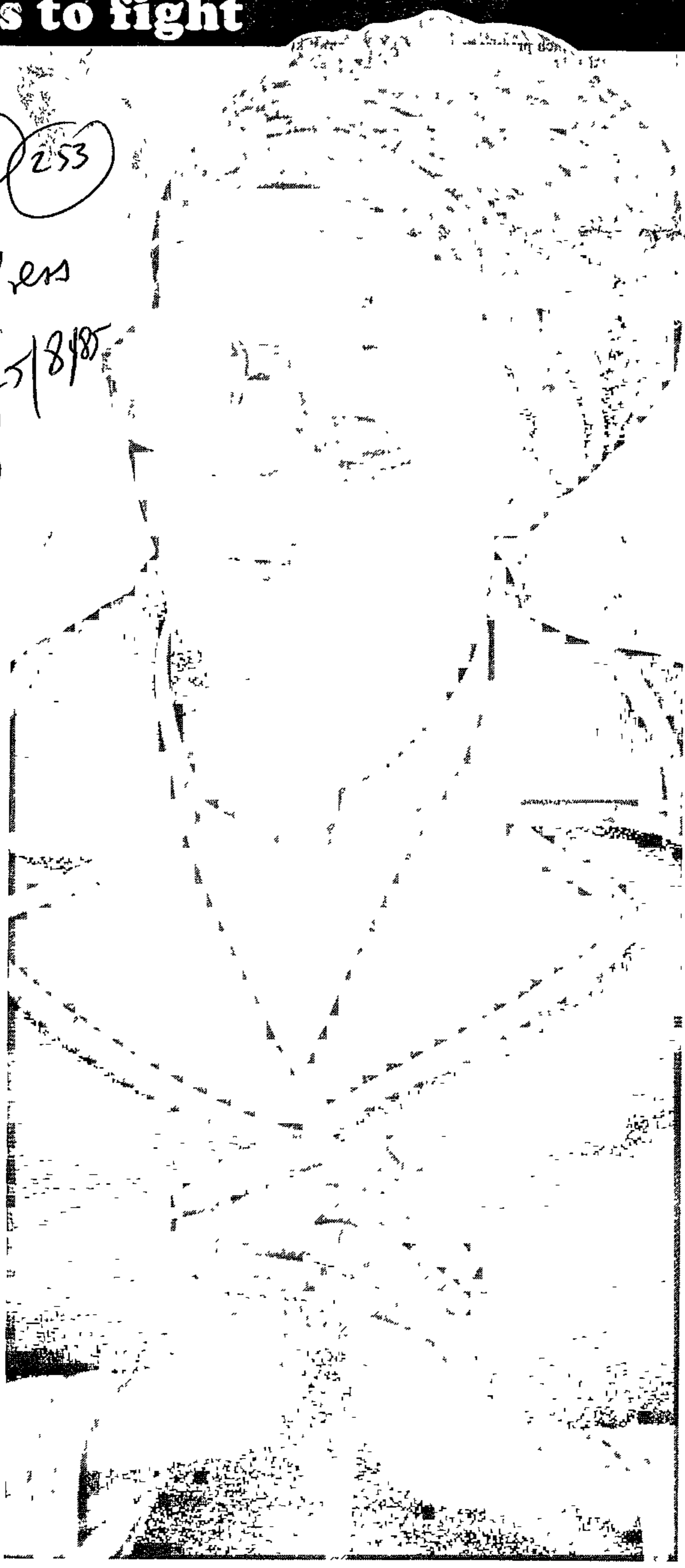
Mr Moloise's lawyer, Priscilla Jana, was given 21 days to file the petition

Mr Moloise was sentenced to death in June 1983 for the murder of Mamelodi security cop Phillipus Selepe

About 200 of Mr Moloise's supporters were praying for his reprieve and for justice in South Africa when the news of his reprieve was announced

Veteran women's activist Greta Ncapayi said the reprieve was "a miracle" - but the three weeks allowed was very short

Mrs Moloise will visit her son every day until her ordeal ends



ARGUS 29/8/53 (253)

5 sentenced to death for prison 'revenge' killing

Supreme Court Reporter

FIVE prisoners who slit the throat of a rival gang member in a "revenge" killing, have been sentenced to death

In the Supreme Court, Cape Town, Mr Justice Latagan found them guilty of murder with no extenuating circumstances

They are Martin Beukes, Abraham Fillies, Rudolf Frans, Wayne Shields and Edward Heyns

Evidence was that on September 12 last year at Voorsberg Prison, Johannes Simons was transferred to the accuseds' cell

48 in cell

There were 48 people in the cell, 10 of them members of the 28 gang

Simons was a 26 gang member. Earlier three 28s were killed by their rivals in the same cell

Simons was shown where to put his bedding. Soon after his arrival the accused sat in a circle discussing whether he was a 26 or not

They took him to the toilet, where they assaulted him

Later that evening they again formed a circle and talked among themselves

Soon after "lights out" they



Picture ADA STUIJT, The Argus

Mr Eddie Harker, head of the Freeway Conscious Cape Programme, stands beside one of the eight computerised patrol cars and the radio-linked, single-engined aircraft which will form part of the team teaching Peninsula freeway drivers the finer points of traffic behaviour.

Housing jobs 'are city's priorities'

17/11

Death for killing

Supreme Court Reporter

FIVE prisoners who slit the throat of a rival gang member in a "revenge" killing, have been sentenced to death

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They took him to the toilet, where they assaulted him

Later that evening they again formed a circle and talked among themselves

Soon after "lights out" they surrounded his bed

Slit throat

He was heard to say "Chaps, what are you doing? I didn't do anything to you"

While some of the accused held Simons's legs and arms, Heyns pulled a belt tightly round his neck

Fillies and Shields slit his throat with a razor blade. Gurgling sounds were heard for a little while longer

The court heard that Fillies and Shields were not members of the 28 gang before the assault. By murdering the deceased they were accepted, as they had "proved their worth"

Protection

Shields told the court of "difficulties" he had had in prison and of things being stolen from him. He decided to become a gang member for his own protection

Mr Justice Lategan could not see how this affected his moral blameworthiness and found no extenuating circumstances

A sixth prisoner, Andrew Hartnick, was acquitted

r who saved dog

Staff Reporter

Point surfer who risked his life to save a dog from the sea off Sea Point in June, has won the Southern African SPCA medal for a ceremony tonight

Mr Haytread, 24, who rescued Baron, the Romanovsky family of Constantia, will receive the medal from the chairman of the Cape Town branch of the SPCA, Mr William

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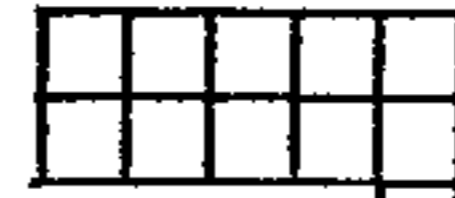
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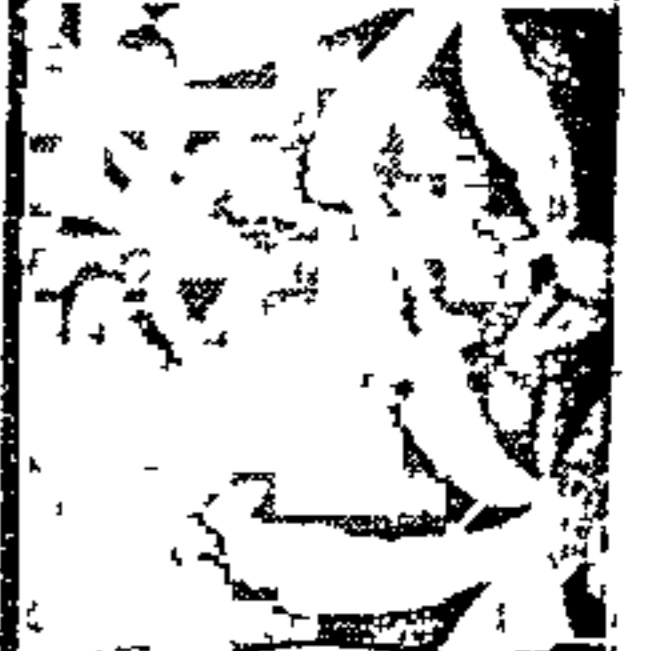
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reformatories

Opt Times 31/8/85 (253)

Whipping leads to probe into

Staff Reporter
THE Durbanville Institute for Girls — will soon close and an in-depth probe into reformatories has been ordered by Mr Piet Clase, the Minister of Education and Culture in the white Ministers' Council.

Mr Clase made the announcement in Fouriesberg in the Free State.
He said the Institute for Girls in Durbanville would be closed due to "inadequate facilities" and that the girls and staff would be accommodated elsewhere.

A spokesman for the department in Pretoria said yesterday that no date had been fixed for the closure of the institute, but lack of funds had prevented renovation and it was no longer "functional".

Mr Clase's speech follows a recent court case in which the headmaster of a Transvaal reformatory for girls was alleged to have dealt out "cruel punishment" which included solitary confinement and whippings.

"Since its establishment a year ago the Department of Educa-

tion and Culture has continued its investigation into the provision for pupils with problems at reformatories," said Mr Clase.

"As I have indicated before I have ordered an investigation following complaints concerning the headmaster of a reformatory.

"The procedures to be adopted in this regard are prescribed by law and since the case is now sub judice I am not in a position to comment."

And Mr Clase said an in-depth investigation is to be conducted

into the control structure of reformatories.

"A committee of experts in the field of psychiatry, clinical psychology, educational psychology and the legal profession, has agreed to examine the functions of the boards of control, functions of headmasters, inspection and teacher guidance as well as classification of schools with a view to providing the most effective education and welfare services for children in need of care and deviant children," he said.

The committee, consisting of

13 members has been asked to submit their report to Mr Clase within three months.

"Further aspects that require urgent attention are the teaching and therapeutic programmes of child care schools, as well as procedure for referral and transfer of pupils," said Mr Clase.

A second committee of 13 has been appointed to report within three months to Mr Clase on these aspects.

Meanwhile Mr Clase said in a press statement that he would "protect pupils and staff of all schools under my control if they

deserve it".

He added that the Department of Education and Culture was "doing everything in its power to eliminate shortcomings and to further improve the system".

Referring to the court case in which it was found that girls were subjected to long periods of solitary confinement, Mr Clase said: "The practice of separating pupils from others for long and continuous periods and simply as a form of punishment is against departmental policy and will definitely not be tolerated."

5 hangings take year's toll to 76 253

Five men were hanged at Pretoria Central Prison on Friday, bringing the number of people executed this year to 76

Another 214 are on Death Row, while 20 — 13 African and seven coloured men — have been reprieved this year

Those executed were

● Joseph Jafta, convicted in the Bloemfontein Supreme Court on December 9 1983 of murder

● Mandlenkosi J Mathonsi, sentenced in the Maritzburg Supreme Court to death on October 19 last year

● Boy Mazeka and Tryphina Mthembu, convicted in the Maritzburg Supreme Court on November 2 last year of murder

● Murderer Bongani Geoffrey Wanda, sentenced to death in the Durban Supreme Court on December 7 last year

— Sapa

Slabbert's hopes of talk with Mandela dashed

Political Staff

The Government is not willing to have Dr F van Zyl Slabbert talk to jailed ANC leader Mr Nelson Mandela

The leader of the Progressive Federal Party said today this had emerged from informal talks with members of the Government. He wrote to President P.W. Botha on August 21 asking for such a meeting — provided Mr Mandela was willing to see him

Prospects for broad peace talks appear to be fading after Mr Botha's condemnation of business efforts to hold discussions with the ANC and the rebuff of Dr Slabbert

Dr Slabbert said today he had been informally told it would be inopportune for him to see Mandela

NO QUESTION

The man said to be behind the attempt to hold informal talks with the ANC, Mr Gavin Relly of Anglo American, said in a statement yesterday "There is no question of any group with which I am associated being involved in any form of negotiation with the ANC and I do not think it is a role the business community would assume on its own"

Dr Slabbert said today that to engage in talks with people did not mean that one condoned or supported their position

ALTERNATIVE

Mrs Helen Suzman, law and order spokesman for the PFP, said the Government appeared to think that guns and quirts would bring peace to the country

The obvious alternative to this was to talk and seek solutions, something any sensible government would do, she said

Mr Botha said in a statement yesterday "As long as the ANC is under communistic leadership and causes violence in South Africa there can be no question that I will approve of talks with them"

Family can see Mandela

PRETORIA — Permission has been granted for Nelson Mandela's wife and two of his daughters to pay a "special additional visit" to the elderly prisoner who is receiving "preventative urological treatment," a spokesman for the Prisons Service confirmed in Pretoria today

A request for Mr Mandela to be examined by a doctor selected by the family would be considered after the visit had taken place and if Mr Mandela himself requested such an examination, he said in response to media enquiries — Sapa

Family ^{10/1}
to visit
Mandela

(253)

JOHANNESBURG
Mrs Winnie Mandela and her two daughters will tomorrow pay a special visit to imprisoned ANC leader Mr Nelson Mandela

The visit was authorized by the Prisons Service following an application by Mrs Mandela's lawyer, Mr Ismael Ayob, to have Mr Mandela examined by his family doctor after prison authorities announced he had undergone urological tests on Thursday last week.

Prisons officials confirmed in Pretoria yesterday that Mr Mandela, 67, is receiving "preventative urological treatment" following a visit to Woodstock Hospital last week.

The application for an independent examination by a doctor selected by the family would be considered after this visit had taken place, and also only if Mr Mandela himself requested such an examination, the spokesman added.

Mr Ayob said Mrs Mandela had been "frantic with worry" and not reassured by the "bland" statements from prison authorities after hours of inquiries on Mr Mandela's condition — Own Correspondent, Sapa and UPI

Mayor Fabel stirs up a rumpus

10/9/85
B. Day

253

MAYOR of Johannesburg Ernie Fabel caused a rumpus in Israel this week when he said imprisoned ANC leader Nelson Mandela "should have been killed"

● FABEL

Fabel's remark — which has sparked an international controversy — was made during a three-day visit to Israel on the invitation of the Mayor of Jerusalem

Addressing a Press conference in Tel

Own Correspondent

Aviv, Fabel made the remark in reply to a question by an Israeli reporter on why the government would not release Mandela

The question was put to him by a correspondent for the BophuthsaTswana independent radio station, Music Radio 702, which yesterday broadcast the controversial reply.

Fabel said "Why does the world want him freed? He should have been killed in the first instance He is a terrorist Bu-

we try to talk, we try to cope with a situation. In any other country, in most countries, Mandela would not have been alive"

Yesterday the Department of Foreign Affairs declined to comment on Fabel's statement, saying the matter was a Johannesburg City Council affair

A senior lecturer at the department of political studies at the University of the Witwatersrand, Phillip Frankel, said the remark was hysterical and commented "I'm sure this will be regarded as a major *faux pas* for the city council"

Doctors advise surgery for jailed ANC chief Mandela

13 Day 12/9/85

NELSON Mandela, the imprisoned African National Congress leader, has an enlarged prostate gland and doctors have advised him to have it removed, his daughter Zenani Dlamini said yesterday.

Examinations by doctors appointed by prison authorities had also revealed Mandela had cysts on his liver and right kidney, she said.

Dlamini read a prepared statement at Cape Town's D F Malan Airport after she, her sister Zinzi and mother Winnie had spent 80 minutes at Pollsmoor Prison on a special visit granted by prison authorities.

It was the first time the family had been together since Mandela was jailed 24 years ago, Dlamini said.

A prison official had been present throughout the visit and they had been allowed to discuss family matters only.

"My father looks very well and was very happy to see us," she said.

She said Mandela had been seen several times by prison doctors since March 23 and was X-rayed.

Last Thursday a second cystoscopy had been per-

formed under general anaesthesia and he was advised by prison authorities it revealed an enlarged prostate.

He also has cysts on his liver and right kidney, she said.

Mandela had been advised to have his prostate gland removed and the family had applied for doctors to be allowed to examine him and perform any tests or surgery at a hospital with the necessary facilities, she said.

His illness had caused great concern not only to the family but to people throughout the world. The family

had received a number of messages of sympathy. The news of Mandela's illness emerged from the prison.

"The entire world recognises his and moral principles," Dlamini said.

Winnie Mandela, a banned person quoted in South Africa, gave a letter to foreign journalists at the airport.

Security police, friends and curators among them former Miss World Aletta Bevan, were en route to Johannesburg.

Doctors advise surgery for jailed ANC chief Mandela

12/9/85

Mandela, the imprisoned African National Congress leader, has an enlarged prostate gland and advised him to have it removed, his doctor said yesterday.

A prison official appointed by prison authorities also revealed Mandela had cysts on his left kidney, she said.

In a prepared statement at Cape Town's airport after she, her sister Zinzi and she had spent 80 minutes at Pollsmoor special visit granted by prison authorities.

It was the first time the family had been together since Mandela was jailed 24 years ago, Dlamini said.

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His illness had caused great concern not only to the family but to people throughout the world. The family

had received a number of messages of support since news of Mandela's illness emerged last week.

The entire world recognises his integrity, honesty and moral principles, Dlamini said.

Winnie Mandela, a banned person who may not be quoted in South Africa, gave a lengthy interview to foreign journalists at the airport.

Security police, friends and curious bystanders — among them former Miss World Anneline Kriel, who was en route to Johannesburg — looked on. — Sapa

Warder (253) attacked STAR

A Leeuwkop prison warder was attacked by a prisoner who cut his face with a blade 2/9/85

Warrant officer Cornelius Vosloo (52) visited the cells last Friday afternoon to collect dishes after the noon meal.

In one cell the six inmates refused to pass him their plates, according to a prisons spokesman.

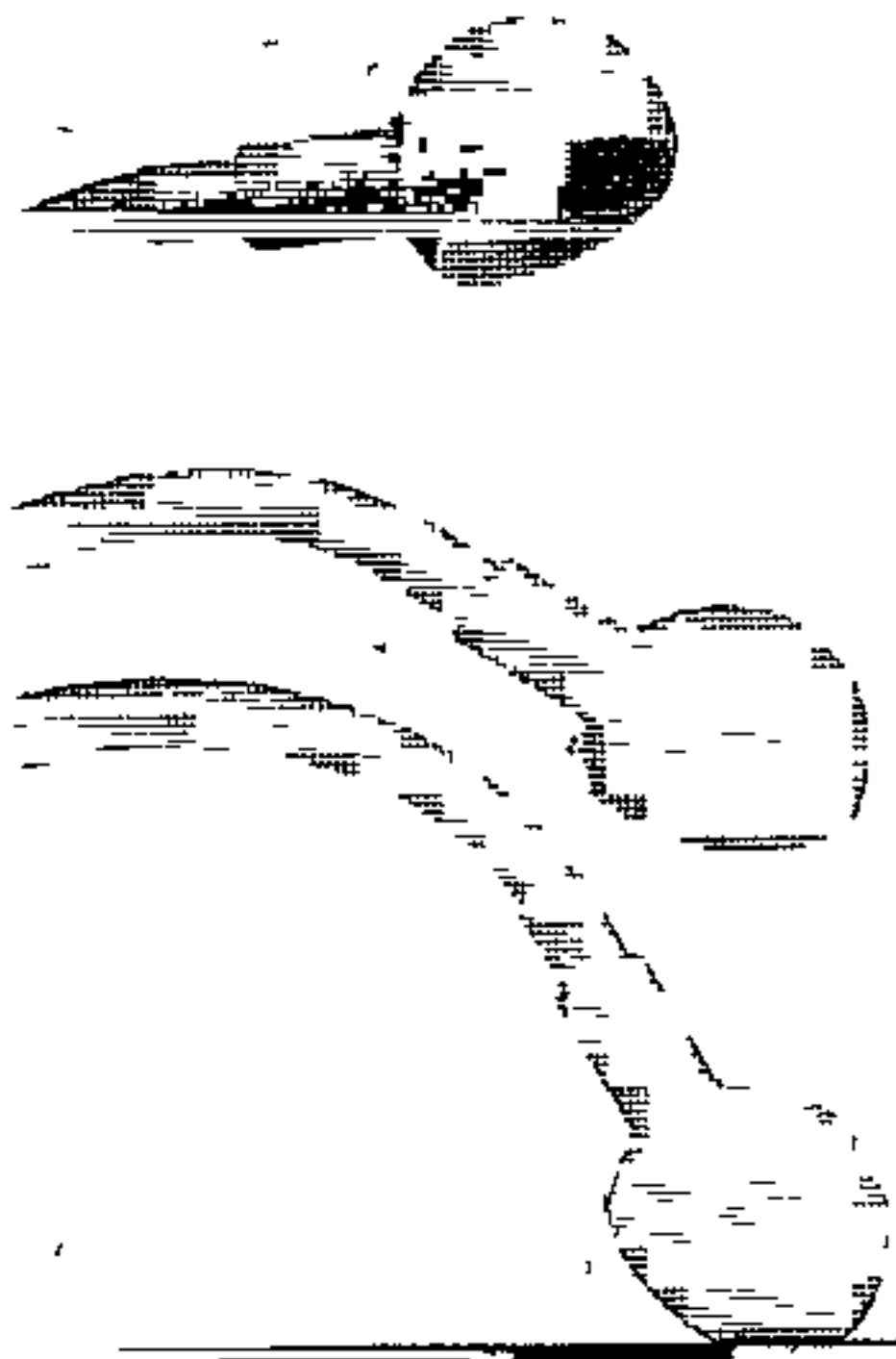
Warrant officer Vosloo apparently unlocked the cell and bent down to pick up the plates.

As he bent down one of the inmates attacked him and slashed his face with a blade.

The Department of Prisons and the police are investigating the case.

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Cape Times 12/9/85
Mandela reunion 253
first in 24 years

Staff Reporter
 JAILED ANC leader Mr Nelson Mandela was allowed a special family visit yesterday after a minor operation, and saw his wife Winnie and his daughters Zenani and Zinzi together for the first time in 24 years.

Mrs Winnie Mandela, who spoke about the Pollsmoor visit soon afterwards to a large group of international press at D F Malan airport, may not be quoted.

Mrs Zenani Dlamini, 26, said her father "looks very well, and was very happy to see us".

Last Thursday he had undergone a cystoscopy under local anaesthetic, and its results showed that he had an enlarged prostate. He also had cysts in his liver and right kidney.

"We have applied to the authorities for him to be examined by a family-appointed team of physicians in a hospital that has all the necessary facilities," she said.

● Lieutenant-Colonel A van Vuuren of the Prisons Department in Pretoria said Mr Mandela had been examined by a completely independent specialist of extremely high professional standing.



Mrs Winnie Mandela at D F Malan Airport yesterday

BUSINESS BRIEF

Gold (close)	\$320,85
FT index	1006,60
Rand	\$0,4070
Dow Jones	1319,44

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Torture findings

ALARMING allegations of systematic torture of political detainees by the security police have been disclosed in a report compiled by the University of Cape Town's Institute of Criminology. E. Post 13/09/85

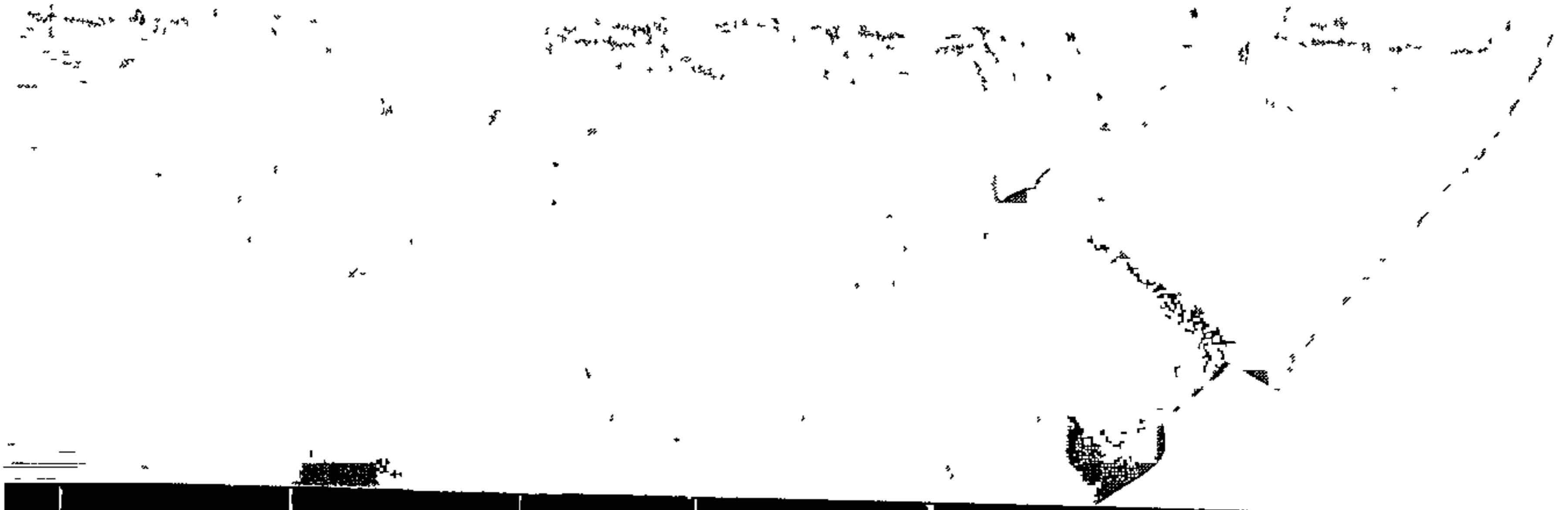
After a 2½-year study, the institute found that 83% of 176 former detainees claimed to have been assaulted while in detention. The method of assault allegedly ranged from punching, hitting, kicking and whipping to forced abnormal body positioning, electric shocks and strangulation. Every detainee reported having been subjected to some form of psychological abuse, including false accusations, solitary confinement, verbal abuse, threats of violence, contradictory styles of interrogation and being given false information.

In conclusion, the institute said the results of the investigation confirmed the picture of detention as a closed system with detainees "almost entirely in the hands of the security police". The police response has been to simply deny that "torture is utilised by the SA Police as a means of obtaining information", and to point out that complainants can file affidavits at any police station and that they would then be investigated.

We believe it would be far more appropriate if complaints of this nature could be taken up by special independent judicial officers appointed for the purpose. If the UCT report is correct, the system of allowing magistrates periodic access to detainees is clearly ineffectual. The current situation with widespread detentions being made under the state of emergency and other security laws makes it even more essential that the rights of detainees to fair treatment are adequately guaranteed.



Anger



at Mandela

'Slur'

253
C Press

15/9/85

By KHULU SIBIYA and MONO BADELA

JOHANNESBURG mayor Ernie Fabel shocked the world this week when he said jailed African National Congress leader Nelson Mandela is a terrorist who should have been killed a long time ago.

And as the anger of black people mounted in the townships after his remarks, leading actor John Kani dropped a bombshell this week by refusing to play Othello in a Shakespearian production for next year's Johannesburg celebrations.

**Kani
says no
to Fabel's
centenary
celebrations**

Interviewed by Radio Channel 702 in Tel Aviv, Israel, Mr Fabel said "Why does the world want Mandela freed? He should have been killed in the first instance. He should have; he's a terrorist."

"But we try to talk and we try to cope with the situation. In any other country, in most other countries Mandela wouldn't be alive."

Meanwhile Kani, who recently returned from the Edinburg International Festival, turned down the invitation to play Othello.

He told City Press he turned down the invitation because black people had nothing to celebrate — "even though they were here before Johannesburg was founded 100 years ago."

"It is unfortunate that I had to turn down the

offer because it would have been my first experience in a Shakespearian role. But for my people there has only been suffering and pain."

Kani appealed to all artists to dissociate themselves from the celebrations.

At the Edinburgh International Festival in Scotland, Kani performed in "Miss Julie" for a week. He said the festival was a "unique experience."

Mr Fabel's remarks have caused so much anger among black mayors that black participation in next year's Johannesburg Centenary celebrations hangs in the balance.

Ucasa president Steve Kgame said yesterday Mr Fabel's utterance were unfortunate, and that they had angered the black masses.

"Mandela was fighting for the liberation of his people before he was jailed. He cannot be regarded as a criminal," said Mr Kgame.

Dobsonville mayor Steve Nkatlo echoed Mr Kgame's words. He described Mr Fabel as a "very mean person who should be brought to book by his fellow councillors for these remarks."

"Mandela may have employed methods which were unacceptable to some people, but the fact is he is in jail for trying to liberate his people, and he cannot be regarded as a criminal," said Mr Nkatlo.

The mayors also expressed misgivings about attending next year's centenary celebrations.

Mr Fabel made his remark while on a three-day visit to Israel.

Prisoner found dead in cell 253

A ^{Star} long-term coloured prisoner, who was convicted of rape and sentenced to eight years' imprisonment in January this year, was found dead in his cell in the Victor Verster prison near Paarl early today 17/9/65. His name is being withheld until his next of kin have been informed. His death is being investigated — Sapa.

DE TOUGH FOR THOSE WHOSE WILDED VAD

253 B. Day 19/9/85

Sowetan request to see Mandela turned down

THE South African Prisons Service has turned down an application by the *Sowetan* newspaper to visit ANC leader Nelson Mandela and the PAC leader Zeph Mothopeng in prison.

Mandela is serving a life sentence at Pollsmoor Prison in Cape Town and Mothopeng 15 years in the Johannesburg Prison near Soweto.

The chief liaison officer of the Prisons Services, Lt-Col Dame Immelman, telephoned the *Sowetan* yesterday with his department's decision.

The newspaper sent the request on August 26 and two days later received a telex acknowledging receipt of the letter.

Mandela, who has been in jail for the past 21 years, has been interviewed in jail by foreign journalists.

In January, Mandela gave his first Press interview since his conviction when he was visited by British Conservative Party peer, Lord Nicholas Bethell. The inter-

view was spread across two pages of a London newspaper.

In July, the Prisons Services allowed South African newspapers to use an interview that Mandela had with Professor Samuel Dash of Georgetown University in the United States.

No newspaper has ever interviewed Mothopeng since his conviction in the Bethal PAC trial in 1979.

In the application for the interviews, the *Sowetan* pointed out that newspapermen from abroad had interviewed Mandela.

Meanwhile, Mandela is receiving medical treatment prescribed for him by a urologist, a Prisons Department spokesman said yesterday.

The spokesman would not say whether Mandela, who has an enlarged prostate gland and cysts on his liver and right kidney, was receiving treatment in hospital or prison.

Mandela has been advised to have his prostate removed, according to his family — Sapa.

Award, conferred on him by the International Publishers' Association, and the SA Society's of Journalists' Pringle Award

Family doctor to see Nelson

253

Dep

22/9/85

By MONO BADELA

A TEAM of doctors to be led by the top Baragwanath urologist Dr DVA Mzamane, will examine imprisoned ANC leader Nelson Mandela either this weekend or early next week, a source very close to the Mandela family told City Press yesterday

His wife Winnie, now under house arrest at her Orlando West home in Soweto, received a telegram on Tuesday advising her that the Prison department had granted her permission to have Mandela examined by his family doctor

According to the information, Mrs Mandela will accompany the medical team when it goes to Polsmoor Maximum State Prison near Cape Town

Mandela's lawyer Ismael Ayob is believed to be finishing the details of the planned trip

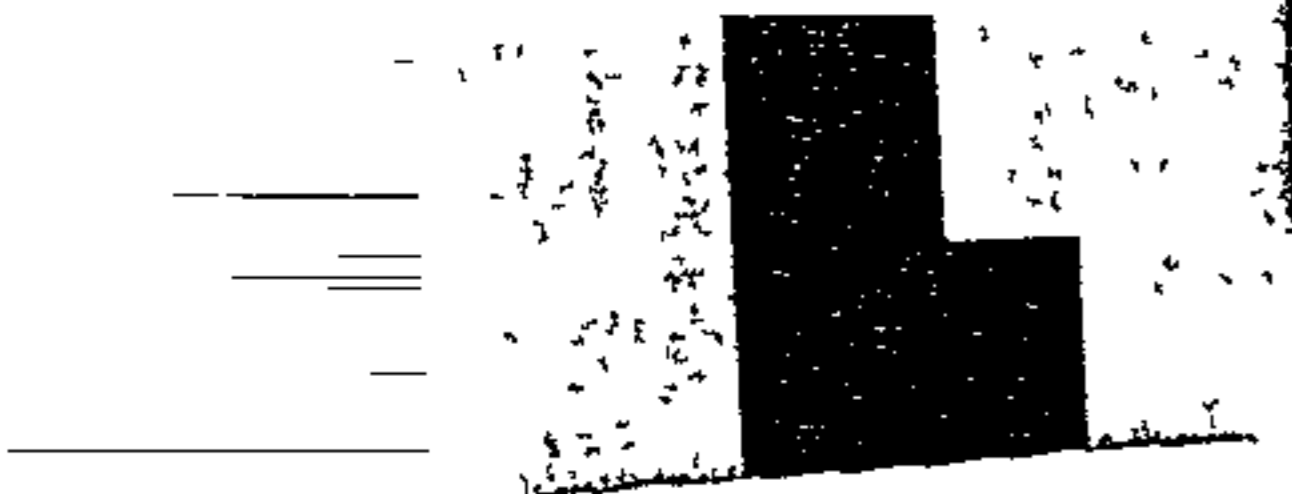
This week Mandela received medical treatment prescribed for him by a urologist, a Prison Department spokesman said

Mandela has been advised to have his prostate gland removed, say family members

Mrs Mandela is said to have "sighed with relief" at the news that family-appointed doctors could examine her husband

Mandela has been in prison for 24 years now and it will be the first time that his family doctor examines him

An urgent application to have Mandela examined by his family doctor was made by Mr Ayob after the prison authorities had announced that he had undergone urological tests in Cape Town



will probably know his next week when S: President PW Botha announces whether his lawyer's lawyer P: Jana yesterday told City: that President Botha is ed to make the decision week The Molise family lawyers are anxiously a-

pects will appear in the week, instead of next week.



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Moloiase counts the days to PW's death verdict

City Press
2/9/83

By MONO BADELA

CONDEMNED ANC guerilla Benjamin Moloiase will probably know his fate next week when State President PW Botha announces whether his life is to be spared

Moloiase's lawyer Priscilla Jana yesterday told City Press that President Botha is expected to make the decision next week

The Moloiase family and his lawyers are anxiously awaiting

word from President Botha

The family will also find out whether a petition to reopen his trial has succeeded or not. A three-week stay of execution granted 11 hours before he was due to hang on August 21, expired on September 11

Moloiase, 30, of 3643 Zone 3 Diepkloof has spent two years in Pretoria Central Prison's deathcell. He was sentenced in June 1983 for the murder of security cop Warrant Officer Phillipus Selepe of Mamelodi

in November 1982

Moloiase and his mother, Mamike have maintained his innocence throughout the long wait

The United Nations, the British Government and the European Economic Community have registered their pleas for clemency

Bishop Desmond Tutu also added his weight to the call

The ANC, in an unprecedented move, have twice denied Moloiase's guilt

the
week.

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Specialist will be allowed to visit Mandela

By NEIL HOOPER *253*

THE Government has agreed to allow two private doctors — at least one a specialist — to visit Nelson Mandela, the imprisoned leader of the banned African National Congress.

After reports that his family were concerned about his health, the Department of Prisons two weeks ago agreed to grant the immediate family a special visit.

S. Tima
At the same time the department said Mandela was receiving urological treatment of a preventive nature

After Mandela was visited by his family, his daughter, Zanani Dlamini, said her father had been informed by doctors that he had an enlarged prostate gland and advised to have it removed

Examinations by the doctors had also revealed Mandela had cysts on his liver and right kidney.

Yesterday a spokesman for the de-

219685
partment said that a request had been received from Mandela to be examined by doctors nominated by his family

No date had yet been set for the visit, and this would only be arranged after the family had notified the department of the names of the two doctors

Meanwhile Natal Indian Congress vice-president Dr Farouk Meer had a brief reunion with his family at the H

F Verwoerd Hospital in Pretoria on Friday when his wife and three children were allowed to see him.

This was the first time the children — Nadia, 18, a university student, Ziad, 14, a standard seven pupil, and Razina, 16, a standard eight pupil — had seen their father since he was detained on August 23 in a countrywide police swoop on United Democratic and NIC activists.

Dr Meer was admitted to a hospital this week.

Order against SAP assaults

Court Reporter

MR JUSTICE EKSTEEN today granted an order in the Port Elizabeth Supreme Court restraining the South African Police from assaulting detainees at St Albans and North End prisons in PE and future detainees in the PE and Uitenhage magisterial districts.

The urgent application was brought by a Port Elizabeth district surgeon, Dr Wendy Orr, and 44 other applicants.

Dr Orr said in papers before the court that she believed there was an extensive pattern of police abuse on emergency detainees who were being "systematically" assaulted and abused after their arrest.

She said detainees were being "brutally assaulted" under interrogation in Port Elizabeth and complaints were being made "on a vast scale".

Dr Orr said in her affidavit: "What disturbs me most is that detainees are being taken out of my care for the purposes of interrogation and, during the course of interrogation, brutally assaulted."

She said detainees who complained of assaults almost always showed injuries consistent with their allegations.

The applicants for an order restraining the police

included relatives of detainees as well as the Rt Rev Bruce Evans, Anglican Bishop of Port Elizabeth, the Rev George Irvine, head of the Methodist Church in the Eastern Cape, and two clergymen who are former detainees.

Because the police were acting under emergency regulations and apparently believed they enjoyed an immunity, some of them were "quite unrestrained" in abusing detainees, Dr Orr said.

"The departments of Prisons and Health seem to me to have turned a blind eye," said Dr Orr.

Dr Orr said that since August 1 she had been responsible for detainees held at St Albans and North End prisons, obliged to examine them on admission and visit them regularly. "There seems to me to be an extensive pattern of police abuse upon detainees," she said.

Medical services in the prisons were unable to cope with the vast numbers of detainees who were not getting proper medical care, she said.

It had become clear to her that complaints of police assault were not being investigated as they should be. She said she had received instructions not to endorse medical records requesting investigation of alleged assaults.

Dr Orr, who started work as a district surgeon in January this year, said she had been involved on a daily basis examining men and women detainees.

Having been instructed by her superior, the assistant district surgeon for Port Elizabeth, Dr Ivor Lang, to make copies of all admission cards of people complaining of assault, she extracted 286 for the period July 22 to

E. Post 25/09/85

September 16. These were incomplete and there had to have been more complaints than that, she said.

"But even taking it at 286 the number of complaints is astronomical compared with the frequency of complaints of assault in prison normally received."

Dr Orr said that in 153 cases the injuries were such they could not have been inflicted lawfully.

In 60 cases the detainees had facial injuries, eight had perforated eardrums and 26 had weals and blisters consistent with blunt blows on "unusual" parts of their bodies.

Seven had injuries consistent with an assault of a restrained victim, 48 had such a multiplicity of injuries they could not have been inflicted in a violent attempt to arrest a man or disperse a mob, and four detainees were not injured on their admission but were later found to have injuries consistent with assault.

The order declared that no member of the SAP enjoyed any immunity in terms of the emergency regulations against civil or criminal proceedings from any wilful assault perpetrated on a detainee held under the emergency regulations.

The Prisons Department was instructed by the judge to read out the order to prisoners at the jails concerned.

The application was not opposed. ● See Page 2

Mr Wim Trengrove and Ms Amanda Rykman instructed by Cheadle, Thompson and Huyson, appeared for the applicants. Mr H J Liebenberg, instructed by the Deputy State Attorney, appeared for the first six respondents.

MPC's evidence in PE crimen injuria case — Page 5



Stand on apartheid — Page 3

Farmer's wife and sister stoned in bakkie

Doctor tells of prison injuries

25/09/85
E Post

ONE detainee complained he had been forced to eat his own hair, another to drink petrol, and a third had so many weals on his body she could not count them, a district surgeon said in papers before the Port Elizabeth Supreme Court today

"They were superimposed on each other," said Dr Wendy Orr, who was one of 44 applicants for an urgent interdict against the Minister of Police, senior police officers and several policemen

It was eventually her conscience that convinced her she had to do something about the plight of the detainees she saw every day

Her work as a medical officer in the Port Elizabeth district surgeon's office brought her into daily contact with detainees being held under emergency regulations and the "overwhelming" evidence presented to her in the prisons convinced her that detainees were being systematically assaulted and abused after their arrest and before being admitted to prison

It also occurred during their incarceration when they were being interrogated

From the beginning of August she examined about 20 newly admitted detainees a day

"An inordinately large proportion of them complained to me that they had been assaulted by the police. They presented symptoms consistent with their

complaints, mostly severe multiple weals, bruising and swelling," she said

An early case she recalled was of a man who, according to his prison admission card, had not complained of being assaulted when admitted

"When I saw him he was severely injured. His injuries included large areas of severe and deep bruising on the lower back and buttocks"

A Prisons Department nursing sister had said the SAP had taken him away for interrogation the previous day. On return he was severely injured

A second case involved a detainee called Edward Mentoor. He complained that during the course of his interrogation he had been forced to eat his own hair

On August 16 she examined about 170 detainees who had been admitted the previous day. Roughly half alleged they had been assaulted. Several had eardrums freshly perforated, consistent with a heavy blow on the side of the head

On September 4 she examined about 360 detainees. About half complained of assault and most of their injuries were consistent with the complaints

The assaults were generally not as severe as those on detainees arrested in August

She also examined detainees arrested at a meeting in Uitenhage on September 11

Free Mandela, SA businessmen urge

BONN — A group of South African businessmen has called on government to negotiate with black leaders and free ANC leader Nelson Mandela.

But the group has spoken out against sanctions against Pretoria and urged West European countries not to apply them.

The delegation, representing many leading companies in the Republic, is touring Europe after giving evidence last week at a United Nations hearing in New York on multinational corporations in South Africa.

Sapa reports that delegation member, Professor Nic Wiehahn, an expert on labour affairs, told a news conference the consensus in business circles was that Mandela, serving a life sentence for sabotage and plotting to overthrow government, should be freed.

Johan van Zyl, chief executive of the Federated Chamber of Industries, said he hoped blacks would come forward with their own leaders to negotiate with government on the country's future.

He said an unstoppable process of change was taking place in South Africa.

The question was whether change would be peaceful or violent, Van Zyl said.

Peaceful change would be better because "most of our members feel businesses and the free enterprise way of life are at stake," he said.

Economic sanctions could be counterproductive in South Africa, creating "not

only a siege economy but also a siege society", he said.

Van Zyl said the organisations represented by the delegation favoured universal suffrage in South Africa within a federalist system to protect minorities.

Prof Wiehahn said they were against a future unitary system of government as that could lead to what he called "a new form of apartheid".

Meanwhile one of the businessmen told a news conference in London on Tuesday that Minister of Law and Order, Louis le Grange, was "seriously ill".

Arthur Hammond-Tooke, foreign trade secretary of the Federated Chamber of Industries (FCI), said when questioned about Le Grange: "We are dealing with a seriously ill man, a man who would prefer not to carry on with a job which is particularly onerous".

John Battersby reports that Johan van Zyl told the London news conference that recent talks between South African businessmen and ANC leaders had been "very useful".

Asked whether organised business backed the efforts of business leaders to open channels of communication with the banned ANC, Van Zyl said at this stage it had been thought appropriate that the talks should remain "a personal initiative by a number of our members".

"At some stage organised business will get involved in building confidence and mutual respect between the negotiating partners," he said. — Sapa-
Reuter

Assault interdict 'could lead to actions'

E Post
26/09/85
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By DIRK VAN ZYL



Dr WENDY ORR, who made the allegations of police assaults on detainees in an affidavit before the Port Elizabeth Supreme Court yesterday.

IF the court interdict granted yesterday restraining police from assaulting detainees in Port Elizabeth and Uitenhage is upheld, it will overcome the indemnity of the police under the emergency regulations, opening the way for detainees to sue the police on grounds of alleged assault

This is the opinion of Mr Clive Thompson, of Johannesburg, an instructing attorney in yesterday's application in the Port Elizabeth Supreme Court

Mr Justice Eksteen granted an interim order, restraining the South African Police from assaulting detainees at St Albans and North End prisons in PE, and future detainees in the PE and Uitenhage magisterial districts

The interdict has been welcomed by civil rights experts as a possible landmark with national implications

The urgent application was brought by a PE district surgeon, Dr Wendy Orr, and 44 other applicants

Dr Orr said in papers before the court that she believed there was an extensive pattern of police abuse on detainees. They were being "systematically" assaulted and abused after their arrest, she said

Mr Justice Eksteen's order declared that no member of the SAP enjoyed any immunity in terms of the emergency regulations against civil or criminal proceedings from any wilful assault perpetrated on a detainee held under the emergency regulations

The judge granted a *rule nisi* returnable on November 26

The national chairman of Lawyers for Human Rights, Mr Jules Browde, SC, said although the interdict applied only in the PE-Uitenhage region, it would have "persuasive authority" throughout the country in granting orders in similar cases

He hoped the interdict would lead to regular visits by judges — hopefully in every Supreme Court division — with judges taking turns to visit these prisons regularly and with visits applying to all detainees

The veteran PFP human rights campaigner, Mrs Helen Suzman, MP for Houghton, called for an independent inquiry into allegations of police torture. She said the judgment was a "serious reflection on the manner in which the police were abusing their authority"

Mrs Suzman called on the Minister of Justice, Mr Kobie Coetsee, and the Commissioner of Police, General Johan Coetsee, to carry out an undertaking they had given to the PFP two weeks ago "that serious steps would be taken against police found abusing their power"

Professor John Dugard, director of the Centre for Applied Legal Studies at the University of the Witwatersrand, said the interdict indicated the need for judicial intervention to put an end to widespread substantiated allegations of police torture and brutality

He said it was the first time an interdict had been granted in respect of so many detainees and unnamed detainees. He hoped it would have an impact beyond Port Elizabeth

The Detainees Parents' Support Committee also welcomed the judgment. A spokesman said he hoped other district surgeons would follow the "courageous step" taken by Dr Orr and come forward with details of alleged abuses in other areas

A police spokesman in Pretoria declined to comment on the judgment

● Editorial comment — Page 10

Minister awaits interdict report

PRETORIA — The Minister of Law and Order, Mr Louis le Grange, was today awaiting a report on the circumstances leading to the granting of an interdict restraining police in the Port Elizabeth area from assaulting detainees, according to a spokesman for the minister

An urgent order granted yesterday in the Port Elizabeth Supreme Court by Mr Justice Eksteen interdicted police from assaulting or threatening assault on detainees held under the emergency regulations in Port Elizabeth or Uitenhage

The order also directed the Minister of Law and Order, the SA Police divisional commissioner, the district commandants and several station commanders in the area to "take all reasonable steps within their power to prevent any member of the SAP from perpetrating such assaults or making such threats"

The order has to be read out by the prisons authorities to detainees being held at the St Albans and North End prisons

A Prisons spokesman in Pretoria said the Prisons Services would inform detainees of the court order — Sapa

THE ECONOMY

Barend's band-aid

Unravelling last year's austerity package after just 12 months is the last thing Pretoria should be doing right now. Yet its announcement last Friday of a mixed, if rather slim, bag of measures to promote employment and reduce interest rates further will do just that. It could turn out to be a first-aid package that finally kills off the patient.

The idea seems good to spend R500m on job creation, further development of small business, and hunger relief. After all, who wants to see masses of unemployed stoning buses in full view of the world?

But Pretoria has forgotten why it wanted to kill off consumer spending in the first place. The austerity package announced in August 1984 was intended to reduce bank credit, improve the BoP and, most importantly, reduce

inflation. It did most of this. Yet, while the first-aid package may clean up a few cuts and bruises, it will also unleash the terrors of inflation again.

Certainly, government feathers have been correctly ruffled by the sudden and sharp increase in world condemnation of apartheid. But this is no time to lose courage — even though politics seems to hold sway over economic factors.

It is regrettable that Pretoria has seen fit to increase its budget revenues by yet more imposts, confirming its fear of letting go the bonds that grip the private sector. True, government must involve itself in the creation of jobs, but the business environment will do its best. Rearranging the deck-chairs on the *Titanic* will simply frustrate the upswing. And an upswing, more than any tinkering with taxpayers' money, is what will get jobless blacks into the productive sector. ■

NELSON MANDELA

Flight to freedom

It becomes daily more imperative that Nelson Mandela be released. He is 67 and it has been reported that doctors have advised that his enlarged prostate gland be removed, and that he has cysts on his liver and right kidney. Two private doctors will be visiting him and there seems to be full co-operation between the family and the Prisons Department.

There is no suggestion in any of this that Mandela is seriously ill. But if government has any face left to save, the African National Congress (ANC) leader's health should at least permit it to sanction his release on humanitarian grounds — whether or not he "renounces" violence.

It has been asked — we have asked — why Mandela cannot simply be released from Pollsmoor, placed on the street. The answer, and it carries some weight, is that in current circumstances this could trigger further violence. One has the image of thousands (millions?) of blacks flocking to the Mandela epicentre, and without doubt his freedom would rock the nation.

One or two alternatives need to be considered. Firstly — and this is a spectre raised by *Time* magazine — Mandela's death in prison would unleash violence on a scale never before experienced in this country. Never mind that it would be of natural causes, as the euphemism goes — the very symbol of the anti-apartheid forces would be perceived as having made the ultimate sacrifice in the hands of the "system."

Mandela, then, would be something of a messiah figure, not just a convenient rallying-point for a disparate variety of groups, ranging from extreme militants to those who want peaceful change.

If this seems an extreme viewpoint, recall how the "system" retained the ashes of Bram Fischer lest, in a peculiarly grisly turn of phrase used by the authorities at the time, a "cult" should develop around them.

We sense that Pretoria wants to release Mandela, but is wondering where and how. The Transkei option has surfaced from time to time — Mandela, against his will of course, is a Transkeian citizen. Yet it takes little imagination to see that this, too, would be a trigger for violence within the geographical borders of SA.

What, however, is to prevent the government from returning Mandela to his colleagues in Africa? That step leaves the ANC with the problem of how to assimilate this great symbol into their own internecine operations. Mandela may well continue to prosecute the guerrilla war — but that war is being fought anyway. The Swapo leader, Toivo ja Toivo, is a case in point.

South African citizens who have paid their debt to society — and Mandela has been in prison for 23 years — have the right to resume their lives as best they can. The release of Mandela to, say, Lusaka, may well be seen as a violation of his rights.

However, Mandela's political life has been dedicated to opposing apartheid through an armed struggle and government is unlikely to wish to see him making a reaffirmation of that stance in the streets of Cape Town or Transkei. It is also not going to release him in order to negotiate a transfer of power to the black majority.

A flight to Lusaka may be *force majeure* applied to a man insisting he doesn't want release. But he must be released, soon, and that is one option to consider. ■

~~SECRET~~
Cape Town
1/10/85

Mandela to have operation

From SOPHIE TEMA

JOHANNESBURG — Mr Nelson Mandela, leader of the African National Congress was examined by a team of private physicians appointed by his family at the Volks Hospital in Cape Town at the weekend

After the examination the physicians indicated that Mr Mandela's prostate gland would be surgically removed in the next two weeks

This was disclosed yesterday morning by the office of Mr Mandela's lawyers, Ismail Ayob and Associates

The physicians were accompanied by Mrs Winnie Mandela and her daughter Zinzi. They were Dr D Mzamane, chief of Baragwanath Hospital's urology unit, Dr Nthato H Motlana and Dr G Geselter.

A family source yesterday said that this was the first time Mr Mandela had been examined by physicians of his family's choice in his 24 years of imprisonment

LETTERS

The Nelson Mandela I know: By his minister

NELSON MANDELA is a man about whom men debate. Some say he is good, and some say he is bad, violent and a communist. I believe that I have something of value to say on the subject.

I am a Methodist Minister and I am a Methodist spiritual worker to prisoners in Pollsmoor Prison, just outside Cape Town. I have thus been Minister and Pastor to Nelson Mandela ever since his transfer to Pollsmoor Prison from Robben Island. I have got to know the man well, and what I know of the man, as I have ministered to him and been ministered to by him, I must share with the people of South Africa.

I have regularly administered the sacrament of Holy Communion to

Nelson Mandela. I did so the day before yesterday. On that occasion, he spent some time in meditation — meditating on the tension that Jesus must have felt in Gethsemane, knowing that he was to be arrested and killed. His meditation led him to the thought that in South Africa most of those who are arrested do not have that level of tension.

There is a wellknown Christian booklet of daily scripture readings and meditation called "Faith for Daily Living". Nelson Mandela looks forward to receiving his copy of it. It is an important part of his daily life.

I do know that Nelson Mandela appreciates all the good wishes people send to him. He also respects the men who have been appointed to guard him

in prison. He gets on well with them.

Is he a communist? He is a nationalist. I know I do not believe that he is a communist. He would probably admit that he is influenced by some of the teachings of Marx, but then those who would condemn him for that should bear in mind that much of Marx's teachings is not exclusive to communism. The man Mandela that I know just cannot be a communist.

I have written this letter because I believe the people of our country ought to know something about the man. What I have written is not what has been reported to me by others. It is my own personal knowledge of the man, Nelson Mandela. — Rev

Dudley A Moore

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FILE

REF

TOP

PP

A "QUIET" prison warden shot his common-law wife dead, killed his son by running him over with his car, critically wounded his baby daughter and finally turned the gun on himself in Winterveldt this week.

The people of Winterveldt, near Bophuthatswana, are still shocked by the incident in which Sergeant Micah Sithole (27) of 1647 Lebopostand, shot dead his wife Mamasi Ndlovu, in what was apparently a quarrel at

Shoots wife, son then turns gun on himself

The boy died on the spot. Mr Sithole, who was employed as a prison warden since 1980, and was attached to the Pretoria Central Prison at the time of his death, then turned the gun on himself. The couple's daughter

ter, Ntombizodwa, was taken to the Ga-Ramankuwa Hospital in a critical condition with a bullet wound in her stomach.

The bullet was removed in an emergency operation on Wednesday night. The medical superintendent of the Ga Ramankuwa Hospital, Mr A R van Nieck, yesterday confirmed that an operation was performed "on the bowels".

and wondered what could have driven him to commit these acts. Described by police as "very quiet", Mr Sithole also played in the first division soccer team of the Prison Department in Pretoria. Col George yesterday said they were investigating the incident.

The Guards. London's most famous regiments.



'Wiser' for Dr Orr not to see detainees

Cape Times 8/10/82

PORT ELIZABETH
Dr Wendy Orr said yesterday she was no longer visiting detainees because relations with the Prisons Department were "somewhat strained"

The regional director of the the Department of Health and Welfare, Dr J D Krynauw, gave her this explanation earlier yesterday, she said

Dr Orr's evidence recently led to the Supreme Court granting an interim order restraining the police in Port Elizabeth from assaulting detainees

She said Dr Krynauw stressed to her that she was not "banned" from seeing detainees

Dr Krynauw said yesterday that he told Dr Orr that his superiors thought it would "be wiser in view of the in-

ter-relationship between herself and the Prisons Department", that she stopped seeing detainees

He said by this he meant that if she continued seeing detainees she would be working with people against whom she had asked for an interdict

About the anti-apartheid declaration by more than 300 prominent South African women "to support Dr Orr for her courage and initiative", Dr Orr said while she was "grateful for the support," she was "not keen to be allied to any political move"

"What I did had nothing to do with apartheid and politics," she said

● Professor Frances Ames of the University of Cape Town Medical

School, said in an interview that there was an urgent need for established medical bodies such as the SA Medical and Dental Council to take a strong public stand on detention without trial and on the medical care given to detainees

She said that doctors such as Dr Orr, who stood up for the rights of detainees should not have to face the threat of losing their jobs or being bypassed for promotion

It was "appalling" that neither the SAMDC nor the Medical Association of South Africa, representing a profession which claimed to be motivated by a desire to relieve human suffering, had come out either against detention without trial, or in support of Dr Orr — Sapa

Glencoe
Mercury
to get jail
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for 600
10/10/85
prisoners

Mercury Reporter

A NEW prison to house about 600 long-term prisoners is to be built at Glencoe in Northern Natal, the South African Prisons Service confirmed yesterday.

Planning to convert the old Northfields mining complex at Glencoe would start as soon as the deed of sale was finalised, and the Prisons Service was also considering transferring the headquarters of the Waterval Prison Command near Utrecht to the Glencoe prison complex.

Because of the rapid development of Northern Natal in recent years it had been established that another complex was needed although there were already nine prisons, housing more than 3 000 prisoners, within a 70 km radius of Glencoe.

The Northfield site had been chosen because it was immediately available and already had roads, sewerage facilities and electricity.

Initially prisoners would be involved in developing the complex, and future work programmes would probably include developing the agricultural potential of the prison.

'In doing so, training opportunities in this field will be created, while the produce of their labour will reduce State expenditure,' said the spokesman.

Warders detainees in clash

By Jo-Anne Collinge

There has been a physical clash between warders and detainees held in terms of the emergency regulations at Modderbee Prison on the East Rand.

The Department of Prison Services in Pretoria has responded to allegations of a "baton charge" saying "We confirm that people detained under the emergency regulations were involved in an incident at the Modderbee Prison on October 5

11/10/85
"Detainees literally threw objects at members of the Prisons Service and the necessary steps had to be taken to restore order. This was done swiftly and without causing any substantial injury to staff or detainees."

It is understood from legal sources that there were some injuries.

The Department of Prison Services did not comment on events leading up to the clash.

WARDER SHOT WATCHING TV

WHILE

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A 49-YEAR-OLD prison warder was shot dead while watching television in his home in Mamelodi, Pretoria, at the weekend.

SCWOTCH

By MONK NKOMO

Sergeant Moses Nkwatha of 6449, Block R, Mamelodi West, died shortly after arrival at the Kalafong Hospital on Sunday night, Brigadier H A du Plessis, chief CID officer for the Northern Transvaal said yesterday.

Mr Nkwatha was watching television in the lounge when an unidentified person fired a shot from outside the house hitting him in the head. He was rushed to the Kalafong hospital.

No arrests have been made.

Meanwhile a former journalist, Ms Emelda Sekgalakane and her family escaped serious injuries when unknown persons hurled petrol bombs into her home at Sekhukhune Street, Atteridgeville, at the weekend. The attack was the second within three weeks.

A spokesman for the police in Pretoria yesterday confirmed the attack and said the damages were very little. Nobody was injured and no arrests have been made.

15/10/85

Police are investigating. A 3-year-old toddler drowned while playing near a swimming pool at a plot near Bronkhorstspruit at the weekend. A spokesman for the police yesterday confirmed the death and said the child's parents were on a visit to the area when the incident happened.

A 24-year-old man, Mr Oupa Nxumalo of 1913 Block F Mamelodi West, died instantly after being stabbed during an argument at the weekend. A 29-year-old man has been arrested.

Moloi's 28-month legal battle

MLESELA Benjamin Moloi is scheduled to hang tomorrow after a 28-month legal battle which has drawn appeals for clemency from as far afield as Europe and the US

The fate of the 30-year-old karate instructor, upholsterer and self-proclaimed poet from Stinkwater has become an international *cause célèbre*

The US State Department is opposed to the execution. Governments of Britain and the EEC, the UN Security Council, as well as individuals and organisations from across the world, have interceded on his behalf

It seems to have been to no avail. This week State President P W Botha turned down a second — and possibly final — petition for retrial

When the trap drops from beneath the condemned man's feet before dawn tomorrow, the outcry will be fast and furious

Why now, when 86 people have been executed this year and another 210 convicts are awaiting the noose? Some might argue that Moloi has

The international uproar is growing as the execution of convicted murderer Benjamin Moloi draws near. PETER HONEY examines the circumstances which have brought this case out of the anonymity of death row.

risen from the obscurity of death row simply because the anti-apartheid whip wants another knot

There are also those who are against execution in general, arguing it is an ineffective deterrent. SA's execution record seems to bear this out, showing no downward tendency 115 last year (35 reprieved), 90 in 1983 (40 reprieved) and 100 in 1982 (26 reprieved).

But there are specific details of the Moloi case which have caused concern about the justice of his sentence. Moloi was sentenced to death in

the Pretoria Supreme Court in June 1983 for murdering security police Warrant Officer Philippus Selepe, 52, seven months earlier

Selepe was struck eight times in a burst from an AK47 assault rifle outside his Mamelodi home

Moloi confessed to the crime before a magistrate, but later pleaded not guilty, saying he had not been in Mamelodi that day and the confession had been extracted under duress.

He later admitted being at the scene, but argued there were extenuating circumstances

Though not an ANC member himself, Moloi said he had been associated with ANC men who had threatened to kill him if he did not assassinate Selepe.

In an astonishing move, the ANC itself later claimed responsibility for Selepe's death and twice declared Moloi's innocence

Petitions for clemency to the State President in January and September failed

Prisoner found dead in cell

AN 18-year-old youth serving a two-year sentence for public violence was found dead in St Albans Prison in Port Elizabeth on Tuesday night.

Capt P van der Merwe, public liaison officer for the Department of Prisons, said the youth, identified as G. Mtungwana, was found hanging from the bars in his cell with a belt around his neck.

Mtungwana was sentenced in December last year in the New Brighton Court in an action arising out of township unrest.

Commenting on the death, Nicholas Haysom of the Centre for Applied Legal Studies, said:

"What concerns me most is that youthful political offenders are held in jails together with common criminals.

"In these jails conditions are appalling and there is a high level of violence and sexual molestation of which the public is largely ignorant."

Final-hour calls for Moloiſe clemency

By RUTH BECKER

INTERNATIONAL condemnation and calls for clemency flowed into South Africa last night as the end neared for condemned ANC guerrilla Benjamin Moloiſe

Moloiſe, 28, was due to be hanged in Pretoria Central Prison this morning for the killing of security policeman Philippus Selepe in December 1982

Yesterday, his lawyers released an untitled poem he had written while on Death Row

*All the armies that ever marched
All the parliaments that ever sat
have not*

*Affected the life of man on earth as
that one*

*Solitary life
I am proud to be what I am
The storm of oppression will be
followed by the rain of my blood*

*I am proud to give my life, my one
solitary life*

According to Helen Suzman, who visited him yesterday, he seemed "extremely cheerful and to have accepted his fate with great strength"

He showed no bitterness, she said, and when she left, said: "Tell the world we shall overcome. Tomorrow I will spill my blood for those who are left behind"

Moloiſe's final statement, which concurs with his original one, confirms his involvement with and support for ANC activities, but denies his involvement in the killing

"I still believe he is innocent," his mother said on Wednesday

And the refusal on Tuesday to hear further evidence in mitigation, described by Janga as "another example of administrative power pre-empting the judiciary", has again brought worldwide condemnation. The US State Department, the European Common Market, Western government leaders and local politicians have appealed for clemency or a retrial

29/10/85

Warders beat me up, says Khoali

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cowdhan

A FORMER Katlehong Town Councillor claims his left arm was broken during an assault by prison warders while he was detained under the emergency regulations.

Mr Jacob Khoali at the weekend said he and 104 fellow detainees were assaulted by the prison warders on October 5 without any "provocation". He claims he received medical treatment 14 days after the incident had taken place.

He said "41 of my colleagues were also injured, some very seriously. Most of them received medical treatment three days after they were assaulted"

He also said on a number of occasions detainees held under the emergency regulations were deprived of meals and told that there was no food for them because they were many and overcrowding the

By MZIKAYISE EDOM

prison

All the alleged incidents took place at the Modder Bee Prison near Benoni

The department of South African Prisons Service yesterday confirmed some of the allegations

A spokesman for the department confirmed that

- 42 detainees held under the emergency regulations were involved in a fight with prison warders at the Modder Bee Prison on October 5,

- they (detainees) had allegedly thrown objects at members of the prisons service and necessary steps had to be taken to restore order and this was done swiftly, without causing any substantial injuries to either the prison staff or detainees,

- the allegations that 105 detainees were as-

saulted by members of the prison service is false, and

- Mr Khoali was one of the detainees involved in the above-mentioned incident and all those injured, including Mr Khoali, were attended to by a trained nurse in the prison on October 7, and Mr Khoali was attended by the district surgeon

The spokesman also added that "upon conviction in respect of any contravention or non-compliance of any provision of rule No 21 of government notice No 9878 of 85/07 July/21, a prisoner may, inter-alia, be sentenced to deprivation of one or more meals on any day"

Mr Khoali, who was detained on July 21 was released on October 18. He resigned from the Katlehong Town Council in February this year after claiming it was a puppet organisation

Dying ANC veteran starts

five-year sentence at age 76

By David Breier, Political Correspondent

A dying man — a veteran of black nationalism and trade unionism — is living out his last days in Pollsmoor Prison in Cape Town. Oscar Mpetha (76) has just begun serving a five-year sentence for terrorism.

Friends and family say he is unlikely to live out his sentence. He has severe diabetes and had one leg amputated in 1983 because of gangrene. His other leg is also at risk. He receives frequent treatment at Groote Schuur Hospital in order to keep down his blood-sugar level.

Pollsmoor, where Mpetha sits out his sentence, also houses a younger generation of political detainees as police swoop on anti-Government activists in the week-old state of emergency in the Western Cape

who is serving a life sentence. It also holds ANC leader Nelson Mandela, Unlike the latest detainees, Mpetha is a convicted prisoner. He was sentenced to five years' imprisonment in July 1983 following violence near Crossroads squatter camp in 1980 when two white motorists were killed.

The trial judge said if he had not been obliged by the Internal Security Act to pass a minimum sentence of five years, he would have suspended the whole sentence. Mpetha was then released on a nominal R1 bail while his case went on appeal.

POOR HEALTH

The Appeal Court turned down the appeal this year but recommended that the Government should soften the sentence on the grounds of Mpetha's extremely poor health

and his age. Following the Appeal Court decision, police swooped on Mpetha's home at 4 am on August 25 and rearrested him to serve out his jail sentence.

By coincidence all hell broke loose in Cape Town three days later when an abortive march on Pollsmoor took place. The Western Cape has been the centre of South African unrest since then.

Several appeals have since been made to the Government for remission of Mpetha's sentence but the Minister of Justice, Mr Kobie Coetzee, has turned them down. He stated that Mpetha had been found by the courts to have endangered the maintenance of law and order.

Mr Coetzee also suggested Mpetha had "added fuel to the flames" in the present un-

rest situation

He said the Prisons Service was aware of his diabetic condition and he was being placed under medical care.

The only possible compassionate grounds for a remission of sentence, he said, was if Mpetha gave the necessary co-operation in a parole situation.

"The rejection of the propagation of violence may be a factor," he said.

Mpetha is a veteran of the African National Congress. He joined in 1948 and became the Cape ANC president until the ANC was banned in 1960.

When the United Democratic Front was launched in 1983 he was elected a president, but has since lost his position. He is still a patron of the UDF

4/11/85

Soldiers fined for township assault

DISPATCH

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10/11/85

Dispatch Correspondent
PÖRT ELIZABETH — Eight members of the South African Defence Force who "with intent" assaulted a black man, branded his legs with heated iron-bars and pelted him with stones, were sentenced to a R200 fine or four-months imprisonment each when they were found guilty of assault by the New Brighton magistrate's court yesterday

Gerhardus Johannes Nieuwenhuizen, 20, of Witbank, Phillips Johannes Swart, 19 of Swartklip, Anton Stapelberg, 21, of Somerset West, Louis Bezuidenhout, 21, Robert McGowan Park, 23, of Messina, Johannes Pietersen, 19, of Van Der Bijl Park, Johannes Robertze 21, of Middelburg, Transvaal, and Andries Kotze, 22, of Rustenberg were found guilty of common assault with intent to cause grievous bodily harm to Mr. Maxwell Sandile Jana in Red Location, New Brighton on July 15, this year.

They all pleaded guilty to assaulting Mr Jana

by repeatedly kicking him in the stomach, burning him with iron-bars and striking him with a piece of wood in the shoulders

Passing sentence, Mr T K Morgental said the nature of the crime they had committed "was a very serious one" and he found that the accused had carried out unprovoked assaults

He said they had failed to tell the court why they assaulted Mr Jana and they had admitted that they knew at the time of the incident that they had no right to assault Mr Jana

Andries Kotze admitted that he had roasted Mr Jana's legs with a hot iron-bar, while Johannes Robertze told the

court that he pelted Mr Jana with stones, but that did not cause serious injuries to him

The others also admitted that they had caused harm to Mr Jana by kicking him in the stomach and in the upper body

Under-cross examination they all conceded that they knew they were abusing their powers, as they had no right to assault because he was in his rights

Evidence brought forward to the court was that Mr Jana was caught in possession of dagga, but the accused said they had nothing against Mr Jana, adding that they could not explain why they attacked him

Mr B J Walters appeared for the state

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CAH 1018 5/1/85 (20/10) 253

Mandela recuperates in City

Staff Reporter
STRINGENT security arrangements were in evidence around the Volkshospitaal yesterday as jailed African National Congress leader Mr Nelson Mandela recuperated from

the surgical removal of his enlarged prostate gland

Mr Mandela is said to be quite cheerful and will apparently start undergoing physiotherapy at the Volkshospitaal in Oranjezicht, where he is expected to spend another week

Armed plainclothes policemen guarded the entrances, grounds and ward where Mr Mandela is being held

His family will be able to see him for 40 minutes a day until his release from hospital

A Prison Services spokesman, Lieutenant-Colonel Awie van Vuuren, said from Pretoria that according to a statement released by Mr Mandela's doctors "The patient is well enough to get out of bed. There are no complications"

Case Title 5/11/85

Fears for health of held advocate

252

Staff Reporter

THE wife of detained City advocate Mr Abdulah Omar 51, said she was concerned about the 'deteriorating health' of her husband following his admission to the Victor Verster Prison Hospital in Paarl.

Mr Omar has suffered from a heart ailment for the past seven years and has been admitted to hospital for complaints. Mrs Fareeda Omar said

Food

Mrs Omar, who saw her husband last Wednesday after an urgent application, did not disclose further information about her husband's health. She said that it was a matter "so sensitive that I fear for my husband's safety."

Mrs Omar said that food and reading material — including the Ko-

ran — for her husband was refused by prison authorities.

Approached for comment yesterday, a spokesman for the SA Prisons Service said "Detainees incarcerated in prisons in terms of emergency regulations are treated in terms of the rules promulgated in Government Gazette 9 994 of October 26, 1985."

"These regulations are strict but fair and are applied in a responsible and professional way," the spokesman said.

Judges

"It could be mentioned that judges from the Supreme Court have free access to any prison and may talk to any prisoner, including detainees, and may report thereon. Magistrates have the same access to prisons in their areas of jurisdiction."

"According to an earlier statement by the Minister of Justice Judge Presidents have been requested to make more judges available to visit detainees," the spokesman said.

"These increased visits are now in progress," he said.

"Furthermore cell prisoners and detainees are seen at least once a day by the head of the prison to establish whether they have any complaints."

"These complaints are noted in an official register and receive the necessary attention," the spokesman said.

"A district surgeon is appointed for every prison or group of prisons and visit them regularly."

Ailments

"Prisoners and detainees have the opportunity to report ailments on a daily basis and are given prescribed medication by trained medical or nursing staff who also attend to the less serious cases in the prison hospitals," the spokesman said.

"If specialized medical attention is required prisoners are referred to provincial hospitals by the district surgeons."

The spokesman said the medical treatment of detainees is governed by rule 20 of the emergency regulations, the issuing of reading matter by rule seven and food parcels by rule eight of the regulations.

"It could be mentioned that all prisoners and detainees are given balanced diets which are reviewed from time to time by professional dieticians," the spokesman said.

Detainee hunger strike rules

CAPE TOWN—Detainees on hunger strikes at Pollsmoor and Oudtshoorn prisons are to be treated in terms of an international convention that bans 'artificial' feeding of prisoners who refuse food.

According to the Department of Prisons, the strikers are to be treated 'strictly according to the internationally-accepted

guidelines concerning the handling of hunger strikers as contained in the Tokyo declaration'

The declaration, passed in 1968 by the World Medical Association, is an international convention on the medical treatment of prisoners.

It bars doctors from participating in the tor-

ture of prisoners, from providing facilities for the torture of prisoners, and from being present at such torture.

It also says that where a prisoner refuses nourishment and is considered by a doctor as being capable of forming an 'unimpaired and rational judgement' on the consequences of this refusal, he or she 'shall not be fed

artificially' ²⁵³ ^{09/11/85} ^{Morany}
The decision as to the capacity of the prisoner for forming such a judgment should be confirmed by at least one other independent doctor,' says the declaration.

The consequences for the refusal of nourishment shall be explained by the doctor to the prisoner' — (Sapa)

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Detainees, prisoners in hunger protest

THE TIMES 11/11/83

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By BARRY STREEK and TONY WEAVER

THIRTY-TWO emergency-regulation detainees, started an indefinite hunger strike yesterday, according to a committee of family and friends of detainees, while it was confirmed last night that seven awaiting-trial prisoners in Oudtshoorn have been on a hunger strike since Wednesday.

But a spokesman for the Department of Prisons in Pretoria said late last night that only two Pollsmoor detainees held under emergency regulations were on hunger strike.

No further details were available on the Oudtshoorn hunger strikers, although it is believed they are being held pending a trial in terms of security legislation which could include allegations of sabotage.

Lieutenant Colonel A van Vuuren said from Pretoria last night.

Tokyo Declaration

"It is confirmed that (a) Since Wednesday, seven awaiting trial prisoners being held at the Oudtshoorn Prison, and (b) since Sunday, November 10, two detainees being held at Pollsmoor Prison in terms of the emergency regulations, have been on a hunger strike.

"In line with policy which applies in this regard to prisoners in general, the seven prisoners and the two detainees are being treated strictly according to the internationally accepted guidelines concerning the handling of hunger strikers as contained in the Tokyo Declaration."

Last night, family and friends of detainees being held under emergency regulation said that according to their information, 30 women and two men being held at Pollsmoor had started a hunger strike.

They resolved to go on a hunger strike for an indefinite period after the completion of their first 14 days in detention, the committee said at a press conference.

The detainees were demanding "the unconditional release of all state of emergency detainees, the release of Ms Shirley Gunn as well as others held under the various sections of the Internal Security Act in the Western Cape, and access in the interim period to lawyers for all detainees".

In a statement read out by the mother of detainee Mr Edwin Arrison, the committee said "We have decided that in the light of the demands (of the detainees) we will express our solidarity with them as individuals and as members from various religious and community organizations by joining them in their hunger strike."

The Claremont United Democratic Front area committee said last night it "strongly supports the action and demands of the hunger strikers".

Solidarity fasts

At yesterday's press conference Mrs Heather Petersen, wife of detained Congregational Church minister the Rev Robin Petersen, said a number of people had already begun 24-hour solidarity fasts and at 6pm today another group would start fasting at the Buitenkant Methodist Church.

Other centres would at this stage be St Philip's Church in Wetton, St Luke's in Retreat and St Emmanuel in Wynberg.

Ms Josette Cole, who was released from detention on Friday, said that before she was released the detainees had decided they would not take any food but would drink water during the hunger strike.

- Longer detention possible, page 2
- 134 more detained, page 7

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Call to bring killer of lawyer to trial

Dispatch Reporter

EAST LONDON — The murderers of Mrs Victoria Mxenge, the civil rights lawyer who was killed by unknown assailants at her home near Durban earlier this year, should be "brought to book with the least possible delay", the attorneys' journal, De Rebus, said in an editorial

"At the time of writing, as far as we are aware, no one has been arrested and we must assume that vigorous efforts are being made by the police to trace and charge the offender or offenders"

The editorial said the Mxenge family, whose family home is near King William's Town, had suffered a double tragedy, each arising in similar circumstances "Those responsible for the violent death of her husband (Mr Griffiths Mxenge), also a practising attorney, some years ago have still not been charged and we do not know how far the police

investigations have proceeded, indeed even whether or not they are still proceeding

"It is of the utmost importance in that case too the police should not relax their efforts

"The maintenance in our country of civilised standards and a contented and orderly society demand no less"

The right to legal representation was an important principle of the rule of law "From this flows the further important principle that lawyers are required to represent their clients without fear or favour

"Whether the cause is popular or not is immaterial There is no doubt that there are times when the lawyer who upholds this principle is called upon to show great courage"

The "brutal" death of Mrs Mxenge, who happened at the time of her death to be representing people facing charges of treason, gave cause for serious concern

No more info on hunger strikers in jail

CAPL T.M.B. 13/11/85
253

FASTS in solidarity with detainees started in the City last night as the Prisons Department decided not to release any more information about the hunger strikers in jail "at this stage"

A department spokesman Lieutenant-Colonel D J Immelman, said from Pretoria last night that the release of "any further detailed information" was not regarded as being in the interests of "administration, discipline and good order" in prisons

Colonel Immelman was replying to questions on the number of prisoners involved in a one-week hunger strike at Pollsmoor Prison and on reports that awaiting-trial prisoners at Oudsthoorn had been admitted to hospital after beginning a hunger strike last Wednesday

The prisons service has put the number of Pollsmoor strikers at two, but relatives of detainees held there in terms of the emergency regulations say the number may be as high as 30

Colonel Immelman said "The subsequent comments do not refer to circumstances pertaining to any individual"

"From time to time prisoners and/or detainees refuse to eat food served to them in accordance with the prescribed ration

"The policy with regard to prisoners who refuse to eat is strictly applied and is based on the internationally-accepted guidelines as contained in the Tokyo Declaration

Refused rations

"As has been confirmed previously, there are detainees and prisoners awaiting trial

at a few prisons who have refused prison rations for one or more meals

"Besides the fact that each prisoner and detainee is served with the prescribed meals daily, they are permitted to buy additional food-stuffs at the prison shop according to their needs"

Meanwhile, University of the Western Cape lecturer and chairman of the Civil Rights League, Mr Keith Gottschalk, has joined the hunger strike being held in the Buitenkant Street Methodist Church in solidarity with hunger-striking detainees

Four others have joined Mr Gottschalk, who was released from detention last Thursday in the hunger strike at the church

Support

Mr Gottschalk said he was fasting "to support the detainees who are fasting for the release of all detainees"

A 24-hour relay fast is being held at the church for the duration of the detainees' hunger strike and members of the congregation and the general public have been invited to visit those participating

The fasting periods begin and end daily at 6pm. The public has also been invited to participate in dawn-to-dusk fasts in their homes or at work

At 7.30pm today a service for the hunger-striking detainees will be held in the church. Similar "state of emergency" services are to be held every Wednesday at the church until the emergency is lifted — Sapa and Staff Reporter

(253) W. Mar 14/11/85

Let us wed, ask political prisoners

POLITICAL prisoners Carl Niehaus and Jansie Lourens, both serving sentences for high treason, have applied to the Supreme Court for permission to marry.

This follows consistent refusals by the SA Prison Services to allow them to marry.

If they marry, it will give them the right to correspond with each other and have contact visits

And a victory in the Supreme Court could set a precedent for a number of other prisoners who also want to marry

Niehaus and Lourens were sentenced two years ago for 15 years and four years imprisonment respectively.

In papers before the court, they

have asked for a setting aside of the Prison Service's refusal of permission to marry

They have also asked for the necessary arrangements to be made for a marriage ceremony to be performed

Alternatively, they have asked the court to set aside the Prisons Service's refusal to allow them to visit one another.

The two, both 25 years old, were engaged to be married at the time of their arrest and have not seen each other since their convictions. They are both being held in Pretoria Central Prison

They had applied to be married during their trial, but Lourens withdrew the application after they

were convicted

A year later they both reapplied for permission. No reasons were given for the refusal

Although they are now writing letters to one another, they said in affidavits before the court that they were not permitted to write about their daily lives — including what films they see, or books they read — and there were lengthy delays in the exchange of letters

Lourens gave examples of how her letters to Niehaus were censored

● She wrote to him to say she had been refused permission to write poetry. The letter was returned to her for rewriting

● She was also ordered to excise a reference to the fact that she had sat in

the sun and got freckles on her knees

● She was not allowed to tell him that she had been looking at paintings of Delacroix and Goya or that she had bought a copy of Beethoven's Pastoral Symphony

Niehaus said in his affidavit that the refusal to allow an engaged couple to marry "is so unreasonable as to be explicable only on the grounds of bad faith, ulterior or improper purpose or a failure to take into account all relevant considerations"

He added that the refusal "constitutes a particularly cruel form of punishment which is not conducive to the expressed purpose of the rehabilitation of offenders"

No date has yet been set for the hearing

SA warders' achievement

Staff Reporter 253

THE daily achievements of South African prison warders were "something to be proud of" if one took into consideration the overpopulation of local prisons and what happened in prisons of other countries, Lieutenant-General P Reitz, Chief Deputy Commissioner of the Prisons Services, said yesterday.

Addressing 101 Pollsmoor Prison warders who received long-service medals at a ceremony at the prison, General Reitz said one had only to read foreign newspapers to realize "what happens almost daily in other prisons".

Professional wardership demanded that prisoners were always cared for and dealt with "strictly in accordance with the directives and the true spirit of existing policy", he said.

Prisoners should receive the care to which they were entitled, regardless of the degree to which they might "try one's patience".

PRISONS SILENT

ON MANDELA

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22/11/85
SOWETAN

THE Prisons Service has declined to react to rumours and speculation that the jailed African National Congress leader, Mr Nelson Mandela, is about to be released.

Members of Mr Mandela's family said they did not know of plans for his release.

Rumours about the possibility that Mr Mandela would be released and other rumours that he had accepted an offer

from the Transkei to live there after his release, were rife in Cape Town early this week.

Many overseas and local journalists and television crews waited at the Volks Hospital when his wife, Mrs Winnie Mandela and other members of his family, visited him on Wednes-

day afternoon. A Prisons Department spokesman confirmed that Mr Mandela was still in hospital, but could not say how long he would remain there.

His condition was satisfactory according to his doctors, the spokesman said.

The Prisons Service

is not prepared to comment on rumours and speculation.

The office of the Minister of Justice, Mr Kobie Coetsee, referred all inquiries to the Prisons Department.

Nationalist MPs were yesterday unaware of any suggestions that Mr

Mandela would be released. They thought it unlikely, unless he was prepared to go back on his firm rejection of President P. W. Botha's offer in February this year.

Mr Mandela went to hospital on November 3 for an operation to remove an enlarged prostate gland.

Detainee's bid for release order fails

Pietermaritzburg
Bureau

A SUPREME Court Judge here yesterday turned down an application for the release of a Durban man who has been detained by the Security Branch since August 3 this year

The application for the release of Mr Yunis Shaik was made by his father, Mr Goolam Soobader, following a letter he received from his son who begged him for help, saying he could not go on much longer

The application was brought on the grounds that although Mr Shaik is being held in terms of section 29 of the Internal Security Act for the purpose of interrogation, he has not been questioned by the police since August 5

Mr Justice Howard said it was alleged that Mr Shaik's continued detention was not for interrogation but for 'some other unauthorised purpose' and that for this reason the Court was not bound by Section 29 (6) of the Internal Security Act in terms of which no court of law has the power to order the release of any person detained in terms of the section

Recruits

Mr Justice Howard said, according to affidavits filed on behalf of the Commissioner of Police, when Mr Shaik was detained the arresting officer had reason to believe he had committed an offence in terms of section 54 (1) of the Internal Security Act and was withholding information relating to the commission of that offence.

'It is alleged that he has been an active member of the ANC since 1984 and that he recruits members for the organisation. He has also on an occasion transported a senior member of the ANC who has received training abroad from the border of the Republic to Durban and has harboured this person and others.'

Among the reasons for Mr Shaik's continued detention submitted in affi-

Mercury 23/11/85
davit on behalf of the Commissioner of Police were that a country-wide investigation involving Mr Shaik was still in progress and that it was lengthy process

It was submitted that his detention was necessary and an assurance was given to the Court that Mr Shaik would be interrogated further and was being held for this purpose

Mr Justice Howard said he found 'nothing strange or improbable' in the sub-

mission that such a 'multi-faceted investigation and interrogation could take a long time

He said the evidence submitted on behalf of the Commissioner of Police stood uncontradicted and he found himself unable to say that Brig Ignatius Coetzee (of the Security Branch in Durban) was being untruthful when he 'says that Shaik must and will be interrogated further and that he is being held for that purpose'

Mandela moved to Pollsmoor

CAPE TIMES 25/11/85

253

Staff Reporter

POLICE and prison authorities quietly slipped ANC leader Mr Nelson Mandela from the Volks Hospital to Pollsmoor Prison early on Saturday

But despite government denials about even the remotest possibility of Mr Mandela being released, international speculation continued at the weekend

The London Observer reported yesterday that serious negotiations have begun on Mr Mandela's release and it is "increasingly likely" he will be freed in the next few months

In a story from Johannesburg, correspondent Allister Sparks said Mr Mandela's release would be part of a package deal between the banned African National Congress and the government

Exile

But an ANC spokesman in Lusaka told UPI they had no knowledge of the release plans

Sources close to the Mandela family were reported at the weekend to have said that the government appeared to want Mr Mandela's release linked to immediate exile — possibly to Zambia, where the ANC has its headquarters

ANC officials were said to be opposed to the

exile plan, but at the weekend their spokesman called for greater world pressure on South Africa to release Mr Mandela following his return to jail

The Observer report said that negotiations were still under way for Mr Mandela's release. The report quoted Mrs Winnie Mandela

Sparks said 67-year-old Mr Mandela had a two-hour discussion in the hospital with the prison's commanding officer, Brigadier Fred Munro, before holding a two-hour session with his legal advisers on Friday morning

"Brigadier Munro was almost certainly acting as an emissary for the government in sounding out Mandela about possible ways of arranging his release, and though no immediate agreement was reached, the length of the lawyers' discussions with Mandela and their noncommittal attitude afterwards made it clear the matter is still under consideration," Sparks said

Speculation about Mr Mandela remained rife in the weekend press in Britain while prominent leaders called for his release

'Untrue'

On Saturday, the Guardian urged the South African Government to release Mr Mandela and secure "vital breathing space" for South Africa

Mrs Mandela left Cape Town unexpectedly on Friday, after an extended visit with her husband on Wednesday and another visit with his legal advisers the next day

● Lieutenant-Colonel A van Vuuren, a spokesman for the Prisons Service, said last night that the commanding officer of Pollsmoor Prison saw prisoners under his command, including Mr Mandela, regularly

He rejected as untrue Mr Sparks's suggestion that Brigadier Munro had discussed ways of arranging his release with Mr Mandela

In exile, in 1976?

Nelson Mandela first offered 'freedom'

BRUSSELS — Nelson Mandela has left his prison cell at least once before to be offered a release deal similar to the one understood to have been proposed during his recent stay in a Cape Town hospital.

It was one of those stories that, as Reuter's correspondent in Lusaka at the time, I came close to reporting, but held back on because of the problems associated with filing contentious material from certain trouble spots.

However, I trusted my sources at the time. Those sources have reaffirmed the story at regular intervals ever since, and it has been backed up, to my satisfaction, by evidence from elsewhere.

It happened in early 1976, at a time of turmoil in Central and Southern Africa. South African forces were deep inside Angola, partly in response to the plea of Zambia's President Kenneth Kaunda, who had forged a close relationship with the then South African Prime Minister Mr John Vorster during the Angolan and Rhodesian crises.

Little of the official information made available

during those times was worth knowing, for it tended to be diametrically opposed to the truth.

My reporting operation, therefore, consisted to a considerable extent of sifting through and assessing "unattributable" facts brought up the gravel path to my office each day by a succession of visitors.

They would tell of white lecturers from the University of Zambia languishing in jail, of internal murders within the black Rhodesian liberation movements based in Zambia, of secret visits to Mr Kaunda's lodge in a game park by the South African Foreign Minister, of more than 1 000 Namibian guerrillas imprisoned by the Zambians (and never heard of again to this day), of dissident Namibian guerrillas fleeing Zambia during a security crackdown, and so on.

It was a fascinating time, but careful judgment had to be made as to whether it was worthwhile getting expelled from the country for certain stories while the region was of great international news interest.

My predecessor understood the situation well. He

As rumours surrounding a "secret deal" offered jailed ANC leader Nelson Mandela continue to mount, veteran Africa reporter FRED BRIDGLAND recalls a similar period during which Mandela was believed to have been flown to Lusaka to negotiate his release — a story which, because of the ferment in the region, couldn't be written at the time.

had discovered the secret release from prison in Salisbury of the Rhodesian nationalists Joshua Nkomo, Ndabaningi Sithole and Robert Mugabe and their delivery to Lusaka for unification talks. But the Zambian authorities warned that the whole attempt to achieve a peaceful settlement in Rhodesia would be dashed by release of the story, so the story was put on ice and only released later after a visiting newspaperman found out about it and published it.

I trusted my principal source for the Mandela story. Other information he had given me had proved to be correct. On this occasion he said he had been

present at a dinner attended by the then Zambian Foreign Minister, Mr Rupiah Banda, who was asked outright by a top international civil servant (whom the source identified) whether it was true that Mandela was in the country. Yes, Mr Banda replied.

Normally I tried to avoid letting official spokesmen knock down stories I believed to be true. But politics were so delicate at that time that this kind of story had to be bounced off the presidential spokesman, Mr Mark Chona. He denied it emphatically, and I decided it was best not to press the issue.

But, in the years since then, I have learnt that Western intelligence officials were busy filing reports at that time that Mandela was probably in Lusaka. When I recently encountered someone who was a senior Zambian intelligence official in the seventies, I asked him about the Mandela story. He replied: "Let's put it this way. Even if it was true, and I'm not saying it is, I'd tell you it was a lot of nonsense."

The presumption in 1976 was that Mandela was

given a South African offer, through Mr Kaunda, of "freedom in exile" in the black homeland of Transkei, where the Chief Minister, Chief Kaiser Matanzima, is Mandela's brother-in-law.

Mandela turned it down and was returned to his place of imprisonment on Robben Island.

Such a visit would have been made possible by the wide degree of co-operation at that time between Zambia and South Africa over Angola and Rhodesia.

It was, after all, pressure from Mr Vorster, on Mr Kaunda's behalf, on Rhodesia's Prime Minister, Mr Ian Smith which led to the secret release of the black Rhodesian nationalists. And Mr Kaunda joined with Mr Vorster and numerous other states in an attempt to prevent the Marxist MPLA movement in Angola from aborting promised elections and taking power with the support of Cuban troops.

I have it on the highest authority that South Africa's then senior Foreign Ministry civil servant, Mr Brand Fourie, made 25 secret visits to Zambia in the last six months of 1975 to co-ordinate strategy.

Mandela 'likely to accept offer of release into exile'

253 B. Bay 26/11/85

NELSON MANDELA's release into exile would probably be accepted by all parties — himself, government and the ANC — and it seems government has made some kind of offer to this effect which has not been rejected out of hand.

That is the view of Wits' political studies lecturer Dr Tom Lodge, who is also a leading authority on the banned African National Congress.

For almost a week, Mandela's release has been the subject of intense speculation which reached fever pitch on Friday when, shortly before the veteran ANC leader was returned from Cape Town's Volkshospitaal to Pollsmoor, he met his lawyer Ismail Ayob and advocate George Bizos for three hours of talks.

Mandela is also reported to have held talks that day with the commander of Pollsmoor, Brigadier Fred Munro, who, it is said, may have been acting as a go-between in negotiating a release deal between Mandela and government.

Lodge said yesterday that government was in a no-win situation. Mandela would remain a leader outside or inside prison and government would prefer to release him, although preferably into exile.

Furthermore, the ANC would wish to make it absolutely clear that there was no difference in policy between Mandela and the leadership in exile.

And, finally, his family would wish him to be released because he was "not a well man".

All of which added up to the likelihood that all parties would accept his release into exile. Mandela himself, while demanding an unconditional release, would probably have no choice were he to be set free and sent to Lusaka.

So far, the conditions which had been put to Mandela — a repudiation of violence and confinement to any particular area of SA — remained unacceptable to him.

"As regards violence, Dennis Goldberg was in bad trouble when he renounced violence" (Goldberg was re-

PAUL BELL
Political Correspondent

leased in March after 22 years in prison. He returned to Israel.)

Nevertheless, Mandela also viewed his release as having to be part of a political process, a package, leading to the dismantling of apartheid.

Lodge said he did not think it likely that government saw any particular strategic advantage in releasing Mandela in the hope of creating dissension within the ANC leadership.

ANC president Oliver Tambo had already indicated that he would be happy to step down in favour of Mandela, should he be released.

It was also being suggested in London yesterday that Mandela would be appointed to the ANC executive and remain head of Umkhonto we Sizwe, the military wing, and that the personal closeness between Mandela and Tambo ruled out any possibility of a leadership struggle.

Mandela, who was one of three vice-presidents under Chief Albert Luthuli, and Transvaal leader of the ANC, no longer holds any formal position in the ANC, which has elected an executive twice since he was jailed for life in 1964.

"Mandela's release would not put a cat among the ANC pigeons," Lodge said.

While Mandela is not part of the policy-formulating machine of the ANC, he remains fully in touch with policy.

Only once did there ever appear to be any divergence of opinion between himself and Lusaka, when he expressed reservations — in his interview with British parliamentarian Lord Bethell — over the number of casualties in the 1983 Church Street bombing.

"Even then," says Lodge, "it appears that the ANC leadership in exile were also privately embarrassed by it."

Lodge said he believed there were many ways in which Mandela could play a valuable leadership role inside SA.

By HOWARD BARRELL in Harare, MOIRA LEVY in Cape Town and ANTON HARBER in Johannesburg

AS rumours multiplied yesterday of the imminent release of Nelson Mandela, the ANC in Lusaka said any plan to fly their jailed leader to freedom in another country would be unacceptable

And a representative of the State President's office in Pretoria said there was absolutely no truth in speculation that an unconditional release of Mandela was imminent

"Nothing has changed," he said

The Prisons Department maintained a tight-lipped silence

However, press and television crews from all over the country set up camp outside the Volkshospitaal in Cape Town, hoping for an indication that the ANC leader was not returning to Pollsmoor Prison

Mandela's wife and family have moved back into the Mount Nelson Hotel and are making lengthy, daily visits to him

After her visit yesterday, Mrs Mandela spoke briefly to the press. She is banned and cannot be quoted, but she had nothing to add to the speculation

Mandela, 68, is recovering from a minor operation in the hospital. It has been clear for nearly a week that he had fully recovered and was medically fit to return to the prison cell he has occupied for 22 years

The fact that he is still in hospital and his family has been travelling frequently between Cape Town and Johannesburg has given rise to rumours that he may not be returned to prison

Prison Services has said he is being kept in hospital for post-operative care

However, the speculation was that the government would use his illness as grounds for release on compassionate grounds. This would enable them to release Mandela — the most famous of South Africa's political prisoners — without releasing his colleagues

The possibility that he may be released and flown to Lusaka has been raised in the press in recent weeks

In recent years, the government has offered their hottest prisoner freedom in the Transkei and, when that was rejected, freedom on the condition that he renounced violence.

Sources close to the family yesterday said no new offer had been made to Mandela.

Yesterday, an ANC spokesman in Lusaka told the Weekly Mail that only the unconditional release of Mandela would be acceptable to the ANC.

He said the ANC had no firm evidence Mandela was to be released, but added that the outlawed movement was demanding the unconditional release not only of their leader, but of all political prisoners and detainees.

Winnie Mandela is in Cape Town in defiance of an order to return to Brandfort in the Orange Free State.

Don't send Mandela to Lusaka, says ANC

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W. Mail

28/11/85

P.T.O. for picture.



Cape Town-bound Winnie Mandela checks in at Jan Smuts airport ...
keeping the world guessing

Picture: TREVOR SAMSON, AFP

FM 29/11/85

NELSON MANDELA

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(253) FM 29/11/85

Riddles and rumours

Government spokesmen and the African National Congress (ANC) remain tight-lipped about events which aroused frenzied speculation and the expectation that the world's best-known political prisoner, Nelson Mandela, was about to be released. What seems certain, however, is that there is some substance to theories and rumours that a negotiated release is on the cards.

A senior Western diplomat in SA tells the FM his government firmly believed that Mandela's release was imminent. This appears to have been the information obtained by other Western capitals, which impelled local and foreign correspondents to take up positions outside his point of departure, Cape

Town's Volkshospitaal, and his supposed point of arrival, Lusaka.

As early as Monday last week ANC leaders in Lusaka told SA-based journalists they were expecting Mandela in Lusaka last Friday. They were very vague about why they thought that would happen. At more or less the same time, the story spread like wildfire through SA.

The authorities' first reaction to press queries strengthened the credibility of the rumour. There were no outright denials that something was afoot, and journalists were referred from one department to the other.

On Friday the commanding officer of Pollsmoor prison, Brigadier Fred Munro, had two hours of talks with Mandela in hospital. It seemed fairly safe to assume at the time that the brigadier, who knows Mandela very well, acted as an emissary for government and had some message to convey. In Lusaka it was said that Munro conveyed a fresh offer of conditional release. Later that day Mandela had a long meeting with his legal representatives. They apparently conveyed a message back to Munro, and the next morning Mandela was taken back to his cell in Pollsmoor.

No change

Only this week did spokesmen from the office of the State President state that there was "no change" in the situation.

NP watchers and insiders explain that there is a strong body of opinion inside the party which favours his release on humanitarian and medical grounds. He is 67, after all. There were no serious objections from rightwing whites when PAC leader Robert Sobukwe was released a few years ago when his health was deteriorating. The (unconditional) release last year of Swapo founder Andimba Toivo ja Toivo and the release two weeks ago of 22 more Swapo prisoners from Robben Island also passed with little attention.

NP sources explain that most government leaders now acknowledge the only way to end the violence is a negotiated settlement with the ANC and the UDF. While they don't believe the time for such a settlement has arrived, the thinking is that it would do no harm to let Mandela go to Lusaka (with an undertaking that he will not come back without permission), even if negotiations don't take place for another year or two. They believe he could have one of two effects on the ANC: have a moderating influence or precipitate a leadership struggle. The latter seems unlikely in view of statements by Oliver Tambo that he would step down immediately in favour of Mandela. Also, the two men have been bosom friends since childhood. The perception, therefore, is that government has nothing to lose by releasing Mandela.

The other important consideration is that government has run out of reform steam — most of next year's reforms have already been announced — and may well favour the move to give heart to disillusioned friends in

the West. The pitch of international excitement aroused by the Mandela rumours indicates the extent of the reprieve SA could buy abroad.

Emergency laws challenged by Cape detainees

6/12/85

STAR

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Own Correspondent

CAPE TOWN — Judgment was reserved yesterday on an urgent application for their release from prison to the Cape Town Supreme Court by six people held under the emergency regulations.

The six — including Cape Town advocate Mr. Dulla Omar — challenged some provisions in the regulations and asked the court to declare them invalid, unlawful and unenforceable.

They also want a declaratory order allowing lawyers to visit detainees.

The application was opposed by the State President, the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the officer commanding Victor Verster prison.

At issue is whether detainees have the right to make legal representations to the authorities for review after their initial 14-day detention.

Mr A Chaskalson SC, for the applicants, argued that to deny this would be to reject the audi al-

teram partem rule which allows both sides of a case to be put

This was not the intention of the Public Safety Act of 1953 and the State President, in his amended emergency regulations, had been "misdirected" and acted outside the law.

Mr W G Burger, for the Minister of Law and Order and the Commissioner of Police, said the basic rights of individuals had been suspended so the State could combat the "volatile and serious" situation.

VALID INFORMATION

He said Mr Chaskalson had tried to paint as black a picture as possible of the position of detainees.

Mr M C de Klerk, for the State President, said Mr Botha had acted on valid, responsible information and the courts did not have the power to question the need for the regulations.

He was empowered to act in a way he thought advisable to maintain public order and safety.

Bid to check jail hunger strike rumours

SNAR

By Jo Anne Collinge

7/12/85

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Johannesburg lawyers say they will seek visits to emergency detainees in Vereeniging's Leeuwhof Prison to check on rumours that a hunger strike was launched there almost a week ago

Community sources say they have information that the fast began on Sunday — earlier than planned — because of a physical clash between detainees and prison staff on that day

Other alleged grievances are insuffi-

cient and poor quality food and inadequate medical care

A spokesman for the Department of Prison Services denied that there had been a confrontation and clash between warders and detainees. He also denied that a hunger strike was being observed

"Detainees held in terms of the emergency regulations are treated in accordance with the rules pertaining to the (emergency) regulations," he said

"All prisoners and detainees are seen at least once a day by the head of the

prison to establish whether they have any complaints. These complaints are noted in an official register and receive the necessary attention"

The spokesman said his department was reasonable and fair to people in its care and dealt with any irregularities

"A district surgeon is appointed for every prison and visits regularly. Detainees have an opportunity to report ailments on a daily basis and are given prescribed medication by trained nursing staff," he said.

Detainees: 'no legal rights' under section 50

STAR 7/12/85

Own Correspondent

CAPE TOWN — A detainee does not have the right to defend himself legally when held under section 50 of the Internal Security Act, the Supreme Court, Cape Town has ruled

The "delay caused" would "frustrate and defeat the very purpose of the provisions of section 50"

Consequently, the application by a Std 7 Atlantis pupil to have her detention declared "unlawful" was dismissed with costs

The 17-year-old pupil was arrested on

October 16

After a warrant was signed by a Malmesbury magistrate, she was detained for 14 days

Mr C R Nicholson, for the applicant, submitted that the warrant was invalid because she had not been given a hearing by the magistrate before he issued a warrant for her further detention

Mr Justice Vivier said that powers conferred by section 50 on a policeman and a magistrate were "preventative" in nature they were designed to combat or terminate an existing state of unrest or

to prevent its resumption

There was no merit in a submission by Mr Nicholson that the magistrate was wrong to consider the pupil's further detention justified. If the magistrate acted in good faith, his decision was outside the court's jurisdiction

The Judge President, Mr Justice Munik and Mr Justice Baker concurred. Mr Nicholson and Mr L A Rose-Innes, instructed by the Legal Resources Centre, appeared for the applicant. Mr P Hodes, SC and Mr F D Brand appeared for the respondents

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Two imprisoned for petrol bomb offence

~~253~~ ~~253~~ 27 3/12/85 E. Post

Court Reporter

A MEMBER of the Port Elizabeth Black Civic Organisation (Pebco), who admitted planning to throw petrol bombs at South African Defence Force vehicles, was sentenced to an effective five years' imprisonment after he was found guilty in the New Brighton Regional Court yesterday on a charge of contravening the Explosives Act

The magistrate, Mr P Crous, sentenced Ntsike-

lelo Sakata, 20, to seven years' imprisonment. Two years of the sentence were conditionally suspended for a period of five years.

Vuyo Matiwana, 18, who appeared with Sakata, was sentenced to five years' imprisonment. Two years of the sentence were conditionally suspended for a period of five years.

Mr Crous said the offence had to be seen in a serious light as the two

men planned to use the petrol bombs against members of the SADF

He found that Matiwana, who was influenced by Sakata, had played a lesser role in the offence.

Sakata and Matiwana admitted in statements read out in court that they and another person intended to throw two petrol bombs at SADF vehicles parked in Soweto, Port Elizabeth, on the night of September

Sakata told the court under cross-examination by the prosecutor, Mr L Venter, that he belonged to Pebco and had a grievance against the SADF

He, however, did not intend committing the offence in his capacity as a member of Pebco.

He said members of the SADF had assaulted him without any reason in Johnson Road, Soweto, during August

He also said that if

people complained to the police about having been assaulted by members of the SADF they were "locked up".

Sakata, Matiwana and a third person were spotted by soldiers after stealthily approaching four parked vehicles in a street

One of them discarded the bombs and Sakata and Matiwana were pursued by soldiers and arrested

Mr B Pienaar appeared for Sakata and Matiwana

Jail photographs man's appeal upheld

W/E ARS 7/12/85
Supreme Court Reporter

A FREELANCE cameraman who was convicted under the Police Act for photographing Robben Island and Pollsmoor Prison, has had his appeal against sentence and conviction upheld in the Supreme Court, Cape Town

Mr Clifford Noël Bestall was sentenced in October last year to R300 or 100 days.

On an assignment from International Television News head office in Johannesburg he filmed the two prisons for a documentary

Miss Justice van den Heever said the conviction was "incompetent".

Mr Bestall had been treated "merely as a technician" by those creating the documentary and had not had the intention to break the law.

She said the section of the Police Act in question was "a strange one".

"It is worded so as to spread its net so widely that it is impossible to monitor and enforce should it be understood in its liberal meaning. It is probably contravened by dozens of people each day"

The shots viewed by the magistrate did not "fall within what one would normally regard as a prison".

Nelspruit terror trial told of letters found in prison cell

Lowveld Bureau

NELSPRUIT — A Prisons Department officer yesterday told a Regional Court magistrate he had discovered letters in the cell of a man being held in terms of the Internal Security Act.

Major Reimier Smal head of the Nelspruit Prisons Department, was giving evidence in the trial of Mr Patrick Elphus Mogale, charged with harbouring a terrorist. Appearing with him are Mr Frank Thebane, who allegedly received training in Mozambique, Angola and East Germany, and Mr Thabo Prince Chulone, also charged with harbouring terrorists.

Their appearance in court follows the discovery of quantities of Russian-made weapons and ammunition in a shack near Hazyview on March 19 this year. During a shootout two alleged terrorists were killed.

Major Smal told the court he and a Warrant Officer Strydom searched Mr Mogale's cell on April 14 this year. He found a number of letters written in English and one in Zulu. An interpreted version of the Zulu letter, addressed simply to "Judas", was produced in court. The following are extracts from the letter:

"Greetings I am still well and alive although it is difficult. It happened this way during November I met with these boys at Acornhoek. In fact I wanted those weapons. At the moment I have two, one pistol and one AK-47 with 120 bullets.

"On March 20 at 6 30 am the Germans arrived at the house. The boy who was with us took the Makarov pistol and four hand-grenades. Things were bad during the shooting that took place. They hit the house with grenades, then the boy shot himself and died.

"They found the pistol he had, one hand-grenade and my double-barrelled rifle which was under the mattress. I explained it belonged to that boy. Well it seems they believe it slightly.

Major Smal said Mr Mogale had probably hoped to smuggle the letter out of prison.

The hearing continues

Over 300 prison warders graduate

Argus Correspondent
PRETORIA. — More than 300 prison warders have graduated at a passing out ceremony at the Zonderwater Training College

The prison warders included 90 from the Ciskei Prisons Service and 10 from the South West Africa Prisons Service

Speaking at the parade yesterday, the Commissioner of Prisons, Lieutenant General W H Willemsse, said the development of the personnel corps of the South African Prisons Service was a long term investment

MAXIMAL

"Therefore, the maximal development of the abilities and skills of personnel forms an integral part of the total manpower development scheme of the Prisons Service"

He said the warden must always bear in mind that the ultimate aim of the Prison Service's treatment programme was the successful reintegration of the prisoner in society

REFERENCE

"A certain emphasis therefore will fall on promoting healthy interaction between the prisoner and his fellow prisoners and warders"

The warden-prisoner relationship is "an important frame of reference which the prisoner has"

He said "However difficult it may be, the establishing of a stable professional relationship between warden and prisoner is vital because it provides the opportunity to guide and influence the prisoner positively"

SAFETY 14/10/78
Seven boys held in Verster prison

By TONY WEAVER

IT HAS been confirmed that two more 16-year-olds are being held in terms of emergency regulations at Victor Verster Prison despite an earlier statement by the Minister of Law and Order, Mr Louis le Grange, that only five children were detained last week when Mr Le Grange denied that any children aged 16 and under were in detention under emergency regulations in the Western Cape on November 30.

Mr Le Grange's denial followed an advertisement taken out on that date by Mr Anwar Ismail in the Cape Times appealing for the release of all children in detention. Later Mr Le Grange said only five children were in detention and he thought the advertisement referred to the Western Cape and not the Boland.

The children in detention are Ridwaan Karriem, 14, Hans Harmse, 15, Paulus Romncwana, 15, and N and M Mancini, aged around 14.

It was established yesterday that Mathew Anderson, both 16, were detained on October 30 and are in Victor Verster.

The Cape Times telephoned police in Pretoria on Thursday night after Mrs Evelyn Andrews said the family had never seen Mathew's name in the newspapers, although he was taken from their Bonteheuwel home on October 30. She said "I am out of my mind I am so worried".

A telex was received from Pretoria yesterday confirming he was being held but "we had him recorded under a different name".

The lawyer acting for both Mathew and Edwin said they appeared in court on a Riotous Assemblies charge, but that charges had been withdrawn. They have since been held under emergency regulations.

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Omar: Resolve 'strengthened'

Staff Reporters

DETAINEES in Victor Verster Prison near Paarl have "not been weakened", advocate Mr Dullah Omar, who was released on Thursday and banned as long as the state of emergency lasts, said at the weekend

In a statement by him "on behalf of detainees held at Victor Verster", Mr Omar said "detention has not weakened us. On the contrary, the inhumanity of the system of which the state of emergency and detentions are a part, has strengthened our resolve to fight until the system of oppression and exploitation has been eliminated.

"We have been strengthened by the courageous struggle of our people, families and friends. We express deep gratitude for the solidarity displayed towards detainees and the sacrifices made."

But restrictions on vis-

its had caused unhappiness as detainees were unable to maintain contact with families except through visits

Detainees were not allowed to have contact during the visits and this was "traumatic for both detainees and relatives"

What was most alarming, he said, was that in the case of detainees from the Paarl area, security police sat in on the visits and a number of detainees from Zwelentemba, Worcester, had had no visits

"It appears they are being victimized"

The Victor Verster detainees said children under 16 were still being detained there and that there were a "large number of other juveniles"

They also said requests "that our own imams and priests be permitted to minister to the religious needs of detainees have not been met"

"On one occasion

when it was allowed, the sanctity of the chapel was invaded by prison authorities who barged in and sought to stop the congregation singing Nkosi Sikelele Afrika"

On behalf of the detainees, Mr Omar said "We pledge to continue the struggle, side by side with our fighting people until freedom is won, exploitation and oppression ended and respect for human rights and human dignity established"

Ban

Concerning his own position, Mr Omar said his banning order, which confined him to the Wynberg magisterial district, was preventing him from working effectively

He has brought the banning order, valid for the period of the state of emergency, to the attention of the Cape Bar Council

"My chambers are not in the area to which I am confined, which makes it very difficult for me to practise. I also cannot accept briefs outside the area. My position is entirely unsatisfactory"

It is understood that the Bar Council is considering the matter, with a view to making representations to the Minister of Law and Order, Mr Louis le Grange, on Mr Omar's behalf

● Commenting on the statements made to Mr Omar by detainees, a spokesman for the Prisons Services said last night "Prisoners detained in terms of emergency regulations are treated in accordance with rules pertaining to the regulations

"Juveniles under the age of 16 are held separately

Religion

"With regard to the spiritual care of the detainees it must be pointed out that religious workers are appointed as far as possible for each religion, denomination or belief to minister to the religious needs of all prisoners, including detainees

"Due to circumstances the appointed religious worker for the Muslim religion is not available on Fridays. Attempts to appoint a religious worker in his place have until now been unsuccessful," he said

"Joint prayer services are allowed within each religious group or belief but the different denominations or beliefs make use of the chapel separately.

"At no time was the chapel invaded by prison staff during a church service."

STAR
Court at Modderbee
to try 42 detainees

By Jo-Anne Collinge

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STAR 17/12/85
A special magistrate's court is to be convened in Modderbee Prison on the East Rand to try 42 detainees and former detainees who were allegedly involved in a clash with prison staff earlier this year.

The court will sit on January 6. It is not known whether it will be open to the Press and public.

A spokesman for the Department of Prison Services has confirmed the action against the 42 and that the venue of the trial will be Modderbee Prison.

The charges, believed to be assault, delayed the freeing last week of two detainees who live in the Heidelberg township of Ratanda.

Ratanda Parents' Committee members Mr John Parkie and Mr George Plaatjie were freed from detention when the state of emergency was lifted in the Heidelberg area recently. But they were immediately rearrested as awaiting trial prisoners.

"We then appeared in court in Benoni and bail was set at R150 and we came out of jail about a week late," said Mr Parkie. The Prisons Services spokesman confirmed that two detainees from Heidelberg had been transferred to awaiting trial status when the emergency was lifted in that area.

Mr Parkie said lawyers had advised them they should lay counter-charges of assault in relation to the clash with warders and they would be doing so

Children:

Omar 17/12/05

amazed

Stat Reporter

FORMER detainee Mr Abdullah Omar has disputed a statement by the Prisons Services that children under the age of 16 years were held separately from adults

In a report in yesterday's Cape Times, Mr Omar said children under the age of 16 were still being detained at Victor Verster and that there were a "large number of other juveniles"

In response the Prisons Services said "Juveniles under the age of 16 are held separately"

Approached for comment, Mr Omar said "I wish the prison doors could be opened for inspection so that people can see for themselves"

He said children had been detained with adults in sections of the prison and many people who could verify this were in detention

Detentions top 10 000 ^{Bus Day} DPSC

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18/12/85

PETER HONEY

MORE than 10 600 people were detained under emergency regulations or the Internal Security Act this year, according to the latest report of the Detainees' Parents Support Committee.

Of these it is estimated that more than 1 000 are still being held.

The DPSC figures show 7 006 people were held under the state of emergency, with 1 229 still in detention at the end of November.

Police reported last week that 177 people had been detained under emergency regulations.

The official SAP total for detentions was put at 6 438, with 949 still being held.

Of the 1 759 people held under sections 28, 29, 31 or 50 of the Internal Security Act or under Transkei, Ciskei and Bophuthatswana security laws this year, 315 are still in detention — 143 of them unknown to the DPSC.

Twelve of those still detained under the security Act were arrested last year and 18 between January and June this year.

The highest monthly detentions under the act were recorded in August (44) and September (40).

In Transkei, 1 846 people are believed to have been detained this year, including the mass detentions of 600 Sigoga High School pupils and 390 Umtata Technical College students.

Police are awaiting the outcome of a post mortem examination into the death in custody of 16-year-old Meshack Mogale on November 17. His sister, arrested with him, alleges police kicked and sjambokked the youth.

The DPSC says Mogale's death brought to 19 the number of people who have died in detention or police custody.

"The detention of children continues to be a major blot on the government's abysmal human rights record," the committee says.

The Ministry of Law and Order admitted that five children under the age of 16 were being held in emergency detention in the Western Cape at the time the report was compiled.

Two of the youngest section 29 detainees on record, 14-year-old Nontanda Gqeba and 16-year-old Monica Thabethe, were released without charge last Thursday after 77 days in solitary confinement.

The DPSC says provisions of the Children's Act appear to have been ignored. Although section 29 is for interrogation, the girls said they were questioned during the first few days and then left alone.

Six gatherings were banned in November and one on December 1.

HUNGER STRIKE AT CAPE PRISON

FOUR people detained under emergency regulations are on a hunger strike in Pollsmoor Prison near Cape Town.

A spokesman for the Friends and Family of Detainees (Fafod) said the detainees aimed to fast for a week to protest against unjust rule in South Africa and to call for the lifting of the state of emergency and the release of all detainees held under emergency regulations.

"The fast is a protest against the state of emergency and the continuing repression experienced by the majority

**SOWETAN
Correspondent**

of South Africans," she said.

"It is also aimed at expressing solidarity with detainees in other prisons."

A spokesman for the prisons service department in Pretoria confirmed that for the second day yesterday detainees at Pollsmoor did not take meals.

On Monday seven detainees declined food

'Protest against unjust rule'

but yesterday the number was reduced to four.

Mrs P ARRISON, a member of Fafod, whose son Edwin has been held in Victor Verster prison since October 25, said she had

recently written to the Minister of Law and Order, Mr Louis le Grange, to protest against the detention of her son.

"I have not yet had a reply but allowed to see Edwin on Saturday. He told me he hoped to be home for Christmas."

"He looks well and was hopeful of being released soon because prison authorities at Victor Verster had slowly but surely been releasing detainees for the past few weeks," she said.

Inquest told boy died in police cell

18/12/85

DISPATCH

STEYTLERVILLE — A 14-year-old youth died in the police cells here earlier this year after sustaining brain damage and a fractured skull

This was disclosed yesterday at the inquest into the death on July 5 of Johannes Witbooi, sometimes known as Johannes Spogter, whose injuries could have been caused by a kerie, a baton, the point of a stick, or a round stone, according to Prof T G Schwar, chief state pathologist, and a consultant to the Tygerberg Hospital, who conducted a post mortem examination on the youth four days after his death

Prof Schwar, who is also professor of forensic medicine at the University of Stellenbosch's medical school, said there were no obvious external injuries on the body

Replying to Mr R Pillay, who is appearing for the youth's family, Prof Schwar said one of the head injuries would have been caused by an object without sharp

sides being wielded with considerable force

Bleeding of the intestine had been caused by the youth either having been kicked, or falling on his stomach.

If he had been kicked, considerable force would have been used

Prof Schwar said that if the youth had been hit in the stomach with a fist, considerable force would have been needed to inflict the sort of wound he found

Answering Mr A Kilian, who is appearing for the Minister of Law and Order, Prof Schwar said no "head abnormalities" were obvious, "but when I examined his head with my hands, I found a swelling, but I could not feel the fracture I only discovered that later"

The hearing was adjourned to February 18 when the first of 15 state witnesses will be called

Warrant Officer G H Kitching lead the evidence for the state Mr Pillay is instructed by Nkanunu and Company of Port Elizabeth

Prisons: Children, adults in same cells

CAPE TIMES 19/12/85 253

Staff Reporter

THE Department of Prisons yesterday conceded that, under certain circumstances, children who are in detention are detained in the same cells as adults

On Monday this week, a Prison Services spokesman said that "juveniles under the age of 16 are held separately"

He was responding to a statement by former detainee, Mr Dullah Omar, that children were detained in cells with adults. Commenting later on the Prisons statement that juveniles were held separately, Mr Omar said "I wish the prison doors could be opened for inspection so that people can see for themselves"

Ridwaan Kariem, 14, and Hans Harmse, who turned 16 while in detention, have now been detained for 51 days

Yesterday Lieutenant Colonel D J Immelman of the Prisons Department said "it is the policy of the South African Prisons Service that juveniles admitted to prison are as far as possible kept separately from adults by detaining them in separate cells and/or separate sections"

Judges

"Circumstances may however prevail where exceptions have to be accommodated, but this is handled with the utmost responsibility"

"Prisons regulation 104(2) provides that judges from the

Supreme Court have free access to any prison and may talk to any prisoner, including detainees, and may report thereon

"Magistrates have the same access to prisoners in their area of jurisdiction. From reports which are received regularly, it is clear that the treatment which prisoners are receiving is generally in line with legal and other directives which are based on internationally accepted standard minimum rules"

"According to an earlier statement by the Minister of Justice, Judge Presidents had been requested to make more judges available to visit detainees. These increased visits are now in progress"

'Urgent'

Police issued a statement on the issue after the Cape Times telexed Pretoria and asked what action was being taken on the detention in Victor Verster Prison near Paarl of Ridwaan Kariem, Hans Harmse, Palus Romncwana, 15, N Mancini and M Mancini, both aged around 14 or 15, Mathew Andrews, 16 and Edwin Wilson, 16

The Cape Times telex to Pretoria said that "on December 5, 1985, Lieutenant Colonel Leon Mellet, press liaison officer for the Minister of Law and Order, Mr Louis le Grange, said the continued detention of

these children was receiving 'urgent attention'

"In addition, a Warrant Officer Symmington told the mother of Ridwaan Kariem, Mrs Hajera Kariem, and Mr Anwar Ismail, who was earlier detained in the same cell as Ridwaan Kariem, that he sent a report on December 12, 1985, to the minister's office requesting that Ridwaan be released immediately"

"Could you please advise us as a matter of urgency what steps are being taken with regard to the continued detention of these children, and also if any special steps are being taken as regards the continued detention of Ridwaan Kariem and Hans Harmse, who have now been in detention for 51 days"

Yesterday the Police Directorate in Pretoria replied that "as far as the SA Police are concerned the necessity for the continued detention of all persons under the emergency regulations is regularly considered"

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Star 19/12/85

Children 'could be held with adults'

CAPE TOWN — The Department of Prisons yesterday conceded that under certain circumstances, children in detention are held in the same cells as adults

On Monday a spokesman for the Prisons Service said "Juveniles under the age of 16 are held separately"

He was responding to a statement by a former detainee, Mr Dullah Omar, that children were being incarcerated in cells with adults. Mr Omar, when asked for comment on the prisons statement

that juveniles were held separately, replied "I wish the prison doors could be opened for inspection."

The police Public Relations Division said yesterday that detentions of children held in terms of emergency regulations were "regularly considered"

Ridwaan Kariem, (14) and Hans Harmse, who turned 16 while in detention, have now been detained for 51 days

In the prisons statement, Lieutenant-Colonel D J Immelman said "It is the policy of the South African Prisons Service that juveniles admitted to prison are as far as possible kept separately from adults by detaining them in separate cells and/or separate sections"

RESPONSIBILITY

"Circumstances may prevail where exceptions have to be accommodated, but this is handled with the utmost responsibility"

The statement from police headquarters came after a Cape Town newspaper asked what action was being taken about the continued detention of Ridwaan Kariem, Hans Harmse, Palus Romncwana, all 15, N Mancini and M Mancini, aged around 14 or 15, and Mathew Andrews and Edwin Wilson, both 16

The telex to Pretoria said "On December 5 1985 Lieutenant-Colonel Leon Mellet, press liaison officer for the Minister of Law and Order, said the continued detention of these children was receiving urgent attention" — Sapa

Children held in cells with adults

19/12/85 (253) Mercury

Mercury Correspondent

CAPE TOWN—The Department of Prisons yesterday conceded that under certain circumstances, children who were in detention were detained in the same cells as adults

On Monday this week a spokesman for the Prison Services said that juveniles under the age of 16 are held separately

He was responding to a statement by former detainee, Mr Dullah Omar, that children were being incarcerated in cells with adults

Commenting on the Prison Services' statement that juveniles were held separately, Mr Omar said 'I wish the prison doors could be opened for inspection so that people can see for themselves'

In a separate development related to child detainees, the Police Directorate of Public Relations in Pretoria said detentions of children held in terms of emergency regulations were regularly considered

Ridwaan Karriem, 14

and Hans Harmse, who turned 16 while in detention, have now been detained for 51 days

In the Prisons Services' statement, Lt-Col DJ Imelman said 'it is the policy of the Prisons Service that juveniles are as far as possible kept separately from adults by detaining them in separate cells and/or separate sections.

'Circumstances may however prevail where exceptions have to be accommodated, but this is handled with the utmost responsibility

The statement from police headquarters came after the Cape Times telephoned Pretoria and asked what action was being taken with regard to the continued detention in Victor Verster Prison near Paarl of Ridwaan Karriem, Hans Harmse, Palus Romnewana, 15, N Mancini and M Mancini, both aged around 14 or 15, Mathew Andrews, 16 and Edwin Wilson, 16

The newspaper asked 'Could you please advise us as a matter of urgency what steps are being taken with regard to the con-

tinued detention of these children, and also if any special steps are being taken as regards the continued detention of Ridwaan Karriem and Hans Harmse, who have now

been in detention for 51 days'

The Police Directorate replied that 'the necessity for the continued detention of all persons is regularly considered'

Convict claims R25 000 damages

A THIRTY-YEAR-OLD convicted member of the banned African National Congress is claiming R25 000 damages

Tlokwe Masirumele, who lives near Nebo in Middelburg, alleges that he lost his teeth and his right eardrum was shattered after being assaulted by a policeman.

Masirumele is suing Constable J M Zulu and the Minister of Law and Order Mr Louis le Grange

He claims that after being assaulted by Constable Zulu at Badplaas on September 6 last year his right eardrum was damaged.

Masirumele was convicted and sentenced to nine years imprisonment in the Middelburg Circuit in March this year for furthering the aims of the ANC, receiving military training and of engaging in terrorist activities. He is presently serving his sentence on Robben Island.

Mr Masirumele alleges he was lashed with a cane over his neck by Constable Zulu who also struck him several times. He was hit several times on the chest and body. He also experienced "excruciating pain" around the kidney areas.

According to the summonses, Masirumele was assaulted while being held in terms of Section 29 of the Internal Security Act. He was unemployed at the time of his arrest on June 15 last year.

He claims that during the assault he lost his front teeth and his face was swollen around the cheek bones. He was medically examined about five occasions and is presently receiving

treatment at Robben Island prison hospital.

Mr Masirumele also alleges that Constable Zulu "chilled him by pushing him around and assaulting him".

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CRIMINAL PROCEDURE

FIN MAIL 27/12/15
Bring out the whip

In an apparent attempt to curb unrest and cut down the prison population, government has proposed whipping as a punishment for the type of offences being committed in many unrest situations

The proposals, contained in the Criminal Procedures Amendment Bill, are due to go before Parliament next year.

The new measures provide for people convicted of murder (where the death penalty is not imposed), arson, malicious damage to

CANC Times 253
27/12/85

Claims on Mandela are 'utter nonsense'

Staff Reporter

THE daughter of Mr Nelson Mandela, the jailed African National Congress leader, yesterday said their family was shocked to find that her father was being kept "effectively" in solitary confinement at Pollsmoor Prison

Ms Zinzi Mandela was speaking after she and her mother, Mrs Winnie Mandela, who cannot be quoted, had made the last of their three 40-minute visits to Mr Mandela over the Christmas period

Ms Mandela said this was "the worst Christmas" her father had

spent in jail since his imprisonment in 1964

A spokesman for the prisons department, Brigadier Erika van Zyl, said yesterday the report that Mr Mandela was in solitary confinement was "utter, utter nonsense"

"Apart from anything else he was seen on three occasions by his closest relatives over Christmas," he said

Mrs Mandela was accompanied by her legal representative

"Mrs Mandela will return to her Soweto home. It is the only home she has," he said