

PRESS - 1987

JANUARY ~~MONTH~~ - MARCH

SASJ rejects detention

THIS week's detention of Business Day reporter Siphho Ngcobo was likely to have a profound effect on journalists in South Africa, the president of the SA Society of Journalists, Pat Sidley, said

4/11/87 This effect would perhaps be more severe than any of the emergency restrictions, she said in a statement

CITY PRESS We can only believe his detention is linked to his work as a journalist and that this is the way in which journalists are likely to be dealt with increasingly," the statement said

"We do not accept any reason for the detention without trial of anybody and see it as more dangerous when the public is deprived of one of its links through the media to what is going on around them"
- Sapa

Press's first loyalty is to the public, not govt

CMF Times 3/1/87 243

YONDER sits the fourth estate, more important than them all"

WITH these words Edmund Burke, the great British statesman, pointed to the Reporters' Gallery in Parliament, and elevated the daily press to a position beside the three other "estates of the realm" — the Lords Spiritual, the Lords Temporal and the Commons

Authoritarian regimes have always found the smell of printer's ink intolerable and have preferred swords to books, soldiers to thinkers, muscle to mind

The ruthless and reactionary Alexander III, succeeding to the czarism of Russia in 1881 after the assassination of his father, said "The trouble with our country is that too many of the peasants are sending their children to school and reading the newspapers"

The two great checks on the abuse of power by would-be dictators — an individual or an elite group — are through the spread of knowledge among the people and the observance of the rule of law.

The two great checks on the abuse of power by would-be dictators — an individual or an elite group — are through the spread of knowledge among the people and the observance of the rule of law. In regard to the former the press has the enormous responsibility of giving the public the true facts. It fails in this democratic task if it shrinks from or glosses over abuses and practices harmful to the general welfare. Its duty is to speak up, its loyalty is to the public, not to any government or authority.

What has happened in South Africa to the "Fourth Estate"? Ever since the Nationalists gained power, they have mounted a prolonged assault on these basic guarantees of free values. The culmination of the strategy against the press has now arrived, in the form of the complete gag on unofficial reporting of all aspects of the unrest.

The vehement reaction, both here and overseas, to these ferocious new regulations has led to the Bureau for Information publishing an "advertisement" on December 21, 1986 in the Sunday newspapers throughout South Africa. It stated "The government would like to set the record straight with regard to the regulations affecting the media"

AFTER giving "sound reasons" for the declaration of the state of emergency on June 12, 1986, such as the "revolutionary" intention of the "radical elements", the large number of deaths and the destruction of property, the advertisement said that, although "able to deal with this situation", the government "could not effectively do so in terms of the normal laws of the land"

"Most of the media," it said, "have continued to generate perceptions which have, on balance, been more favourable



By GERALD GORDON, QC
and DENNIS DAVIS
Associate Professor of Law, UCT



Mr Gerald Gordon

Prof Dennis Davis

ble to the radical cause than to the cause of the moderates, and while *bona fide* critical attitudes towards the government of the day are respected by the government, there are "individuals within the established media and organs of the alternative media who strongly believe that the media should be used to promote the objectives of the radical revolution" The new regulations were directed at those elements

The established media (the Newspaper Press Union) were invited to draw up "their own code to ensure responsible reporting during the state of emergency" They would have been exempted from the new regulations and only a number of smaller weekly newspapers (the so-called "alternative press") would have fallen under the new prohibitions

The NPU declined to do the censorship for the government and to their credit stood by the principle that freedom of the press is indivisible

Over the last four decades the press has been subjected to increasing legislative restrictions. Indeed an editor had to tread cautiously through the minefield of well over a hundred prohibitions. These were severe enough but what was involved till now was the fear of post-publication prosecution

The new regulations add a completely new and disastrous dimension to journalism. It is the introduction of prepublication censorship side by side with the existing post-publication prosecution

The new curbs which apply to all publications produced in or imported into the Republic, prohibit — unless officially cleared by an authorized person — the publication of reports, news and comment

An editor had to tread cautiously through the minefield of well over a hundred prohibitions.

(1) on any security action or resistance thereto or the deployment of a security force,

(2) on boycott actions including statements encouraging boycotts of firms, products, educational institutions, obligations in respect of rent or a municipal service or work stayaways,

(3) on "restricted gatherings" giving details about dates, times, venues, or any account of speeches, statements or remarks at such gatherings,

(4) discrediting or undermining the system of compulsory military service,

(5) on the circumstances, treatment and release of detainees or their detention,

(6) on how the public may be incited or forced into supporting alternative structures

IN addition the regulations prohibit the publication of blank spaces or obliterations, thus seeking to conceal rather

than reveal the fact of censorship — in other words to have the game without the name

This is the briefest outline of the authoritarian censorship now being enforced upon the media, and members of the press face a fine of R20 000 or imprisonment for 10 years for non-compliance

The government also has the power to seize any publication or recording and to ban for three months at a time any newspaper or periodical publishing prohibited matter

For over 30 years the government has failed to prove that its political opponents are subject to the control of a communist conspiracy.

Why is this being done? The advertisement argued that we are engaged in a struggle not "between whites and blacks, or between the government and the Opposition, but between moderates and radicals. It is between those who advocate negotiation and evolutionary change and those who advocate violence and revolutionary change"

But the option given with respect to this "negotiation" is an extremely narrow one. It is clear that what is meant is negotiation on the government's narrow terms — the preservation of white political control or rather control by an elite white power group, the National Party

The government's strong resistance to a very cautious, indeed timid, effort at power-sharing in Natal (the indaba) forces the conclusion that any negotiation would be lop-sided

If you do not accept the government's basic premise, you fall by definition (and explanatory advertisement) into the camp of violent revolutionaries. On this basis the advertisement warns "The media would do well to decide which side they are on"

This exhortation to take sides is a gross oversimplification. It ignores the wide spectrum of South African politics which cannot be forced into the polarity suggested by the Bureau. The government seeks to justify this polarity approach by invoking the spectre of the total onslaught

THE advertisement told us that there are "radical elements attempting to make the country ungovernable", President P W Botha informed the nation during his television speech on December 12 that South Africa was confronted by "a revolutionary onslaught"

Interestingly, when the government was attempting to persuade the international community of the genuineness of its reform programme, the concept of total onslaught was, as Professors Geldenhuys and Kotze put in *Leadership* 1985, "seldom if ever trotted out in public". Now that with sanctions the government is back in the laager, we hear again

the cry of "total onslaught"

What this concept implies is that any person or organization opposing the government's framework for political "reform" is considered to be either a witting or unwitting tool of Moscow and its allies

For over 30 years the government has failed to prove that its political opponents are subject to the control of a communist conspiracy. In the important treason trials of 1956 in Pretoria and 1985 in Maritzburg, the state failed to prove the validity of this thesis in the Supreme Courts

The Bureau stated "All or nearly all democracies reserve the right, and when necessary use the right to take emergency measures to meet serious threats to public security". But when the totalitarian politician demands restraints like censorship, is he doing so for the safety of the state? Or for the advancement of protection of his own position of power or that of his narrow group?

When Britain was at war all the people were behind their leaders to save their state and country against the common enemy. Are all the people of South Africa — of all races — behind the government introducing these Tartarean measures? Are even all the whites behind it?

A democratic system of government can function only with freedom of speech and the press.

ASK the media! Even the advertisement has conceded that the media have vehemently alleged "that the new regulations have made South Africa a 'totalitarian state'". By contrast, press censorship in Israel during the Lebanese war was modified as a result of government recognition of vehement public pressure

"Freedom of speech and freedom of assembly are part of the democratic rights of every citizen of the Republic," said Mr Justice van Zyl in *S v Turrell* (1973 Cape) "and part of the very foundations upon which Parliament itself rests"

A democratic system of government can function only with freedom of speech and the press

Otherwise, we are on the way to the complete police state — a condition which of course some find desirable. "It is the state's duty not to be led astray by the will-o'-the-wisp of so-called freedom of the press. It must keep control of the instrument of popular education with absolute determination and place it at the service of the state and the nation." Hence "it must be forbidden to publish papers which do not conduce to national welfare"

The author? Adolf Hitler in *Mein Kampf*

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What has happened in SA to the "Fourth Estate"? Ever since the Nationalists gained power, they have mounted a prolonged assault on these basic guarantees of free values The culmination of the strategy against the Press has now arrived, in the form of the complete gag on unofficial reporting of all aspects of the unrest

The vehement reaction, both here and overseas, to these ferocious new regulations led the Bureau for Information publishing an "Advertisement" on December 21 in Sunday newspapers throughout SA

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The gagging of the Fourth Estate

GERALD GORDON, QC, and DENNIS DAVIS (Associate Professor of Law, University of Cape Town)

"have continued to generate perceptions which have, on balance, been more favourable to the radical cause than to the cause of the moderates," and while *bona fide* critical attitudes towards the government of the day are respected by government, there are "individuals within the established media and organs of the alternative media who strongly believe that the media should be used to promote the objectives of the radical revolution"

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Hence "it must be forbidden to publish papers which do not conduce to national welfare"

The author? Adolf Hitler in "Mein Kampf"

Police refuse access to detained reporter

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5/1/87

BUS DAY

5/1/87

POLICE have turned down a request by lawyers for legal consultation with detained *Business Day* reporter Sipho Ngcobo and have also refused to allow any family members to visit him.

Ngcobo, 32, was detained last Monday by security policemen at the newspaper's Diagonal Street offices. He is being held under Section 29 of the Internal Security Act (ISA). Police searched Ngcobo's desk and confiscated documents before he was taken to John Vorster Square.

THELMA TUCH

Ngcobo's legal representatives, Bell Dewar and Hall, immediately telexed police asking to be supplied with reasons for the detention and requesting both legal consultation with Ngcobo and for him to be granted a family visit.

However, a telex sent last week from Brigadier Gloy in Pretoria to Bell Dewar and Hall turns down the request for legal consultation and a visit from family members.

Supplying reasons for the detention, the telex says the SAP has reason to believe that Ngcobo has contravened Sections 54 (1) and 54 (4) of the ISA.

"This belief relates to Ngcobo's contact with terrorists locally and abroad," it says.

Section 54 of the ISA relates to terrorism offences and refers to any person who commits or attempts to commit any act of violence with the intent of overthrowing the Republic or to bring about any constitutional,

political, industrial, social or economic change in SA.

Any such person is considered guilty of the offence of terrorism and is liable on conviction to the penal-

● Comment Page 4

ties provided for by law for the offence of treason.

The telex adds that all items seized by police which were not relevant to the current investigation had been returned to Ngcobo.

Reporter to appear

CAPE TIMES reporter Mr Tony Weaver was yesterday summonsed to appear in the Cape Town Regional Court on February 9 on four charges under Section 27(b) of the Police Act

The charges relate to reports in the Cape Times and an interview conducted by the BBC with Mr Weaver following the shooting dead by police of seven alleged ANC guerillas in Guguletu on March 3 last year. The State alleges the reports contained "untrue matter"

The summonses were served on Mr Weaver by the head of the Murder and Robbery Squad, Colonel Quinton Visser. If found guilty, Mr Weaver is liable to a maximum fine of R10 000 or a maximum sentence

of five years in prison or both — on each of the four alleged offences

Section 27(b) of the Police Act relates to the alleged "unlawful publishing" of "untrue matter" concerning actions by the South African Police or members of the force in relation to the performance of their duties

The alleged untrue matter was that

□ A Warrant Officer Callie Bothma interviewed and took a statement from Mr Cecil Msutu concerning the shootings

□ Mrs Adelaide Mkan-yuza, a receptionist at Mahlubi Funeral Services in Guguletu, alleged that a Mr Lane of the police demanded the bodies of the seven be buried five days earlier

than the scheduled funeral date or the funeral parlour would be in "serious trouble about their licence"

□ Mrs Nomvuyo Hamza, a receptionist at Mahlubi, alleged that Mr Lane had contacted her and asked her for the names and addresses of the dead men and their families and that she was told the bodies had to be buried "immediately"

□ In a BBC interview on March 4, Mr Weaver is alleged to have said the seven were "shot by members of the said force in cold blood and that members of the said force had then 'planted' weapons on the deceased claiming that they were guerillas to justify the fact that they had been shot"

SA curbs to be discussed at conference on censorship

The Star Bureau

LONDON — South Africa's sweeping Press restrictions will be among the restrictive measures analysed and discussed at a world conference on censorship here later this month

The purpose is to "identify censorship practices, hear from news people who have had personal experience with censorship, and to consider what steps would help and prepare an action programme" to challenge censors throughout the world, a spokesman said.

Called by the World Press Freedom Committee, together with five other free-Press organisations, the conference will be held over two days, from January 17

SA REPRESENTATIVE

The South African representative on the journalists' panel is Mr Harvey Tyson, editor of The Star in Johannesburg.

As far as the Index on Censorship — the British organisation which compiled the working paper for the conference — is concerned, South Africa, with its "blanket censorship and restriction on what can be reported" now ranks among the most heavily restricted

The report also censures Western countries for acts of censorship, and the author, Mr George Theiner, says even in Britain there is far too much censorship for "a liberal democracy that prides itself on its record where freedom of expression and of the individual is concerned".

But despite objections to the Official Secrets Act and the kind of secrecy which impaired reporting of the Falklands War, Mr Theiner stresses that what happens in a one-party dictatorship ("be it the USSR or any other totalitarian state") cannot be likened to what occurs in a country with a genuine democratic system.

"There is a difference — not merely in degree but in kind," he says. But, "that is not to say that censorship here in the UK, in the rest of Western Europe, in North America or Australia is of little concern

It is censorship everywhere that must be opposed

"How best to do this — and how to be more effective in countering censorship throughout the world — is what we shall be discussing in the two days of our conference"

Woman claims brother raped her

Germiston detectives are investigating a claim by an Edenvale woman that she was raped by her brother yesterday

The 24-year-old woman told police her brother, who had been drinking, tried to strangle her and later raped her

● In Kempton Park detectives yesterday arrested a 20-year-old man in connection with the rape of a 13-year-old schoolgirl

The man offered to give the girl a lift home. She was raped on the way, police said — East Rand Bureau

New Nation joins restricted newspapers

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7/11/87 STAR

The Government has barred the *New Nation* from publishing any statement issued by the United Democratic Front and 12 other organisations promoting four campaigns, a senior journalist there said today

The prohibition, signed by Commissioner of the South African Police General Johan Coetzee and delivered to the paper's offices yesterday morning, follows similar restrictions placed on the *Weekly Mail* and the *Sowetan* in December last year

The order bans the publication of statements dealing with the campaign for National United Action, Christmas Against the Emergency campaign, Campaign for National Unity and Christmas Concern. It was issued in terms of the Public Safety Act of 1953 with reference to the emergency regulations promulgated more than six months ago

Reporter summonsed over shootings report

STAT 7/1/87 (243)

CAPE TOWN — *Cape Times* reporter Tony Weaver was summonsed yesterday to appear in the Regional Court on February 9 on four charges under section 27 (b) of the Police Act

The charges relate to reports in the *Cape Times* and an interview by the BBC with Weaver after the shooting dead by police of seven alleged members of the ANC in Guguletu on March 3 last year

The summonses were served on Weaver by the

head of the Murder and Robbery Squad, Colonel Qunton Visser

If found guilty, Weaver is liable to a fine of R10 000 or up to five years' jail on each of the alleged offences.

ARMS CLAIM

Section 27 (b) of the Police Act relates to the alleged "unlawful publishing . . . of an untrue matter in relation to an action by the South African Police force" or members of the force "in relation to the performance"

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— Sapa

CMT Times 8/1/87

Afrikaans media ban ANC ad

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Own Correspondent

JOHANNESBURG. — Afrikaans newspapers and the pro-government Citizen have rejected an advertisement calling for the ANC, on its 75th anniversary today, to be unbanned

It has been booked to appear in 20 other newspapers, however, at a total cost to the UDF of R120 000.

The full-page advertisement, demanding "Unban the ANC" and "Let the ANC Speak for Itself", appears in the Cape Times and 11 other English-language dailies nation-wide, as well as the Natal-based Ilanga. It features a photograph of the veteran exiled president Mr Oliver Tambo, and a blank representation of Mr Nelson Mandela, whose statement from the dock in 1964 it quotes

In terms of the Prisons Act, a photograph of Mr Mandela cannot be published. For this reason, a graphic depicting Mr Mandela has been used in the advertisement

The advertisement is issued by the UDF, the NECC and the SACC, and supported by political and non-political groupings ranging from the Black Sash to the National Soccer League and the National Taverners' Association of SA

Refused to give reasons

Both major Afrikaans publishing houses, Perskor and Nasionale Pers, turned it down

Perskor newspaper editors Mr M A "Johnny" Johnson of the Citizen and Mr Gert Kotze of Vaderland yesterday declined to give reasons for their decision to reject the advertisement.

Johannesburg attorney Mr Krish Naidoo, who was commissioned to place the advertisement, said he was "disappointed" by their decision as he particularly wanted the message to reach platteland Afrikaners. "In a couple of months' time they will be exercising their vote. They are the people who can move the government," he said

Mr Naidoo said a Nasionale Pers advertising representative had told him their newspapers did not carry "political advertisements". Spokesmen for the group, however, said they were unaware of the attorney's approach

Mr Naidoo said it was hoped the advertisement would prompt a wide range of other groups to call for the unbanning of the ANC

The advertisement calls on the government to let the ANC speak for itself. It says that 27 years after the ANC's banning the organization continues to be supported by many South Africans and is recognized internationally.

"These and many other factors clearly show that there can be no solution to this country's problems without the participation of the ANC," it says

Ceremony in Harare

It has been supported by the Congress of South African Trade Unions (Cosatu), the Black Sash, the National Soccer League, the Health Workers' Association, the Call of Islam, the Release Mandela Committee, the SA National Students' Council, the Transvaal and Natal Indian Congresses, the SA Rugby Union, the Transvaal Anti-PC Committee, the Federation of Transvaal Women, the Democratic Lawyers' Association, the National Medical and Dental Association, the National Taverners' Association of SA and the Southern Transvaal African Chamber of Commerce and Industry, an affiliate of Nafcoc.

Sapa reports from Harare that the ANC will commemorate its 75th anniversary at a ceremony to be held at Mbare today

But the main spotlight will fall on the ANC headquarters in Lusaka where Mr Tambo will deliver what is expected to be his most important public speech

Expectations are that Mr Tambo will redefine the ANC's objectives, spell out its terms for negotiations and endorse a return to school by black students, while recommitting the ANC to a people's uprising against apartheid

UPI reports that the Soviet Union yesterday expressed its support for the ANC on its 75th anniversary and said the armed struggle against apartheid in South Africa had entered a new phase

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Three new appointments made to Media Council

THREE new public representatives have been appointed to the South African Media Council from the beginning of this year, the council said in a statement today

They are Professor Maurice Hommel of the University of the Western Cape, Dr Laurie McCarney of the University of Cape Town, and Mrs Marie Nel Loots of Prieska.

Five public representatives retired on rotation at the end of 1986, the council said

The other vacancies were filled by re-appointing two of the retiring members, Mr David Bloomberg of Cape Town and Mr Gert Hugo of Pretoria.

The council consists of 14 public representatives, 14 me-

dia representatives, a chairman and an alternate chairman, both of whom are former Appeal Court judges appointed for a five-year term

Public representatives are appointed by a selection committee from nominations submitted in response to advertisements in the Press

Media representatives are appointed by the Newspaper Press Union and the Conference of Editors.

Prof Hommel is head of UWC's public administration department. Dr McCarney is a senior lecturer in business science at UCT. Mrs Loots is a school principal and has taught pupils of all races and initiated community projects to further the interests of labourers on irrigation farms

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BUS DAY

Afrikaans Press, Citizen reject pro-ANC advert

AFRIKAANS newspapers and the pro-government *The Citizen* have rejected an advertisement calling for the ANC to be unbanned on the occasion of its 75th anniversary today.

However, the advert has been booked to appear in 20 other newspapers, at a cost to the UDF of R120 000.

The full-page advert, demanding "Unban the ANC" and "Let the ANC Speak for Itself", appears in *Business Day* and 11 other English dailies nationwide, as well as the Natal-based *Itanga*.

It features a photograph of external president Oliver Tambo and a blank representation of Nelson Mandela. The advert quotes Mandela's statement from the dock in 1964.

The advert is issued by the UDF, the National Education Crisis Committee and the SA Council of

PATRICK BULGER

Churches, and is supported by political and non-political groupings ranging from the Black Sash to the National Soccer League and the National Taverners' Association.

Both major Afrikaans publishing houses, Perskor and Nasionale Pers, turned it down. Editors Johnny Johnson of *The Citizen* and Gert Kotze of *Die Vaderland* refused to give reasons for their decision.

Attorney Krish Naidoo, who was commissioned to place the advert, said he was disappointed by the editors' decision as he wanted the message to reach platteland Afrikaners. The Detainees' Parents Support Committee says it monitored 253 detentions last month. A total of 145 detainees were under 18, while 57 people were released in December.

Reporter
in 11th
day of
detention

AWJPA
8/11/87
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Business Day Reporter

TODAY *Business Day* reporter Siphon Ngcobo begins his 11th day in detention in terms of Section 29 of the Internal Security Act (ISA).

Ngcobo was arrested at the newspaper's offices last Monday. He has not been permitted visits from either *Business Day* legal representatives or his family.

Section 29 is designed to allow for the indefinite and incommunicado detention of anyone suspected of committing or intending to commit, any of a variety of acts designated in Section 54 of the ISA as "terrorism". It also permits the detention of people suspected of withholding any information related to these acts.

Section 29 detainees may be held until the Commissioner of Police thinks they have satisfactorily replied to all questions at their interrogation or that no useful purpose will be served by their further detention, or when — having been asked to do so — the attorney-general decides whether or not to prosecute the detainee.

The police have told *Business Day* attorneys that they believe Ngcobo has contravened Section 54 of the ISA.

The latest report of the Detainees' Parents Support Committee, issued at the end of November, says that 268 people had been detained during the first 11 months of 1986 in terms of Section 29.

It lists 90 who were still in custody at that date. Among them were Mandla Vilikazi of Soweto, who was arrested exactly a year ago today.

Of the 1 197 people detained during the first 11 months of 1986 in terms of various sections of the ISA and in terms of homeland legislation, 186 were charged. Of these, six were convicted and 14 acquitted. The remainder are still awaiting trial.

A conference to challenge censors throughout the world is to be held this month. The Argus Foreign Service reports from London

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SA's Press restrictions under study

SOUTH Africa's sweeping Press restrictions are to be among the restrictive measures to be analysed and discussed at a world conference on censorship here later this month

The purpose is to "identify censorship practices, hear from news people who have had personal experience with censorship and to consider what steps would help and prepare an action programme" to challenge censors throughout the world, a spokesman said

Called by the World Press Freedom Committee, together with five other free Press organisations, the conference will be held over two days from January 17. The South African representative on the journalists' panel is Mr Harvey Tyson,

editor of The Star in Johannesburg

As far as the Index-on-Censorship, the British organisation which compiled the working paper for the conference is concerned, South Africa, with its "blanket censorship and restriction on what can be reported" now ranks among the most heavily restricted countries in the world, including other African countries, Asia, Latin America, the Middle East, Central and Eastern Europe and the Soviet Union

The report also censures western countries for acts of censorship and the author, Mr George Theiner, says even in Britain there is far too much censorship for "a liberal democracy that prides itself on

its record where freedom of expression and of the individual is concerned"

But despite objections to the Official Secrets Act and the kind of secrecy which impaired reporting of the Falklands War, Mr Theiner stresses that what happens in a one-party dictatorship ("be it the Soviet Union or any other totalitarian state") cannot be likened to what occurs in a country with a genuine democratic system

"There is a difference — not merely in degree but in kind," he says. But "that is not to say that censorship here in the UK, in the rest of Western Europe, in North America or Australia is of little concern. But it is censorship everywhere that must be opposed"

"How best to do this — and how to be more effective in countering censorship, throughout the world, is what we shall be discussing in the two days of our conference."

● Associated Press reports from New York that the year just past was a bad year for Press freedom, with the number of journalists arrested, expelled and harassed hitting five-year highs, according to Freedom House

Nineteen journalists were killed around the world — down from 1985, when 31 were killed, 16 in the Philippines alone, the organisation reported

Freedom House, which describes itself as a non-partisan organisation that monitors po-

litical and civil rights around the world, found that 178 journalists were arrested in 1986, up from 109 in 1985

Forty journalists were expelled from countries in 1986, more than the combined totals of 1984 and 1985, when 22 and nine were expelled respectively

Thirteen journalists disappeared or were kidnapped, matching 1985's total

The group reported that there were at least 214 cases of harassment of journalists — more than the previous four years combined

In 1985, for example, 76 journalists were harassed, according to Freedom House's accounting

Those incidents of harassment included 39 newspapers

and radio stations banned, 37 journalists charged but not jailed, 31 journalists beaten or clubbed, 25 death threats and other threats, 15 refused entry to countries, six media plants bombed or set on fire, six media plants razed or equipment impounded, seven publications taken over and four journalists shot, one set on fire

Mexico had the most journalist killings — four — followed by Colombia, Chile the Philippines and South Africa — two each — and one each in Brazil, Canada, Lebanon, Nigeria, South Korea, the United States and Yemen

The organisation chastised both the United States and the Soviet Union

The Soviets showed signs of greater openness, but then regressed when they tried to

withhold news of the Chernobyl disaster and arrested American journalist Nicholas Daniloff, the group said

In the United States President Ronald Reagan's administration was revealed as having discussed a disinformation campaign against Libya, and also barred some foreign journalists from entering the country

But Freedom House also criticised some members of the American Press for lacking responsibility

The organisation highlighted problems or new restrictions in South Africa, Nicaragua, Singapore and Malaysia, but noted significant gains in the Philippines and Haiti and "discussion of Press diversity and criticism" in China

SA expels New York Times bureau head

The Argus Foreign Service

WASHINGTON. — The South African Government has expelled the New York Times bureau chief in Johannesburg and has refused to grant a visa to a successor.

The Minister of Home Affairs, Mr Stoffel Botha, reportedly rejected strenuous efforts by the newspaper to appeal against a decision not to renew Alan Cowell's work permit.

Mr Cowell's expulsion, reported on the newspaper's front page today, is another in a growing list of foreign newsmen put out of the country.

Mr Cowell, bureau chief in South Africa since October 1983, must be out of South Africa by tomorrow.

The newspaper said the actions "were designed as a reprisal for what the authorities saw as a hostile attitude by the newspaper toward the Government, according to Government sources and others with access to official thinking".

Quoting Pretoria officials speaking privately, however, it said they believed the Government felt able to withstand any American criticism inspired by the suspension of the New York Times reporting.

"We are deeply disappointed," said Mr Max Frankel, the newspaper's executive editor. "We will do what we can to reopen our Johannesburg bureau at the earliest possible date."

The newspaper's editors had offered to meet Mr Botha in South Africa to discuss the problem, but the Government turned this down.

Afrikaans churches' editors regret press restrictions

By BARRY STREEK
Political Staff

THE emergency restrictions on the press were regrettable because the misuse of power might not come to light quickly, the editors of Afrikaans church publications have said.

But most stated that South Africa was facing a revolutionary onslaught and people must accept that extraordinary measures had to be imposed.

Their views have been published in the latest issue of the *Kerkbode*, the weekly mouthpiece of the Ned Geref Kerk.

In an editorial, the *Kerkbode* said that those who had to repulse the revolutionary onslaught, restore order in South Africa and protect lives "deserve our support and prayers".

But "the church must always point out the ever-present danger of the misuse of power in times of an emergency, and plead persistently for just and reasonable actions to all people", it said.

It will also be a sorrowful day if the Afrikaans churches, which accept the integrity of the government and the security forces in this matter, must

find that their trust has been put to shame."

Mr Willie Maree, the editor of the NGK's monthly newspaper, the *Voorligter*, said the tighter regulations were unexpected because the impression had been created that unrest had decreased.

Ds Dawie Botha, editor of the *Ligdraer*, the NG Sendingkerk's newspaper, said he did not like the strong control over the flow of information and it was a reflection of weak co-existence in South Africa that the emergency had been extended.

Comment and judgment on the emergency in terms of the Word of God had to be maintained "even if it clashed with particular regulations", Ds Botha said.

Dr Daan van Wyk, editor of the *Hervormer*, the *Nederduitsch Hervormde Kerk's* newspaper, said it was unfortunate that the restrictions had been imposed on the press. This meant that the misuse of power could take place more easily, without the press being able to publish it.

Dr Van Wyk said he would be very happy if the state of emergency were lifted.

Weekly Mail appears with blank pages instead of ads

By Jo-Anne Richards

The *Weekly Mail* appeared today with a double-page blank space in place of an advertisement calling for the unbanning of the ANC, which appeared in several newspapers yesterday

Orders restricting the publishing of the advertisement were gazetted late last night in terms of the Public Safety Act

The co-editor of the *Weekly Mail*, Mr Irwin Manoim, said today the newspaper had no choice but to leave two pages blank.

The newspaper's attorneys had come to an arrangement with the senior Springs Security Police officer, a Major Zaayman, about the blank space, he said.

The use of blank spaces or blacked-out sections is a contravention of the Press restrictions issued under the state of emergency

Mr Manoim said Major Zaayman first telephoned the offices at about 9 pm, just as the newspaper had been sent to the printer

"He warned us that the orders would be gazetted, and he was giving us fair warning. He said the basis of the order would be to prevent the publication of the ad and he said we had better pull the ad out or he would take the paper

"We had the printers standing by while we tried to obtain legal advice and a copy of the gazette

At about 11 pm Major Zaayman phoned again and read the gazette out over the phone. Then our lawyers came to an arrangement with him — we had no option but to leave the pages blank."

Ad calling for unbanning of ANC angers Govt

Clamp on the Press is tightened further

Staff Reporters

New curbs on the South African media were imposed late last night — virtually preventing newspapers writing about the ANC.

The new clamp comes after the publication in many newspapers yesterday of advertisements calling for the unbanning of the ANC.

The row over the advertisements, placed by organisations headed by the United Democratic Front, National Education Crisis Committee and the South African Council of Churches, has been followed by

- Government orders restricting newspapers from reporting on publishing advertisements about aspects of banned organisations
- A police investigation into possible contraventions of the law by the publication of the advertisements
- The expulsion of the *New York Times* correspondent in South Africa, and the Government's refusal to grant a visa to his successor

It also emerged yesterday that even statements by the Government's Bureau for Information are not exempt from the stringent Press curb laws introduced last month

A bureau statement emphasised that responses to inquiries "regarding, or confirmation of, unrest related incidents by the Bureau for Information did not constitute authorisation of publications in terms of the regulations promulgated on December 11 1986"

Clearance will have to be obtained from the Government's Inter-Departmental Press Liaison Centre or relevant Government departments

The orders restricting reporting on banned organisations were gazetted at midnight. The Commissioner of Police issued them in terms of the Public Safety Act

They prohibit publication of an advertisement or report calculated to improve or promote the public image or esteem of banned organisations.

Mr Paul Jenkins, media lawyer from the firm Webber Wentzel, said today "Once again the Government has demonstrated its fear of a free Press. It has responded to yesterday's advertisements calling for the unbanning of the ANC with restrictive police orders

"Not only do the two police orders make it virtually impossible to publish any news of the ANC and other banned organisations at all, but the orders are so widely framed as to be virtually unintelligible

"As a result of the new police order, it will be considered to be a subversive statement to encourage or invite members of the public to support an unlawful organisation. In addition, no newspaper may improve or promote the public image or esteem of a banned organisation

"Whatever that means, we will consider whether the order is not so wide and far-reaching as to render it invalid and beyond the powers conferred upon the Commissioner of Police. If so, urgent application to court to have the order set aside is a distinct possibility"

The police public relations directorate said in a statement that a docket on the publication of the ads had been opened after "numerous" complaints. It would be forwarded to the Attorney-General for his decision

● See Page 9

New restrictions

The full text of the two Ministry of Law and Order notices published in Government Gazette No 10584 at midnight last night restricting reportage on unlawful organisations:

Ministry of Law and Order

No 101 — 8 January 1987

Notice by the Commissioner of the South African Police — Public Safety Act, 1953

Under the powers vested in me by paragraph (a) (ix) of the definition of "Subversive statement" in regulation 1 of the regulations published under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R.224 of 1986, I, Petrus Johannes Coetzee, Commissioner

No 102 — 8 January 1987
Order by the Commissioner of the South African Police — Public Safety Act, 1953

Under the powers vested in me by regulation 7 (1) of the regulations published under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R. 109 of 1986, as amended, I, Petrus Johannes Coetzee, Commissioner of the South African Police, hereby issue the order set out in the Schedule hereto.

P J Coetzee,
Commissioner of the South African Police.

Schedule

1. No person who holds office as an editor of a newspaper, magazine or other periodical or who otherwise has control over the matter which may be published in that periodical or which may be distributed in or as an addendum to such a periodical, shall allow, permit or direct, or authorise any other person to allow, to permit or to direct, the publication in that periodical or the distribution in or as an addendum to that publication of any advertisement or report calculated —

(A) to improve or to promote the public image or esteem of an organisation which is an unlawful organisation under the Internal Security Act, 1982 (Act 74 of 1982); or

(B) to commend, to defend, to explain or to justify any action, policy or strategy of such an organisation, of resistance against or subversion of the authority of the State.

of the South African Police, hereby identify the act specified in the Schedule hereto as an act which has the effect of threatening the safety of the public or the maintenance of public order or of delaying the termination of the state of emergency.

P J Coetzee,
Commissioner of the South African Police.

Schedule

To support any organisation which is an unlawful organisation under the Internal Security Act, 1982 (Act 74 of 1982).

2. This order shall apply in the Republic including any territory declared under section 26 of the National States Constitution Act, 1971 (Act 21 of 1971), to be a self-governing territory.

— Sapa.

I should have gone: newsman

Own Correspondent

DURBAN — Journalist Marimuthu Subramoney, who was "erroneously" issued with a passport last month and had it withdrawn this week, said today he should have left the country at the first opportunity.

The passport was issued on December 10 and after the mistake was discovered it was withdrawn on Monday.

Yesterday Mr Subramoney made yet another application for a passport to attend a meeting of the International Press Institute's conference to be held in Argentina and Uruguay in May.

Mr Gerrie van Zyl, Director General of the Department of Home Affairs, said Mr Subramoney had been refused a passport on several occasions.

"Because of a technical oversight by the department, Mr Subramoney managed to obtain a passport," he said.

The Minister of Home Affairs, Mr Stoffel Botha, ordered its withdrawal.

Nasionale wades still deeper into black press

weezy man
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9/11/87

By DAVID NIDDRIE

AFTER months of speculation that Nasionale Pers is increasingly unhappy with its maverick black newspaper *City Press*, the Afrikaans media giant has chosen a novel way of demonstrating that it plans to increase, not end, its multi-million rand venture into black publishing

With opposition newspapers under greater fire than ever, Nasionale has replaced career staffer Tobie Boshoff with a liberal, English-speaking lawyer as head of its black publishing operation

The choice of newspaper lawyer Keith Lister as publisher of Drum Publications — which includes *City Press* and *Drum and True Love* magazines — is, on the face of it, remarkable

His credentials — private school education, a legal career including labour cases, defence in political trials, and an interest in cricket verging on the fanatical — are more in keeping with a place in the Rand Club (of which he is in fact a member), than the highly sensitive role he has taken on as the bridge between a conservative Afrikaner publishing company and its stridently anti-government black market offspring

It is even more remarkable given that part of conventional wisdom in Nasionale holds that verligte Afrikaner nationalism needs to speak directly to African nationalism, the purchase of Drum Publications would, the logic runs, eliminate the English-language "liberal" press as an intermediary

Lister, who negotiated the sale of

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City Press

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Telephone 01542 21 22 THE PEOPLE'S PAPER Price 45c (Plus 5c GST) November 23, 1988 *

Leandra under

Fordsburg flat building bombed in early hours ...

ECHOES OF 'RENT WAR'

By LEN KALANE and STAN MHLONGO

A BOVB exploded at a block of flats in Fordsburg — the hideout of Soweto councillors who fled the townships in September during the White City

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Leandra under

Making music for the kids

City Press: The finances are Nat, the contents most definitely aren't

It'll be simple, says Simon

Telephone 01542 21 22 THE PEOPLE'S PAPER Price 45c (Plus 5c GST) November 23, 1988 * *

Drum Publications to Nasionale for Jim Bailey in April 1984, explains his appointment as fitting in to "phase two" of Nasionale's plans for its *entre* into the black media.

"The first phase involved integrating it administratively and financially into Nasionale, and proving that Nasionale could successfully run vigorously anti-government papers gaining the trust of journalists and readers," he says

The second phase, he says, involves expanding Drum Publications' existing titles and adding new titles. The process, Lister suggests, will be a long one, with little immediate change in the short term — although he speaks of one or two additional titles by the end of 1987, probably magazines

Ultimately, his brief requires that he steer Drum Publications away from its current status as a wholly-owned division of Nasionale, into an independent company with an as-yet unspecified "black" shareholding. Quite who these shareholders will be, or whether Nasionale will give up majority control, is not yet clear

Economically, the move makes great sense: the only audience growth markets in real terms are, currently, white TV viewers and black print media readers. Nasionale has ensured itself the dominant place in commercial television through M-Net and is looking to the only other growth area, black newspapers, in its battle with Argus for dominance of the media industry

Whatever Lister's political pedigree, his enthusiasm for newspapers as an institution — "as sources of information, an essential driving force in society", he calls them — fits in with Nasionale plans to move into the chronically underserved black newspaper and magazine markets

Politically, however, Lister's appointment is more difficult to explain, even by himself

With a 70-year history as official mouthpiece for Afrikaner nationalism, Nasionale seems unlikely to have appointed Lister at this tense stage in government-media relations unless it was sure he could avoid bans

Lister insists that Nasionale MD Ton Vosloo has undertaken to honour his company's undertaking when it bought Drum Publications not to interfere politically in editorial content

In the months prior to Lister's January 1 appointment, this undertaking was honoured only in the most technical sense

Lister was unwilling this week to go into detail, but referred to Nasionale's original editorial charter to Drum Publications journalists — which included the non-interference clause — as committing the publications to covering a broad political spectrum

At the same time, he says he believes the rigorous coverage, by *City Press* in particular, of opposition groupings such as the UDF and the Congress of SA Trade Unions, is essential to the survival and growth of a successful black press, and to the development of real political debate

Lister did not say so, but the combination of these two views appears to hold his recipe for avoiding government action against *City Press* while retaining its anti-government image. By expanding the scope of political coverage to include more moderate perspectives, currently dominant coverage of the actions and views of the UDF, Cosatu and others on the left will be less glaring

Lister also says the newspaper's previously "emotive", brash presentation is likely to be toned down somewhat. "A change in presentation has already been forced on all newspapers since the emergency," he said — Agenda Press Services

● Shock new gag on Press
forbids vital details
about ANC to the public

● Opposition MPs fear
blanket curbs will hit
white election debate

STIFFENED

Penny's plunger!

NEW Press gag laws have virtually banished the African National Congress from public debate in South Africa. Legal experts said yesterday that even factual information about the banned organisation's activities and strategies was now largely beyond the reach of the media, and, by law, it will henceforth be concealed from the local public.

Already there are signs of division on the wisdom of imposing such a complete gag, with even some Government-supporting observers privately calling them counter-productive.

Critics said South Africans would be deprived of information many would regard as essential for planning their private lives or formulating their political positions. Rumour, they added, could become rife.

On legal advice, reports by a Sunday Times reporter on the ANC's 75th anniversary celebrations in Lusaka this week have been severely curtailed, to expunge all news about its future strategies within and outside South Africa.

Opposition politicians and academics warn that the gags ordered by the Commissioner of Police on Thursday night will make effective debate during the coming election impossible. And scores of proposed books and academic articles on the ANC could fall foul of the comprehensive gag.

Clashes

Even quotations from Government publications such as "Talking in the ANC" could be contravened.

Key clauses in the new regulations — which prevent explanations of ANC strategy or reports "improving" its image — mean that only derogatory things about the ANC can be safely published.

The new clamp, apparently spurred by an advertisement in South African newspapers calling for the unbanning of the ANC, comes in the same week as two important developments.

● The ANC celebrated its 75th anniversary in Lusaka with a high-profile jamboree attended by scores of foreign diplomats and journalists.

● A United States State Department report on the ANC confirmed a strong communist representation in the organisation, but warned that the continuing refusal of the South African Government to talk to the organisation simply strengthened the hands of the banned South African Communist Party.

● Barclays Bank, one of Britain's leading commercial banks which pulled out of South Africa in November has been holding secret talks with the

Newspapers go to law

THE two major English language newspaper groups are to challenge in court the Government's latest gag on publishing news or comment on the African National Congress.

The challenge by South African Associated Newspapers and the Argus Group was launched yesterday. Papers were served on the Minister of Law and Order and the Commissioner of the South African Police.

The application asks the court to declare the order issued on Thursday by the commissioner to be void.

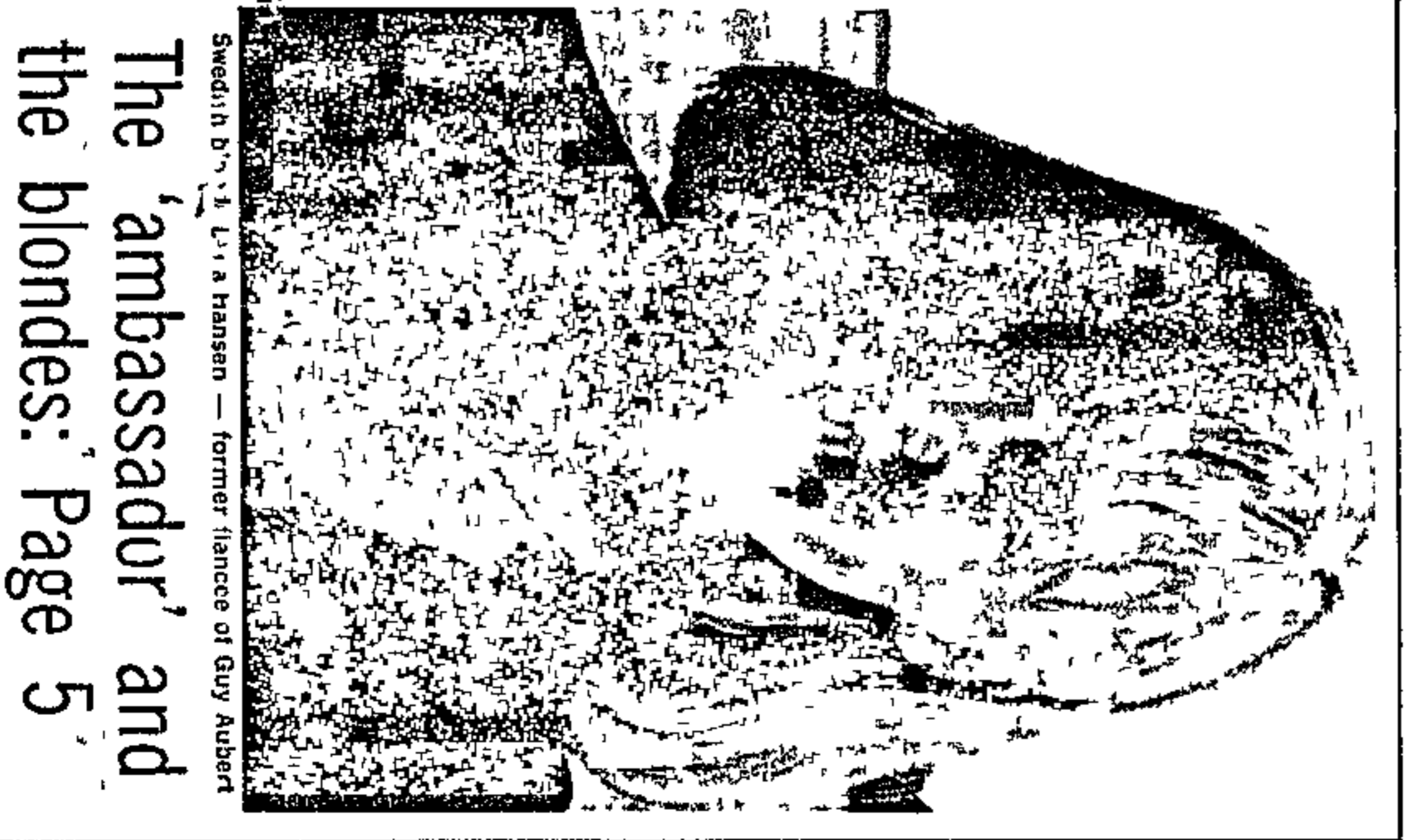
The main grounds are that the order is vague extends beyond the powers conferred on the commissioner and is grossly unreasonable.

Mr Tertius Myburgh, editor of the Sunday Times said the sweeping and restrictive nature of the order and police made the proper performance of his duties virtually impossible.

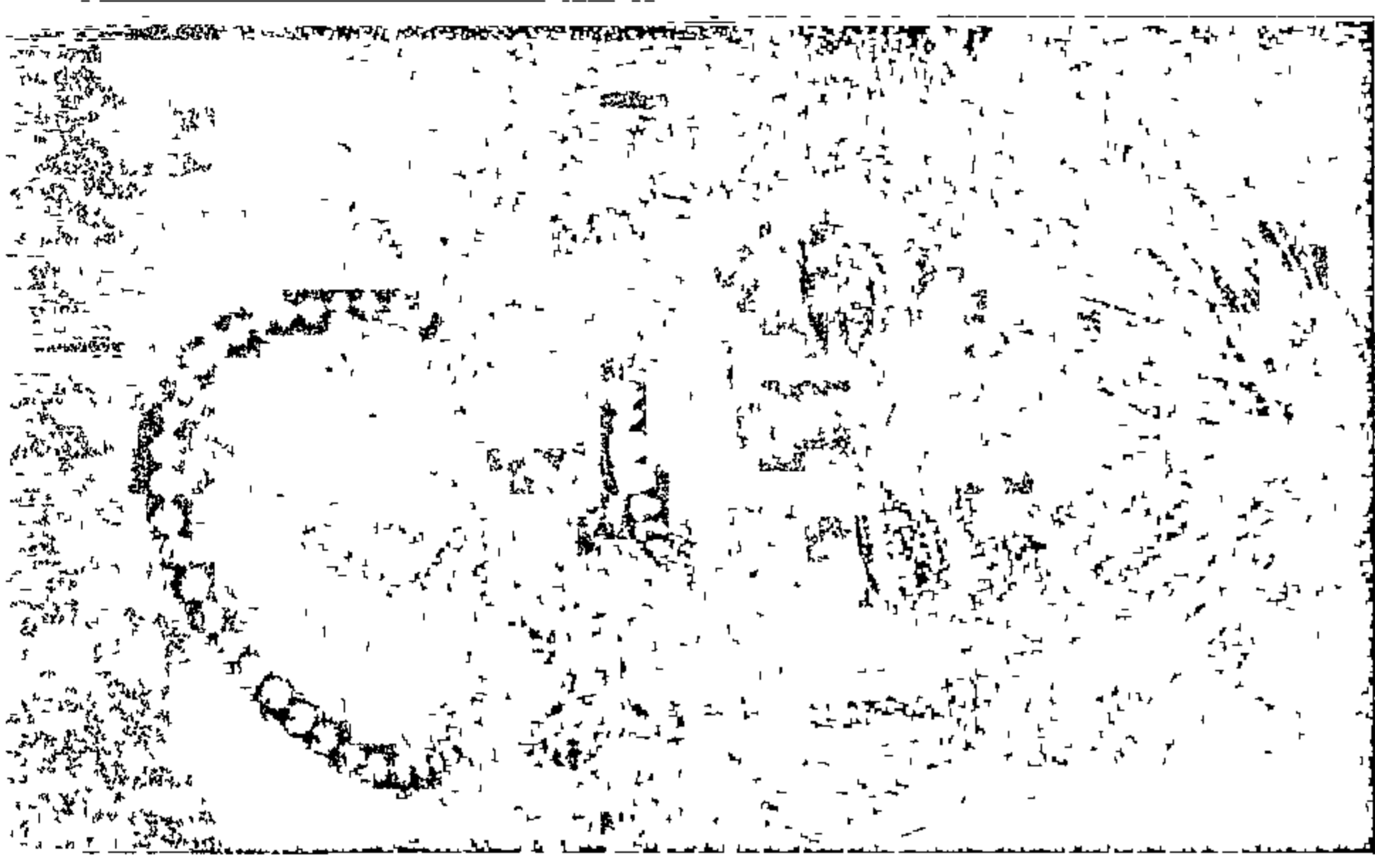
"There are now vast areas of activity which are of crucial public importance, and which we believe readers will regard as essential in the planning of their private lives, about which they can no longer be informed."

Mr Rex Gibson, acting editor of the Star, said the notice imposed almost total censorship on the publication of any statements relating to an unlawful organisation.

Wounded cop hero drives to safety



Sweden's **Lisa Hansen** — former fiancée of Guy Aubert
The 'ambassador' and
the blondes: Page 5



prevent explanations of ANC strategy or reports "improving" its image — mean that only derogatory things about the ANC can be safely published.

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● Barclays Bank, one of Britain's leading commercial banks which pulled out of South Africa in November, has been holding secret talks with the ANC.

Mr Peter Leslie, chief general manager of Barclays, confirmed the meetings had taken place at a senior level.

And there is speculation in financial quarters that the discussions focused on the question of guarantees about the R2-billion owed to the bank by its former associate in South Africa

Challenge

The Press gags — the most draconian yet imposed — are to be challenged in court next week by South African Associated Newspapers and the Argus Group.

The challenge will rest on the grounds that the regulations are vague, go beyond the powers conferred on the commissioner and are unreasonable

This weekend, political parties were carefully assessing the implications of the ban

In the Progressive Federal Party, Official Opposition in the House of Assembly, there is confusion about how the ban will affect the party's campaign if the court challenge fails

One of the party's planks in the election is a call for the unbanning of the ANC and negotiations with it Under the new regulation this could be considered "improving" the image of the organisation and would not be publishable

Election pamphlets already in the process of being printed will have to be pulled back

But Dr Stoffel van der Merwe, Deputy Minister of Information, yesterday denied that the bans would seriously affect the political process He conceded that the measures could be re-examined and, if needed, adjustments made

The Sunday Times, in common with other newspapers, has been hit in its coverage of the ANC's anniversary in Zambia

Reporter Stephan Terblanche, in Lusaka since Wednesday, cannot report far-reaching decisions by ANC president Oliver Tambo and the national executive

□ To Page 2

THE contents of this issue of the Sunday Times have been restricted in terms of the emergency regulations.

believe readers will regard a planning of their private life they can no longer be informed

Mr Rex Gibson, acting editor, says the notice imposed almost to the publication of any statement by an unlawful organisation

Wounded cop hero drives to safety

By SYBRAND MOSTERT

A WOUNDED policeman drove a burning patrol car carrying one dead and one injured colleague to the safety of a police station after a hand grenade attack

The policemen were patrolling in Guguletu, near Cape Town, when the grenade was thrown through a window

Constable Gysbert Jacobus Labuschagne, 20, was killed in the blast Warrant Officer H C J Barnard and Reservist Constable G V Langford were injured by shrapnel, according to the Bureau of Information

Flames enveloped the car after the blast Warrant Officer Barnard drove the burning car — with three tyres punctured — to the Guguletu police station

Constable Labuschagne died before he could reach hospital Warrant Officer Barnard and Reservist Constable Langford are in a satisfactory condition

A large-scale police search was launched but no arrests have been made

● In Chesterville, Durban, two policemen broke down the door of a petrol-bombed house to save a child who would otherwise have died in the flames

● Community leader shot — page 2

g' dress

he neck I have never been a risqué dresser. But you please everybody"

ly's critics also faced the der of Johannesburg's fashion Following the SABC's wop policy, several designers dressed the show's pre-in turn — and received plugs"

Exclusive

r Soldatos, Greta Abraham-Marianne Fassler, Elzbieta Werth and her prize-winning der, Gaby, and Annelie have all contributed exclusive clothes to Sundowner.

ny's controversial dress was exclusive "one-off" made by de Fredericksz, highly rated Sunday Times annual Best ed Women list

s the fifth dress of mine that has worn on the show," said.

s certainly not revealing pared with Princess Di's celebrated black ball gown"

said Penny's dress would about R500.

enny played it much safer riday — her moderately low-ress and trim jacket was less revealing.

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SUN
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DEVELOP



327 243 SUN TIMES 11/11/87

Press gagged on ANC

□ From Page 1

committee — particularly on the crucial issues of violence, negotiation, relations with domestic resistance groups, sanctions, international support for the ANC and the role of whites

The sudden Government crackdown, which saw police delivering official notices at midnight on Thursday to a number of South African newspapers, has meanwhile been opposed from an unexpected source

Mr Russel Crystal, conservative student leader and now executive director of the Washington-based International Freedom Foundation, expressed regret at the "over-hasty" banning of the United Democratic Front advertisement on the ANC

"This will naturally have the negative effect of curtailing discussion about the true

facts regarding ANC terror," he said in a statement yesterday

"For too long organisations such as the ANC and UDF have been able to successfully hide their real intentions behind the Government's information blackout, enabling them to project a false aura of reasonableness and legitimacy," Mr Crystal said

The IFF has, meanwhile, withdrawn a proposed counter-advertisement attacking the ANC ad

International response to the move has been hostile. British and United States newspapers published front-page stories — with the Times of London claiming the move had every appearance of a last-minute scramble by the Government to suppress mention of the ANC save for its own commentary

The new restrictions were gazetted after the advertisement celebrating the 75th anniversary of the African National Congress appeared in South African newspapers

The Star and Business Day were among the major newspapers which carried it on Thursday prior to the banning. It had been booked to appear in The Sunday Times, Sunday Tribune and Sunday Star today

The appeal was supported, according to the advertisement, by 15 organisations

Orders issued by the Commissioner of Police in terms of the Public Safety Act, restricting newspapers from reporting on or publishing advertisements about aspects of banned organisations, were gazetted at midnight on Thursday

'Complaints'

A police investigation into possible contraventions of the law by the publication of the advertisements was also launched on Thursday

The Police Public Relations Directorate in Pretoria said the docket had been opened after "numerous complaints" from various parts of South Africa and the docket would be forwarded to the Attorney General for his consideration

During the week, a Warrant Officer Cilliers of the SAP called in at the offices of the Sunday Times and asked for all documentation relating to the ANC advertisement

Policemen made similar calls at other newspaper offices throughout the country.

'We'll take that back'

By S'BU MNGADI

CHAP 105
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ED
DURBAN journalist Marimothu Subremoney last month jumped for joy when he at last got the passport he had been refused for six years

But this week - a week before his long overdue scholarship trip to Britain and other countries - the Home Affairs Department withdrew the document

Subremoney, managing editor of the Durban-based Press Trust of SA, said two security policemen visited his office this week with a letter from Home Affairs Director General Gerrie van Zyl, informing him of the withdrawal of his passport. He had to surrender it to the officer serving the notice

Restrictions on Press are harshes SA has known

By Kym Hamilton and Sue
Leeman, Pretoria Bureau

The Press has reeled from a series of blows inflicted by the Government in the past seven months, curtailing Press freedom.

Local and foreign journalists are now operating under the harshes restrictions yet imposed here

Since June 12 when the State of Emergency was declared, there have been three major moves to clamp down on the media and free speech

Prior to this, the Press had been working within a comprehensive set of restrictions laid down by more than 100 Acts, including the Prisons Act, Police Act, Internal Security Act and the Defence Act.

These laws had already eroded the Press's freedom to report on certain matters. The media could not quote listed people and banned organisations and could not report on conditions in prisons and certain actions of the police and defence force

Further amendments to both the Internal Security and Public Safety Acts were before Parliament to give wider powers to the police. The houses of Representatives and Delegates refused to pass them, but the President's Council put the stamp of approval on them during June.

On June 12 came the first major blow. Emergency Regulations prohibited the media from reporting on unrest incidents or any action taken by security forces. All filming of such incidents was banned

Subversive statements

In addition, a comprehensive list of definitions of "subversive statements" was issued and the Press was forbidden to disseminate them

Hundreds of restrictions and orders were issued and enforced. A blanket ban on reporters entering townships was issued and all live radio and television transmissions from South Africa to abroad were silenced.

Later the restrictions were extended to the self-governing homelands

The Bureau for Information became sole spokesman on the state of emergency and its ramifications.

A number of newspapers, including the *Sowetan*, *The New Nation* and *The Weekly Mail* were raided by security forces. Some had copies seized.

Newspapers made use of blank spaces in the place of photographs or

reports to indicate censorship. Both official and other accounts of events were published

The courts threw out a few of the regulations for being too vague and wide. The release of some detainees was secured in other cases.

Six months later, on December 11, the Government hit back and imposed its harshes yet restrictions on all sections of the media, blacking out all non-official news and comment on unrest, illegal strikes, unlawful gatherings, consumer and rent boycotts and alternate structures such as peoples' courts

Authority to seize

The clampdown was backed by the authority to seize, without notice or hearing, any publication, film or sound recording. Fines of up to R20 000 or ten years' jail applied for contraventions

Publications were no longer allowed to give any indication that they were being censored, either by way of blank spaces or symbols.

The term "subversive statement" was broadened to include the encouragement and support of any boycott action against any firm, product or educational institution, to set up or support any structure claiming to be an alternative to local government or the courts, to stay away from work or strike illegally, to discredit or undermine military conscription

The only items exempted are those disclosed or cleared by a Cabinet Minister, a member of a Minister's Council, a Deputy Minister or a Government spokesman.

The role of the Bureau for Information in controlling the flow of information was further entrenched and an Inter-Departmental Liaison Committee (IPLC) was set up to clear stories for publication

On Thursday, when most English-language newspapers published a full-page advertisement calling for the unbanning of the ANC, the Government banned any advertising campaign of this nature

The latest curbs bar the publishing of anything which could improve or promote the public image or esteem of an organisation declared unlawful in terms of the Internal Security Act.

No publication may commend, defend, explain or justify any action or policy of an organisation which is aimed at the resistance again or subversion of the authority of the State.

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12/5/87

PRESS TO CHALLENGE NEWS CLAMP

SA PRESS ASSOCIATION

THE major English-language newspaper groups — The Argus and SA Associated Newspapers — are to challenge in court the midnight police proclamation restricting reporting on "unlawful" organisations like the African National Congress.

At the weekend, lawyers acting for the two groups served notice on the respondents, the Minister of Law and Order and the Commissioner of the South African Police, of their intention to challenge the new reporting bans in an urgent application which is expected to be heard in the Rand Supreme Court on Wednesday.

The restrictions by the Commissioner of Police, published in an extraordinary *Government Gazette* on Thursday night, have been described by Mr Rex Gibson, acting editor of *The Star*, as placing newspapers and editors in daily peril of harsh penalties for falling foul of vague regulations

They prohibit newspapers from publishing any advertisement or report calculated to improve or promote the public image or esteem of an organisation which is deemed to be unlawful under the Internal Security Act

Affidavits

The newspaper groups are to submit that the order was *ultra vires* and of no force or effect in law

The attack on the order, according to the supporting affidavits of Mr Gibson and Mr Tertius Myburgh, editor of the *Sunday Times*, was based on the grounds that the order exceeded the powers given to the Commissioner of Police under the emergency regulations and that the orders were vague and extended beyond the bounds of what was reasonable or necessary

The Government's new clampdown on the media was a sequel to advertisements placed in newspapers throughout

the country on Wednesday

The adverts, placed by the United Democratic Front and several other organisations, called on the Government to unban the ANC

The notice issued by the Commissioner of Police extends the category of statements which are considered subversive and which could carry a penalty of R20 000 or 10 years in jail

In terms of the new notice, it is an offence to "comment, to defend, to explain or to justify any action, policy or strategy" of an organisation — such as the ANC — which has been declared unlawful

The application was brought after lawyers acting for Argus, Webber Wentzel, and those acting for SAAN, Bell Dewar and Hall, had consulted senior counsel and confirmed that the order could be invalid

In his affidavit sup-

porting the application, Mr Gibson said a central point of the objection to the order and the notice was that they made unwarranted inroads into the public's right to be informed

"The likely effect of the order and of the notice is that South Africans would be denied information that they need to make urgent and crucial decisions on their own future," Mr Gibson stated in his affidavit

"The *Star's* legal advice has been that a dispassionate article relating to the history of the ANC which was published in Thursday's edition of the paper (hours before the promulgation of the order and the notice) may not be published in *The Star's* weekly airmail edition, which is produced on Fridays."

He continued: "When Wednesday's news becomes Friday's 'subversion' it is no longer possible for a conscientious editor to apply intelligent judgment to what he may publish"

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5 Pressmen held since emergency

RICHARD BARTLETT

FIVE SA journalists are reported to have been detained since the beginning of the latest state of emergency. They are.

□ *New Nation* editor Zwelakhe Sisulu, who has been held for 32 days,
□ *Business Day* reporter Siphon Ngcobo, who has been detained under section 29 of the Internal Security Act for 15 days,

□ Mxolisi Jackson Fuzile and Phila Ngqumba, of the Cape Veritas News Agency in the Eastern Cape, held under emergency regulations for 215 days;

□ Eastern Cape freelance journalist Brian Sokutu, detained for 215 days.

A sixth journalist, Clive Stuurman of *Saamstaan* in Oudtshoorn, was charged on Friday for attending an illegal gathering.

He is to appear in court tomorrow. Bail has been refused. He has been held for 215 days.

Sisulu was detained for 21 days at the beginning of the present emergency and was detained again on December 12.

Ngcobo is being questioned for alleged contraventions of section 54 of the Internal Security Act because of his "contact with terrorists locally and abroad".

13/1/87 BUDDAY

Parliament still privileged

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PARLIAMENTARY privilege will remain intact and the media will be allowed to print what was said in Parliament, Deputy Information Minister Stoffel van der Merwe said last night.

Van der Merwe issued a statement to try and clarify his remarks on the TV programme Netwerk on Tuesday night when he said he believed all media re-

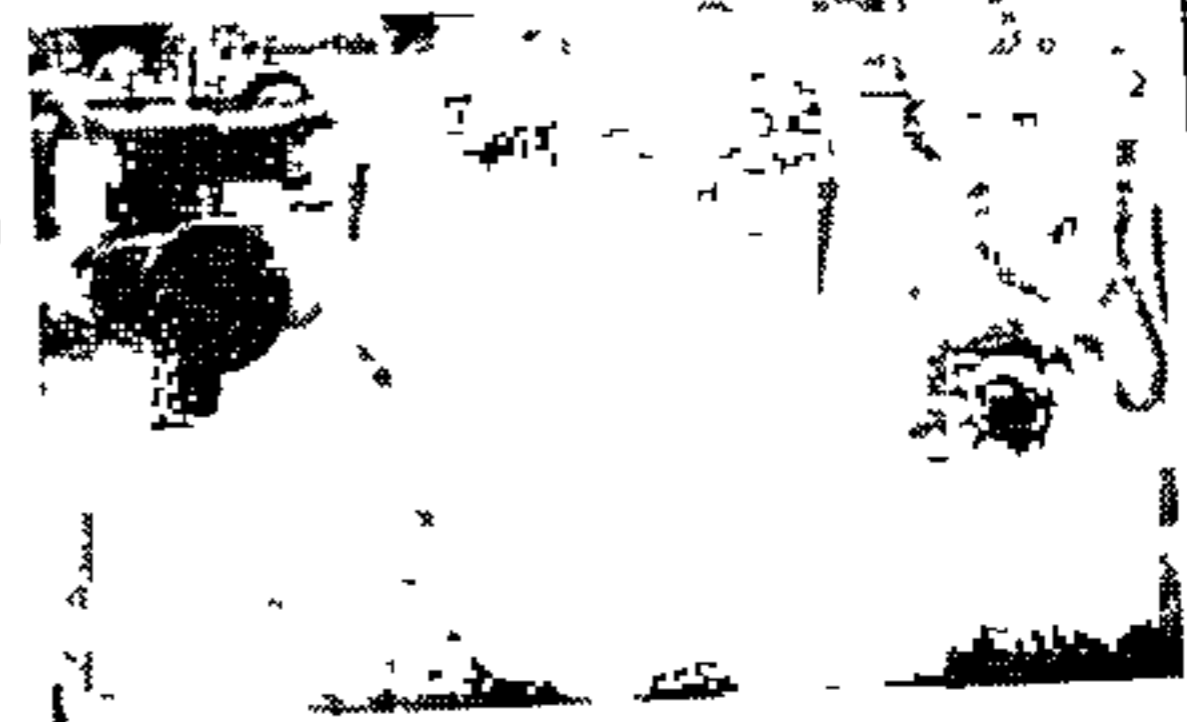
ports should comply with the latest emergency regulations.

But he clouded the issue once again last night by adding to his statement on parliamentary privilege: "The final test would be whether a particular piece of journalism promoted the cause of an undemocratic organisation or not."

MAX DU PREEZ

CMB Times 14/1/77 (243)

US journalist awaits decision by SA government



Michael Parks

By CHRIS ERASMUS, with UPI
and Sapa-AP

NO decision has been made on the fate of Los Angeles Times correspondent Michael Parks, who has until the end of January to leave the country

But United Press International yesterday quoted a "government source" as saying that it had been decided that Mr Parks would be allowed to stay "subject to certain undisclosed conditions"

Yesterday the Minister of Home Affairs, Mr Stoffel Botha, met Mr Parks, his newspaper's editor, Mr William Thomas, and its foreign editor, Mr Alvin Shuster, for just over an hour

The Americans emerged tight-lipped from the 80-minute meeting, saying they would make a

statement only once a final decision had been made on Mr Parks's future in South Africa

Late yesterday an official in Mr Botha's office declined to confirm that Mr Parks had been granted a reprieve from the deportation order

And the Bureau for Information said last night that discussions between Mr Botha and the Los Angeles Times would continue this morning

Mr Parks's temporary resident's and work permit expired in September last year and his application for its renewal, made in August, was refused as "his reporting was noted to be not up to standard"

He was given until December 31 to leave but was also granted an extension until the end of January and leave to appeal against

the decision in a private meeting with the minister

In another development, the New York Times bureau chief, Mr Alan Cowell, left South Africa at the weekend after his application for a renewal of his work permit was refused. His replacement, the newspaper's former Moscow bureau chief, Mr Serge Schmemmann, was refused entry

□ Meanwhile, a spokesman for Time magazine said the edition printed in South Africa this week appeared without an article about the African National Congress (ANC) that was prepared for editions published elsewhere

He said the decision to withhold the story from Time's more than 50 000 South African subscribers was taken at the magazine's headquarters in New York.

Press groups challenge gag

STK 243
14/11/87
An application by The Argus Company and South African Associated Newspapers challenging restrictions on reporting on "unlawful" organisations, is being launched in the Rand Supreme Court today.

The English newspaper groups are asking the court to set aside an order by the Commissioner of Police, issued last week in terms of the emergency regulations

It prohibits editors from publishing "anything calculated to improve or to promote the public image or esteem" of any organisation declared unlawful under the Internal Security Act. These would include the ANC and the South African Communist Party.

ADVERTISEMENTS

The order was a sequel to advertisements placed in newspapers countrywide calling for the unbanning of the ANC.

The newspaper groups are contesting the order on the grounds that:

- It exceeds the powers granted to the commissioner in terms of the emergency regulations
- It is so wide that it covers matter that cannot fall within the powers conferred on the State President by the Public Safety Act
- It is manifestly unjust
- It is grossly unreasonable
- It is vague and uncertain

Perm halts court action against Sisulu

The Perm Building Society today halted legal action against Mr Zwelakhe Sisulu, the detained editor of the *New Nation*, to make immediate payment of R21 000 on a home bond or risk losing his Dube house

"We have to look at the whole situation afresh and see what kind of arrangements we can make with the Sisulu family," a Perm spokesman said.

Judgment was given yesterday against Mr Sisulu, in favour of the Perm in respect of unpaid bond repayments.

The court was told Mr Sisulu owed the Perm R21 570,73 on his property and that a summons was served at the house on December 17 last year informing him the Perm was applying for a default order.

No one was at the house so the summons was pinned on to the door.

Mr Sisulu, who has been in detention since mid-December, could not give any notice that he would defend the application.

His wife, Mrs Zodwa Sisulu, said yesterday. "We were in arrears for an amount of R1 000 and two weeks ago I paid R500 after explaining the problems I was experiencing as a result of Zwelakhe's detention."

She said she had spoken to her husband last Thursday and arrangements had been made to pay the outstanding amount.

● See Page 6.

Judgment against Sisulu

Judgment was yesterday given against the editor of *New Nation*, Mr. Zwe-lakhe Sisulu, in favour of the South African Permanent Building Society in respect of unpaid bond repayments.

The judgment was given by Mr. G. Gordon in the Rand Supreme Court when the Perm brought an urgent matter against Mr. Sisulu.

Papers before court said Mr. Sisulu owed the Perm R21 570,73 on his property in Dube, Soweto. The papers said a summons was served at the house on December 17 last year informing Mr. Sisulu that the Perm was applying for a default order.

DETENTION

No one was at the house when the summons was served, so it was pinned onto the door.

Mr. Sisulu, in detention since mid-December, could not give any notice that would defend the application.

The papers said when the summons was served, the premises were locked and unattended.

Judgment found grounds for defaulted payment in favour of the plaintiff against Mr. Sisulu for payment of the said amount from December 17 to date of payment.

It was also said an order declaring all rights, title and interest in the leasehold in respect of the house under the mortgage was executable for the said sum — Sapa.

PFP may challenge Press curbs in court

Pretoria Bureau

The Progressive Federal Party may start a second court application to challenge the latest newspaper curbs.

Yesterday the application in the Rand Supreme Court brought by the two major English-language newspaper groups to have the censorship regulations set aside was postponed to January 23

15.1.87 STAF
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PFP leader Mr Colin Eglin said his party was looking at the possibility of taking the "State President and his Government" to court in a bid to have the latest clamps set aside.

"In the present circumstances, a fair election was impossible, he said.

The Press was unable to publish the PFP's statements on a vast range of subjects concerning the state of the country and the emergency, he said.

"But Cabinet Ministers, Deputy Ministers and government spokesman — no doubt all National Party candidates — can say what they like and be freely reported," Mr Eglin added.

"Our lawyers have advised us that these regulations are invalid and should be set aside by the courts. The Public Safety Act was aimed at securing the safety of the public. The State President's regulations under that Act seem to be aimed at giving the NP a wholly undemocratic and unfair electoral advantage."

The PFP leader added that there had to be a good reason why the NP was "frightened to allow the public to hear the truth"

Application to have press curbs lifted postponed

CAC Trials 15/1/87 (243) (277)

JOHANNESBURG — An urgent application by the two major English newspaper groups challenging government restrictions on reporting was postponed to January 23 in the Rand Supreme Court yesterday.

Mr Denis Kuy, SC, for The Argus Company and South African Associated Newspapers, said it was with great reluctance that the newspaper groups agreed to the postponement because the matter was urgent.

He said that the press found itself under severe constraints and restrictions and had in its possession a great deal of material which, in terms of the government order, could not be published.

He told Mr Justice Irving Steyn that the postponement had been agreed to because the Minister of Law and Order and Commissioner of Police had not had enough time to file answering affidavits.

The application contests an order and notice issued by the Commissioner of Police on January 8 prohibiting newspapers from publishing anything calculated to promote the public image of any unlawful organization.

The newspaper groups are ask-

ing the court to set aside the order and notice and to find that an advertisement calling for the unbanning of the African National Congress (ANC) is not affected and is not unlawful.

Both Mr Rex Gibson, acting editor of The Star, and Mr Tertius Myburgh, editor of the Sunday Times, said in affidavits that the restrictions made it almost impossible for their newspapers to carry on their daily business without a real threat of committing a criminal offence.

Mr Gibson said newspapers could be seized on publication of a subversive statement as defined in the notice. In that event, losses could run to hundreds of thousands of rands and in the case of the Sunday Times, could be even higher.

The notice would make unwarranted inroads into the public's right to be informed and the likely effect would be that South Africans would be denied information they needed to make crucial decisions on their own future.

The order and notice effectively halted a vital public debate on whether the ANC should be involved in negotiations on South Africa's future.

Mr Gibson said that the state had presented no evidence to show that this debate had been

harmful.

Mr Gibson submitted that the order was unlawful because

□ It exceeds the powers granted to the Commissioner of the SAP in terms of the emergency regulations,

□ It is so wide that it covers matter that cannot fall within the powers conferred on the State President by the Public Safety Act,

□ It is manifestly unjust,
□ It is grossly unreasonable,
□ It is vague and uncertain.

Mr Myburgh, who supported Mr Gibson's submissions, said that while his newspaper carried no brief for the ANC and even though SAAN deplored the nature of many of the ANC's strategies, it believed that knowledge of these strategies was important to readers.

He said that constitutional debate in the imminent white general election would be dangerously distorted by the exclusion of many of the most important issues confronting the electorate.

Mr PC van der Byl, SC, for the respondents, said he reserved the right to contest the urgency of the application.

The respondents have until 4pm on January 21 to file answering affidavits — Sapa

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V d Merwe's bid to clarify TV statement

Election pact still on, say NRP, PFP

Political Staff

PARLIAMENTARY privilege will remain intact and the media will be allowed to print what is said in Parliament, the Deputy Minister of Information, Dr Stoffel van der Merwe, said last night.

Dr Van der Merwe issued a statement to try and clarify his remarks on the TV programme Netwerk on Tuesday night when he said he believed all media reports should comply with the latest emergency regulations.

But he clouded the issue once again last night by adding to his statement on parliamentary privilege that "The final test would be whether a particular piece of journalism promoted the cause of an undemocratic organization or not."

Dr Van der Merwe also did not clarify the question of how far the freedom of speech of candidates in the coming election would be curtailed during the election campaign.

Dr Van der Merwe's Netwerk appearance on Tuesday night was seen

by political observers as his first public blunder since he took over from Mr Louis Nel on December 1 last year.

The statement released in his name by the Bureau for Information last night said "The regulations issued by proclamation on December 11 provided that certain matters such as particulars appearing from debates, documents or proceedings of Parliament or the President's Council are exempted from publication control as introduced by the said regulations."

"Dr Van der Merwe reaffirmed that parliamentary privilege will remain intact. He added that the final test would be whether a particular piece of journalism promoted the cause of an undemocratic organisation or not."

"The fact that these assurances, given during an SATV programme, were ignored by some members of the press and opposition spokesmen, clearly indicates that both were merely out to score some early points in the coming general election."

Political Staff

THE leaders of the PFP and the NRP confirmed yesterday that the election pact between them was still on in spite of rumblings of discontent in some quarters.

Both Mr Colin Eglin, leader of the Opposition, and Mr Bill Sutton, the NRP leader, said they had no doubt the agreement would work.

Doubts about the pact arose yesterday when the Transvaal leader of the NRP, Mr Martin Stephens, said he would have nothing to do with the PFP.

Mr Sutton said yesterday he believed that problems would be sorted out at a head committee meeting in Durban at the weekend.

The NRP in Natal is facing a backlash from its right-wing which a former Point MPC, Mr Roger Whiteley, warned in a letter to the Press "might be greater than the liberals imagine."

Now Sisulu may face a blacklist

By ADRIAN HADLAND

DETAINED *New Nation* editor Zwelakhe Sisulu may be blacklisted by credit bureaus because of this week's legal action to seize his home

Although the Perm Building Society halted its action against Sisulu, legal sources say the court judgement against him still stands — so he now has a criminal record

The Perm had applied for a default order over unpaid bond repayments amounting to R21 570,73. On Tuesday, judgement was given in favour of The Perm, ordering Sisulu to make immediate payment — but then the legal action was halted when the Perm realised Sisulu's cheque had been "lost in the system"

The cheque — used instead of the usual deposit book — was delayed from reaching its destination in the bonds and mortgage sector of the SA Perm. Sisulu was carrying the deposit book when he was detained several weeks ago.

His mother, Albertina, only realised the mix-up had occurred when she read of the court case in the press the next morning. The money had been deposited after an appeal by Sisulu's lawyers for more time — on account of Zwelakhe's detention — had been refused by The Perm.

When the facts behind the court action were discovered, The Perm recalled the summons on Sisulu's house, and public relations officer MJ Grobler paid the legal costs out of his own pocket. "A sign," he said, "of goodwill."

Bob Tucker, MD of The Perm, said that "each case was treated on its merits".

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WEEKLY MAIL

SM/87

Press curbs 'distort debate'

BUS DAY 15/1/87

SUSAN RUSSELL

THE latest Press restrictions distort debate on matters of public importance, *Sunday Times* editor Tertius Myburgh said in papers before the Rand Supreme Court yesterday

Myburgh's affidavit is in support of an urgent application by South African Associated Newspapers (SAAN) and the Argus Printing and Publishing Company challenging an order prohibiting the publication of reports or advertisements calculated to promote or improve the public image of a banned organisation.

The order was issued on January 8 by the Commissioner of Police after an advertisement appeared in various newspapers calling for the unbanning of the ANC. The advertisement was placed jointly by the UDF, the National Education Crisis Committee and the SA Council of Churches.

The Press groups want the order

declared void and of no force in law. SAAN and Argus also want an order declaring that the advertisements calling for the unbanning of the ANC are not rendered unlawful by the commissioner's order.

The Press application was postponed by Mr Justice Steyn until January 23 to give the Minister of Law and Order and the Commissioner of Police time to file answering affidavits.

Counsel for the Press groups, D Kuny, SC, said although his clients had agreed to the postponement they did not concede the application was not urgent.

"It is only with great reluctance that our clients have agreed to the postponement because the Press has been placed under severe constraints and restrictions.

"As a result of the order the Press is sitting with a great deal they cannot publish for fear of contravening the order and are under constant threat of possible seizure."

In his affidavit Myburgh said the order was so sweeping it made it virtually impossible for him to perform his duties properly.

Myburgh said the practical effect of the order was to distort debate on matters of public importance.

The Star's acting editor Rex Gibson also said in an affidavit that the order halted a vital public debate.

"No evidence has been produced by the state to show that this debate has been harmful."

Gibson said when Wednesday's news became Friday's subversion it was no longer possible for a conscientious editor to apply intelligent judgment to what may be published.

PFP may go to court over press curbs

THE PFP is considering taking the "State President and his government" to court to set aside the emergency censorship regulations, party leader Colin Eglin said yesterday.

He said the media could not publish the PFP's statements on a "vast range of subjects concerning the state of the country and emergency". But Cabinet Ministers, Deputy Min-

15/11/87 TUESDAY

isters and "government spokesmen (no doubt all National Party candidates) can say what they like and be freely reported," he said.

"In these circumstances a fair election is impossible," he said. Thelma Tuch reports that National Education Crisis Committee national organiser Eric Molobi says the NECC may challenge orders issued last

week banking the organisation from

meeting to discuss courses in "people's education" on school premises.

Although up to 90% of Soweto pupils had returned to school many of them were refusing to sign DET application forms — which indemnify the state in case of injury to pupils — a condition for their registration, he said.

Sisulu home reprieve

The SA Permanent Building Society said yesterday that it was making contact and opening negotiations with the employers and the family of Mr Zwelakhe Sisulu, detained editor of the *New Nation*, with a view to finding a solution to the mortgage arrears on Mr Sisulu's Dube home.

A management spokesman confirmed that the society had halted action on a judgment in favour of the Perm given by the Rand Supreme Court on Tuesday ordering Mr Sisulu to pay the R21 570 outstanding balance on his bond or risk repossession of his house.

"The case has been put under fresh review in the light of new evidence about the background to the arrears," the spokesman said.

"We feel confident that satisfactory arrangements can be made about bond repayments."

The spokesman declined to comment on statements by Mr Sisulu's wife yesterday that arrears had amounted to R1 000 and that, two weeks ago, she paid in R500 and explained about her husband's detention.

Ball not at conference

The SA Permanent Building Society, yesterday said they had been invited but had declined.

The names of Mr Ball and Mr Tucker were on the official list of participants distributed in Gaborone.

Also named as a participant was Dr Johan van Zyl, chief executive of the South African Federated Chamber of Industries. His office also denied he had accepted the institute's invitation.

● See Page 15.

SUPPS

Jan 1987

Judge declares police gag on Press reporting invalid

THE Commissioner of Police had exceeded his jurisdiction when he issued an order on January 8 banning the Press from reporting on unlawful organisations. The order was therefore ultra vires and invalid.

This was the finding of Mr Justice H Daniels in the Rand Supreme Court yesterday.

The Argus Printing and Publishing Company and South African Associated Newspapers (SAAN) had asked the court to declare both the order and a notice, issued simultaneously, void and without force and effect in law.

The judge said it was his prima facie view that regulation 7 (1)(b)(ii) under which the commissioner had purported to make the order could not be used for imposing some form of censorship.

The order prohibited newspapers, magazines and periodicals from publishing anything calculated to promote the image or esteem of an unlawful organisation or explain, commend, justify or defend any of their actions, aims or policies.

The judge ruled that the notice was valid. The notice, issued under the media regulations, extended the

SUSAN RUSSELL

meaning of a subversive statement as defined under the emergency regulations to include support for an unlawful organisation.

The judge said the attack on the notice as vague and uncertain was unwarranted. "The terms of the notice are clear and unequivocal."

Both the order and notice were issued after an advertisement calling for the unbanning of the ANC had been placed in various newspapers by the UDF, NECC and SACC.

The judge said in the regulations the State President had, by implication, imposed some limitation on the area for which the commissioner could make orders by use of the word "particular".

He said it seemed to him the State President had wanted the commissioner to be able to impose orders for particular areas and circumstances but not to give him carte blanche to issue orders.

He said he agreed with a full bench decision of the Natal division that declared that sub-regulation ultra vires.

"Regulation 7 (1)(d) which, to a

limited extent, dealt with the control of the media, was deleted on December 11 when a new set of regulations were promulgated to deal with the media.

"It is inconsistent with the scheme of the regulations to extend to the commissioner power to exercise some form of control over the media when the State President specifically promulgated a new set of regulations for that contingency."

The Minister and the commissioner were ordered to pay the costs of the applications except for the court appearance on January 14 when no order as to costs was made.

After the judgment, legal representatives for Argus and SAAN said the Press would now have greater freedom to report on unlawful organisations as the prohibitions of the order had been far wider than those of the notice.

Commenting on the judgment, SAAN MD Stephen Mulholland said "It's gratifying that in our country we can still take government to court and get judgment in our favour."

"This is evidence that we remain basically a rational state."

FINAL 16/1/87

CENSORSHIP 243

Press fights back

As the *FM* went to press, the Argus Printing & Publishing Company and SA Associated Newspapers (SAAN) were poised to apply for an urgent application to have the latest set of seemingly endless clamps on the media set aside

The latest restrictions were announced last week in response to the publication of an advertisement on the 75th anniversary of the African National Congress (ANC) The advertisement, placed by the United Democratic Front and other groups calling for the unbanning of the ANC, appeared in, among others, *Business Day* and *The Star* before a Government Gazette was issued prohibiting further publication In a nutshell, the government order prohibits the publishing of anything which could promote or improve

the public image of an organisation declared unlawful in terms of the Internal Security Act

The urgent application is being brought in the Johannesburg Supreme Court and is based on the premise that the latest restrictions are beyond the powers of the commissioner of police, Johan Coetzee, that they are vague, and that they are unreasonable

The application is being supported by affidavits from Tertius Myburgh, editor of the *Sunday Times*, and Rex Gibson, acting editor of *The Star* The Argus Company is being represented by Webber Wentzel and SAAN by Bell, Dewar and Hall The respondents are the Minister of Law and Order, Adriaan Vlok, and Coetzee as Commissioner of Police

Some posers

The latest gags pose some interesting questions For example, if a terrorist organisation were reported to have told its followers not to attack civilian targets, would this reflect the organisation's true intentions or not, and would the publication of such a statement reflect an attempt to improve its image? Again, if the organisation renounced violence and this were published, would the publication of this intent also be construed as an attempt to improve the image of the organisation?

In terms of the new legislation, no publication may commend, defend, explain or justify any action or policy of an organisation which is aimed at the resistance or subversion of the authority of the State. Does that "resistance" again cover the activities of opposition parties in parliament?

Hopefully the latest court action will supply a few answers The State, however, is expected to seek a delay in the action in order to prepare its case.

The latest action comes within weeks of the stringent controls placed on newspapers publishing "subversive" statements The term subversive is now more finely defined It includes the promotion of any boycott action, a stayaway from work, illegal strikes, the support of any structure claiming to be an alternative to local government or the courts, or discrediting military conscription

LA Times 16/1/87

Deportation reprieve for US journalist

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Staff Reporter

THE Los Angeles Times correspondent, Michael Parks, will be allowed to continue his work in South Africa — at least for three months

Yesterday afternoon the Minister of Home Affairs, Mr Stoffel Botha, granted a reprieve from the deportation order which had been hanging over Mr Parks since September last year

Mr Parks was granted a three-month temporary work permit after the minister received certain "assurances and undertakings" from Mr Parks, his editor-in-chief, Mr William Thomas, and his foreign editor, Mr Alvin Shuster

Mr Thomas, who has already left the country, said in a statement that his newspaper was "pleased that the minister has extended Parks' work permit

"The assurances I gave the minister were that the LA Times will continue to strive for the fair and balanced coverage it promised when the SA government allowed it to open a bureau in Johannesburg 15 years ago", Mr Thomas said

Mr Parks said he was "also very pleased to be staying"

Mr Parks, 43, has been in South Africa since mid-1984. His previous posts include Peking, Hong Kong, Cairo, Beirut, Moscow and Saigon.

S A editor at conference on censorship

London Bureau

A MAJOR world conference on media censorship opens here today

The two-day conference — titled Challenging the Censors A world news media action conference — will be attended by about 150 delegates from more than 30 countries

Organised by the United States-based World Press Freedom Committee, the conference is being sponsored jointly by five media-related organisations including the International Press Institute (IPI) and the International Federation of Newspaper Publishers (IFNP).

Speakers and panellists include journalists and publishers from 13 countries

Mr Harvey Tyson, editor of the Star, Johannesburg, will take part in a panel of international journalists and editors, including Nicholas Daniloff, the former Moscow correspondent of U S News and World Re-

port who was detained by the Soviet Government, and Stefan Bratkowski, of the former Solidarity Journalists Union in Poland

A briefing paper on censorship has been prepared by George Theiner, editor of the London-based Index on Censorship

The conference will conclude on Sunday with a session to formulate a programme of action aimed at 'beating the censors'

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16/11/87

Press gets a surprise hand from the right

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WELL-KNOWN conservative Russel Crystal has added an unusual appendage to the Argus and Saan companies' legal application for the setting aside of recent Emergency regulations blacking out statements explaining the policy of outlawed organisations

Crystal, who headed mysteriously wealthy rightwing university groups in his youth and is now executive director of the South African branch of the International Freedom Foundation, said the order had prevented the IFP from replying to the United Democratic Front's banned "Unban the African National Congress" advertisement

"For too long now, organisations such as the ANC and UDF have been able to hide their real intentions behind the government's information blackout, enabling them to project a false aura of reasonableness and legitimacy," Crystal said in a telex to *Sunday Times* editor Tertius Myburgh

His telex has now been included in Argus and Saan's court application "The government's failure to recognise the need for South Africans to heed the dictum 'know your enemy' is not conducive to the mobilising of support for a reformist society, especially where the prospects for the movement towards greater

By JO-ANN BEKKER

freedom are threatened by the twin forces of terrorism and violent revolution," Crystal said

In his founding affidavit, the *Star's* acting editor-in-chief, Rex Gibson, says Crystal's objection "makes a mockery of the new order and notice, since suppressing criticism of the ANC must have been the last thing the authorities had in mind"

He says the curbs halt a "vital public debate" on whether the ANC should be involved in negotiations on South Africa's future. The debate "has been conducted lawfully and openly for many months now, throughout an

existing State of Emergency, without any suggestion of it being 'subversive' and without any attempt by the state to stop it", Gibson said

The newspaper companies' urgent application to the Rand Supreme Court was thus week postponed to next Friday, to give the Minister of Law and Order and the Commissioner of Police time to file replying affidavits

Argus and Saan are asking the court to set aside the restrictions and find the "Unban the ANC" advert lawful

In his affidavit Gibson says the restrictions are invalid because

● The Commissioner of Police is not empowered to issue the order — in terms of the Emergency regulations

he can only expand the definition of "subversive statements"

● The order is so wide it falls outside the State President's powers under the Public Safety Act. It is so vague it is not possible to determine exactly what the restriction allows and what it prohibits

● It is "grossly unreasonable" as it applies to the newspaper industry, but not to radio, television, or to the publication of pamphlets

Gibson concludes the notice is so wide it usurps existing legislation on banned organisations — "legislation, it has already been held by our courts, (which) could be invalid, but for the fact it was enacted by parliament"

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Readers will be told when reports have been censored

When more stringent restrictions on the Press were gazetted on December 11 last year it was generally accepted by lawyers and journalists that one vague and badly worded clause prevented newspapers from identifying which particular reports had been censored

Accordingly, The Star — in the interests of keeping its readers as informed as possible — began publishing the following general statement: "This newspaper may have been censored. We are not permitted to say where, how or to what extent."

Now closer analysis of the tortuous clause has led legal advisers to conclude it is legal, after all, to tell readers that a particular report has been censored.

Since The Star believes it is necessary to convey the maximum information possible it will henceforth return to the practice of telling readers which reports have been censored and recording when reports have had to be suppressed altogether

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Bonner said to have made deal about Press

16/1/87

Witwatersrand University historian Professor Philip Bonner apparently gave a Cabinet Minister an undertaking not to talk to the Press after deportation proceedings against him were withdrawn this week.

A History Department colleague said yesterday Professor Bonner had agreed not to talk to the Press.

Mr Stoffel Botha, the Minister of Home Affairs and of Communications, said in a joint statement with Professor Bonner that the withdrawal of deportation orders was subject to certain other conditions.

These included the stipulations that Professor Bonner:

- Would "employ only lawful means in the pursuit of bona fide academic activities".
- Would not "promote partisan political interests in his academic activities and in the education of labour organisations".
- Would "advise only peaceful means in the resolution of potential industrial disputes".



Number five to go: Allan Cowell of the NY Times

Picture: TREVOR SAMSON, AP

WEEKLY MAIL 16/1/87

Parks in, Cowell out

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JOURNALIST Michael Parks has been given a three-month respite in his battle to stay in South Africa

Just five days after fellow American journalist Allan Cowell had to leave South Africa because of the government's refusal to renew his work permit, *Los Angeles Times* correspondent Parks has won his battle against an expulsion order

Home Affairs Minister Stoffel Botha made an announcement to this effect yesterday after talks with representatives from the *Times*.

Botha said the government agreed to let Parks stay "in view of assurances and undertakings received during our discussions"

Meanwhile, expelled *New York Times* bureau chief Cowell has had to leave South Africa without seeing his dream fulfilled — to see Nelson

By MONO BADELA

Mandela leave jail a free man.

Cowell — one of the profession's most highly-regarded foreign correspondents — left Johannesburg on Saturday night after the government refused to renew his work permit

"I'm so sad to go," Cowell said at a farewell party just before his departure

"But I'll be back one day to complete my unfinished story on South Africa"

If Cowell does come back one day, it won't only be to see Mandela — he's also being tipped to write the biography for civil rights activist Molly Blackburn, who died in a car crash in late 1985

— TOPS

No action after APN quotes banned people

Pretoria Correspondent

A right-wing publication, *The Aida Parker Newsletter*, has quoted banned persons and organisations but not been prosecuted.

The aims of the African National Congress and the SA Communist Party were quoted in the 24-page "Special ANC Issue" — produced by Miss Parker with the new International Freedom Foundation Reports from *Sechaba*, an ANC organ, and the SACP's newsletter *Umsebenzi* were also reproduced.

Mr Joe Slovo and Mr Oliver Tambo were quoted.

Miss Parker referred queries to the IFF and its leader Mr Russel Crystal, ex-president of the conservative National Student Federation, who said no permission to publish had been requested — they had "taken the bull by the horns". He didn't believe the use of the material was objectionable.

"We are not promoting the ANC. We are not breaking the law in the strict terms of the word," he said, and felt the spirit of the law was "to prevent the promoting and support of unlawful organisations".

The Bureau for Information referred inquiries to the police. A police spokesman said he would "look into the matter".

Le Grange pondering 'gag' issue

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MAX DU PREEZ
Political Correspondent

OPPOSITION politicians are urging government to clarify how much freedom of speech election candidates will have in terms of the emergency and whether the Press will be completely free to quote from parliamentary speeches.

PFPP Deputy Chief Whip Alf Widman said yesterday acting Speaker Louis le Grange had assured him the matter was receiving attention.

He had approached Le Grange about the views of Information Deputy Minister Stoffel van der Merwe on the TV programme, Network, on Tuesday and a subsequent statement yesterday.

He said: "The acting Speaker has given me his assurance the matter will receive his attention."

Van der Merwe was not available for further clarification of his remarks. Other government spokesmen said they would prefer not to discuss the issue before the Cabinet had laid down guidelines.

Widman said he found unacceptable Van der Merwe's statements in which he reaffirmed that parliamentary privilege would remain intact, but that the final test would be whether a particular piece of journalism promoted the cause of an undemocratic organisation.

He said: "I reject that view. I find it politically unacceptable, a breach of the privilege of Parliament and against the democratic principles of Parliament."

ganizations that raised funds.

APR-TMS 17/187 327
Paper's censorship move *243*

JOHANNESBURG. — A leading Johannesburg newspaper told its readers yesterday it would in future identify censored reports. The Star said in a front-page report that it would do this after it had become clear that it was not illegal to say a specific report has been censored.

Archbishop Desmond Tutu answers questions at his Press conference back from his controversial tour of Australia.

You will be told when reports are censored

17/11/87
S.M.P.
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When more stringent restrictions on the Press were gazetted on December 11, it was generally accepted by lawyers and journalists that one vague and badly-worded clause prevented newspapers from identifying which particular reports had been censored

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shark expert gets

teeth around the bars, crushing the cage and throwing the two scientists off their feet. An underwater camera was knocked over and the door flew open.

The shark hung on to the cage for 30 seconds as Mr McKay battled to regain his balance. When he did, he managed to close the cage door and pick up the camera. Only then did the monster let go and swim away.

"I was spellbound by this magnificent Great White. I was mesmerised by it. There were about five of them in the area where we went down

about 7 km offshore," I had tagged the magnificent female just caught in the cage. The sound of its teeth on the aluminium bars made everything that happened to be in slow motion. I was off-balance and, as I fell on, it was a real battle again."

On holiday in California, McKay said he had decided to tag a Great White with a tag that caused any stress.

"In the United States, Great Whites with a

Press curbs hearing later

By MARTIN NTSOELING

CITY PRESS

18/1/87

THE hearing into the Press curbs which was to be held this week has been postponed to January 23

PC Van der Byl, assisted by P Kemp, for the Law and Order Minister and the police commissioner, told acting Judge Irving Styen his team had not had enough time to file replying affidavits.

The Press curbs - which have caused a countrywide uproar - are being contested in the Rand Supreme Court by two leading English newspaper groups

The application was brought after Argus lawyers Webster and Wentzell and SAAN lawyers Bell, Dewar and Hall had consulted senior counsel and confirmed that the order could be invalid

Dennis Kury, assisted by G Magus, for both Argus and SAAN, agreed on the new date

In terms of the new notice, it is an offence to "commend, to defend, to explain, or to justify any action, policy or strategy" of organisations such as the African National Congress or Pan Africanist Congress which have been declared unlawful.

The new curbs prohibit papers from publishing any article or report calculated to improve or promote the public image or esteem of an organisation deemed to be unlawful under the Internal Security Act

Paper to identify censored reports

JOHANNESBURG — A newspaper here told its readers yesterday it would in future identify censored reports

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"Now closer analysis of the tortuous clause has led legal advisers to conclude it is legal, after all, to tell readers that a particular report has been censored," the newspaper reported yesterday.

Meanwhile, media representatives from 39 countries begin a two-day meeting in London today with the task of fighting censorship and exploring ways of helping journalists jailed or harassed as a result of their reporting.

The conference, the first of its kind, is sponsored by the World Press Freedom Committee (WPFC), which represents 32 major news organisations on five continents.

Organisers said recent steps against the news media, especially in South Africa and Nicaragua, had made the meeting inevitable.

Sapa-RNS

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DA

Press pledges to fight back to safeguard free speech

EVERETT 19/1/87 243

LONDON — In the face of increasing censorship and attacks on journalists, news media representatives from 34 countries have pledged to launch a "hot line" for threatened journalists and a legal defence fund to fight abuses of Press freedom.

More than 125 editors, publishers and journalists yesterday ended the first international conference on combating censorship with a vow to triumph over "those seeking to blind the world to what is happening in it".

After listening to first-hand accounts

of censorship in Africa, Latin America, Asia and the Soviet Union, the delegates adopted a 1 500-word declaration condemning interference with the content or free flow of news

The "Declaration of London" paid tribute to journalists who battled censorship first hand — some forced into silence, others forced to publish or broadcast underground. It also condemned an "ominous trend toward the growing use of brute force by Government powers, criminal forces and other interests seeking to intimidate the news media." — Sapa-Reuter

Yes, it's all normal on the ANC front

By JO-ANN BEKKER

BUREAU for Information chief Stoffel van der Merwe was surprised at the outrage levelled at the government's recent press curbs on African National Congress reports. "We are just bringing things back to normal," he told a face-three-member-of-the press session on SABC-TV this week.

And he was right. For years, as Van der Merwe pointed out, there were virtually no reports on the ANC's policies or views.

The latest restrictions — barring newspaper editors from publishing any report or advertisement which improves the public image of a banned organisation or explains its strategies — enforces what was until very recently the status quo.

Researchers who have sifted through newspaper archives point out that through the almost 50 years the ANC was a legal organisation, it was given no more than a mention in the inside pages of white-owned newspapers, which treated black political organisations with condescending amusement.

It was only in 1959 that the *Rand Daily Mail* became the first paper to appoint a specialist journalist, Benjamin Pogrand, to cover black politics. And his reports received little prominence, even during the national campaign against the pass laws.

Analysts say the first time ANC leader Nelson Mandela became a media personality in white newspapers was when he stood trial for treason in the Sixties and was depicted as public enemy number one.

From the mid-Sixties to the Seventies there was no coverage of the then outlawed ANC or Pan-Africanist Congress, beyond occasional references to unspecified Moscow-controlled "terrorist organisations".

The freeze on independent reports on the ANC thawed less than three years ago when *Beeld* columnist Piet Muller took a cue from the government's reformist tone and headed off to meet the exiled organisation.

A subsequent business outing to Lusaka, led by Anglo America's Gavin Relly, caused a media sensation and soon pilgrimages to meet the ANC by Afrikaans and English church representatives, students and homeland leaders became regular news items.

White newspapers' attitudes towards the ANC and its guerrilla war had not changed, however. What had changed was they ceased to represent the organisation as a band of faceless monsters.

While little of substance was reported from the discussions, readers learnt for the first time that ANC executive member Thabo Mbeki smoked a pipe and had a sense of humour.

That baffling blank centre

WEEKLY MAIL readers may have been bewildered by the blank centrespread in last week's issue, particularly as a front-page report said the newspaper had been advised by its lawyers that "the advertisement which appears (on the middle pages) does not contravene any law".

The advert calling for the unbanning of the African National Congress was legal when the proof pages were completed at 7pm and sent to the printers. But by midnight a new Emergency order had been gazetted banning any newspaper report or advert which promoted a banned organisation or explained its strategies.

The Mail was telephoned by the Security Police at 9pm and informed of the midnight Gazette which would make the advert illegal. A Major Zaaiman warned a confiscation order had been prepared and said police were ready to seize copies of the newspaper if they contained the advert.

The printing presses were put on hold for several hours while legal advice was sought. Finally, the Mail decided it had no option but to withdraw the advert.

The Security Police gave permission for the centre pages to remain blank, although the Emergency press curbs prohibit newspapers from carrying any "blank space, obliteration or deletion" to indicate where reports have been censored.

Cape Times editor Tony Heard took the demystification process one step further by publishing a full transcript of ANC president Oliver Tambo's views on present and future ANC policy. Heard was let off lightly after charges against him were switched to his newspaper company, South African Associated Newspapers (Saan), who paid a R300 admission of guilt fine.

Political observers believe the reasons for the government's greater leniency was its tentative efforts to appease the outside world by unbanning the ANC and freeing political prisoners. But reform hardened into repression as Pretoria thumbed its nose at the West and settled down to endure sanctions from abroad and political turmoil at home.

Last Friday saw the latest show of government *kragdadigheid* in response to a United Democratic Front "Unban the ANC" advertisement which was carried in 11 newspapers. The authorities apparently decided the unveiling of the ANC had gone far enough and introduced the latest press curbs restricting reports of banned organisation.

Nieman fellows protest

^{21/12/86}
^{city press}
A NUMBER of South African Nieman fellows this week protested against the detention of *New Nation* editor Zwelakhe Sisulu - also a Nieman Fellow.

²⁴³ "This is not the first time Sisulu has been detained. On previous occasions he was released without any charges being brought against him," the fellows said in a statement.

"He was also arbitrarily banned between 1981 and 1983. In the absence of any charges being brought against him, we can only conclude that he is being jailed because of his opposition to government policies.

"We deplore any arbitrary action such as the detention of individuals or the banning of organisations, and believe that the action against Sisulu is an extension of the assault on the community's few remaining civil liberties."

The statement was signed by Richard Steyn, Ameen Akhalwaya, Aggrey Klaaste, Percy Qoboza, Tertius Myburgh, Allister Sparks, Stewart Carlyle, Aubrey Sussens, Andrew Drysdale, John Ryan and John Mojapelo
- Sapa

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Police gag City Press

By ZB MOLEFE

CITY PRESS on Wednesday became the third newspaper this week to have a police restriction order served on it - preventing it from publishing statements which advocate or support the "Christmas Against the Emergency" campaign

Similar restriction orders were served on *The Sowetan* and *Weekly Mail* on Monday.

City Press' editorial staff do not work on Mondays and Tuesday was a public holiday.

The Sowetan yesterday announced that it would fight the restriction order in the Rand Supreme Court

Argument is expected to be heard today in the Rand Supreme Court, when the paper will ask the judge to declare the police order invalid

The restriction on *City Press* came at a time when commentators thought it was specifically aimed at the *Weekly Mail* and *The Sowetan*

The restriction order served on *City Press* is identical to those served on the two other newspapers

Broadly it prohibits publication of statements from a number of organisations which "advocate, further or

support the "Campaign for National United Action", "Campaign for National Unity", "Christmas Against the Emergency" and "Christmas of Concern"

The papers are restricted from quoting statements promoting the four major campaigns by the United Democratic Front, Congress of SA Trade Unions, Detainees' Parents Support Committee, Detainees Support Committee, End Conscription Campaign, Federation of Transvaal Women, Johannesburg Democratic Action Committee, National Education Union of SA, Transvaal Anti-PC Committee, Transvaal Indian Congress, National Education Crisis Committee and the SA Council of Churches

The restriction orders against *City Press* and the other two newspapers were issued by Witwatersrand divisional police commissioner Major-General Mulder van Eyk

They were issued in terms of the Public Safety Act of 1953 with reference to the emergency regulations promulgated on June 12 by President PW Botha

Boxer dies after bout

CP Correspondent

PORT ELIZABETH lightweight boxer, Sipho Nobadula, became the fourth professional fighter from the city to die after being hurt in the Centenary Hall this week.

Nobadula died at Livingstone Hospital after he was stopped in the third round of the scheduled six-round bout by Mongezi Loliwe on Tuesday night.

Nobadula is the fourth boxer to have died at the Centenary Hall. The others are Lulamile "Young Clay" Dunjana, Simon "Razor" Monamodi - who both campaigned in the bantamweight division - and Mongezi Mbenegashe, who collapsed during training session.

Although arrangements for the funeral service have not been made, the service will be held at the Trinity Methodist Church at Kwa-Zakhele over the weekend.

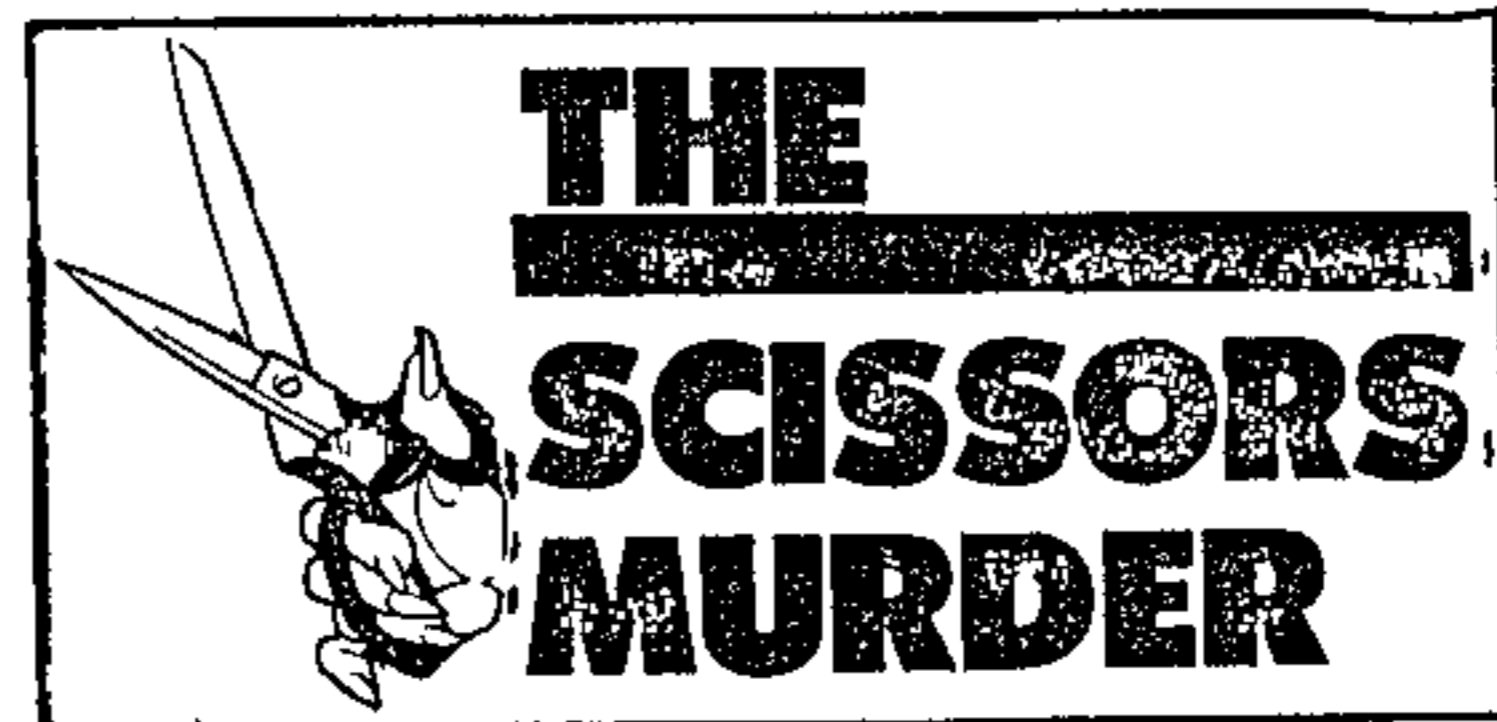
Scissors murderess

MARLENE Lehnberg, 31, the scissors murderess who was released from prison after serving 11 years and nine months of her 20-year sentence "became a Christian and wants to start a new life" - like her accomplice Marthinus Choegoe

"She is free and forgiven," a member of her family said.

Lehnberg was only 19 when she was found guilty of the murder of Susanna van der Linde. She appealed successfully against the death sentence imposed on her in the Cape Town Supreme court

Lehnberg's accomplice Marthinus Choegoe, who was sentenced to 15 years was released on 13 June this year. Since then he



acts as lay preacher at religious gatherings

Lehnberg was released on parole in Cape Town on Monday, a spokesman of the Prison Services confirmed on Wednesday

The last chapter has now been written about a murder trial which Judge DA Diemont described in the Cape Town Supreme Court as the most peculiar he had ever handled

A family member in Cape Town said yesterday

he does not know when Lehnberg is "You will have to go far to look for her"

A Transvaal family member said Lehnberg's sister Vivian Warland, left for Cape Town this week to fetch her after her release. They were expected back last night

Lehnberg will probably spend the next few days with family on the East Rand

"The whole family suf

NEWS FOCUS

BUSINESS DAY What exactly is the position with Parliamentary privilege and the Press's right to report on debates?

VAN DER MERWE There is a clause in the legislation covering Parliamentary privilege that states that the Press may report what was said in Parliament, provided it is done in a bona fide way. So Parliamentary privilege has never been absolute.

For instance, if someone says something slanderous in Parliament, a newspaper may repeat it. But it may not use these statements to slander the person further. So the emergency regulations did not change anything. I merely pointed out the dangers of a newspaper using statements in Parliament to further the image of an undemocratic organisation.

WHAT FREEDOM would candidates in the election have to talk about matters covered by the emergency regulations, and would the Press be able to report these statements?

THIS IS not covered by Parliamentary privilege. The regulations were aimed at unlawful organisations, not at curbing the democratic process. So we would want a situation where candidates could be reported fairly freely. But I am not a legal expert and we will soon get clarity on this from other sources.

YOUR statement that you are curbing Press freedom and democracy to protect freedom and democracy was widely criticised.

THE ANC wants to take over power by force. Until this policy changes, we will view it as an undemocratic organisation.

22/1/87
BUD DAY
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Press and Parliamentary privilege



The Deputy Minister of Information, Stoffel van der Merwe (left), explains his recent controversial statements on Press curbs, Parliamentary privilege and other matters in an interview with Business Day

MAX DU PREEZ/Political Correspondent

The lesson of the past all over the world is that the moment this type of movement takes over power, they terminate Press freedom. One has to use undemocratic methods to ensure that the democratic process lives on.

It is an accepted principle that when a democracy is put under pressure through external factors, steps such as a state of emergency are permissible. BUT WHERE the steps you took not completely out of proportion with the threat?

LOOK AT how Press freedom was curtailed during the Second World War in Britain — far more than we have done now. So it depends on the seriousness of the threat.

IS IT not dangerous to leave your population with so little information? The

support has not been democratically tested.

BUT THEY have never had the opportunity to test their strength at the polls. WE HAVE started with that through the third tier authorities, and the ANC decided not to take part. We have opened the doors for negotiation, but they close not to use it. We have made this offer time and time again.

THE ANC's statement last week said they would grab any opportunity to negotiate, but government has to release their leaders first so consultation can take place before negotiation.

THERE IS the open offer that, if they reject violence as a method, they would be freed. If they reject violence, they would be unbanned.

SO THE whole of SA is caught in the deadlock between the ANC and government, and government is not going to take any initiative to break it?

WE HAVE made our move. We have changed our policies and end ideals 180 degrees; we have said we believe in the sharing of power up to the highest level, we said we wanted to negotiate a settlement. They have not deviated more than, say, 20 degrees from their position. The only way they would want to negotiate, is when there would be no

question about who is going to be the next government.

They will back off from their policy of a seizure of power only if they can bargain for a hand over of power.

IN JANUARY last year the Minister of Law and Order gave full permission for the publication of Oliver Tambo's statements. This year there was a blanket ban. Is it because this year's ANC statement was more moderate than last year's?

LAST YEAR we had a completely different set of circumstances. The present state of emergency was imposed after January. Then we still hoped that lifting the state of emergency could promote negotiation. When we did it, the opposite happened.

Last year we thought that through gentlemanly behaviour one could come to agreement. Since then we have realised that we have to do with a naked struggle for power.

IS GOVERNMENT going to try to break the deadlock on negotiation this year?

CERTAINLY. The levels of violence has slowed down the negotiating process. It is important to bring down the political temperature to get negotiation going. I cannot tell you a timetable; it

depends on circumstances. Sanctions and foreign intervention have also slowed things down.

That is why government has said to hell with it, we are not going to try to be nice. All we get for being nice is that people think we are crumbling. No one negotiates with someone who is crumbling. So now you have to prove that you are not crumbling.

IS A settlement without the ANC possible? Albert Ntshangal says no.

IF THE ANC softens its stance in the coming 12 months, as it did in the last 12 months, perhaps we will get within speaking distance of each other. But there is no future in negotiating with the ANC just for the sake of negotiating with them. If you cannot negotiate an acceptable future for all South Africans with the ANC, then you will just have to keep on fighting until you have won or lost.

It would, of course, be better if it were possible to include them in a settlement. But if we have to wipe them out in order to ensure a better future for SA, then we will do it.

IS THAT possible? IT IS possible.

Media groups' case over curbs resumes

By Lesley Cowling

An urgent application by the two major newspaper groups, Argus Printing and Publishing Company and South African Associated Newspapers (Saan), challenging Government restrictions on reporting, was due to resume in the Rand Supreme Court today.

The application, which contests an order and notice issued by the Commissioner of Police on January 8 prohibiting newspapers from publishing anything promoting any unlawful organisation, was postponed last week to allow the Minister of Law and Order and the Commissioner to file answering affidavits.

The newspaper groups are asking the court to set aside the order and notice, and to find that an advertisement

calling for the unbanning of the African National Congress (ANC) is not unlawful.

Last week, Mr Denis Kuny, SC, for the two newspaper companies, said it was with great reluctance that the groups agreed to the postponement.

Both Mr Rex Gibson, acting for the editor of The Star, and Mr Tertius Myburgh, editor of the Sunday Times, said in affidavits that the restrictions made it almost impossible for their newspapers to carry on their daily business without a real threat of committing a criminal offence.

Mr Gibson said newspapers could be seized on publication of a subversive statement as defined in the notice. In that event, losses could run to hundreds of thousands of rands or the newspaper could be closed down.



Liver transplant patient Samantha Bunce (10) was full of bounce at Heathrow yesterday as she and her mother Caroline prepared to fly home to Port Elizabeth. She had arrived in England five months ago suffering from a rare disease and desperately ill. Doctors at Addenbrooke's Hospital in Cambridge in a six-hour operation gave her a new liver. "And a new lease of life," said her mother, shown here with her before boarding their flight for Johannesburg. Her father Clive who saw her leave in a wheelchair will see her walking off the plane. She, for her part, can't wait to see her brother Mark and to start swimming again. Samantha's operation was paid for by money raised in a national fund-raising campaign in South Africa.

The notice would make unwarranted inroads into the public's right to be informed and the likely effect would be that South Africans would be denied information they needed to make decisions on their future.

The order and notice effectively halted a vital public debate hinging on whether the ANC should take part in negotiations in South Africa's future, he said.

"Prominent and highly reputable South Africans from many walks of life had held discussions with ANC representatives in the interests of seeking common ground," he said.

Many of them had also called for the unbanning of the ANC and other unlawful organisations without action by the State and, in failing to act until now, the State had tacitly recognised them to be legitimate statements, Mr Gibson said.

Sowetan
23/1/87 (243)

Mwasa Indaba

THE Northern Transvaal region of the Media Workers Association of South Africa is to hold its annual congress in Pietersburg tomorrow at 10 am.

The regional chairman, Mr Mathata Tsedu, said the congress, to be held at the Workers Centre in Devenish Street, Pietersburg, will discuss various issues, including recognition agreements, plant reports and progress made by the union.

Among the speakers will be Mwasa's national executive Mr Joe Thlole and Mr Thabo Montshiyi, organiser of the Pietersburg Advice Centre.

Weekly Mail

23/1/87

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London call for Sisulu release

ARTICLE 19, a recently-formed human rights body monitoring freedom of expression throughout the world, has called for the urgent release of *New Nation* editor Zwelakhe Sisulu

Sisulu — recently appointed a member of the organisation's international board — is supposed to attend Article 19's crucial policy meeting in London in May

The organisation has been making urgent representations for his release since learning of his re-detention last month

The organisation's London-based director, Professor Kevin Boyle, says

By SHAUN JOHNSON in London

the group is concerned by Sisulu's detention

"Mr Sisulu was elected in recognition of his international reputation as a journalist," he said, "and we have made approaches to the South African authorities for his immediate release, as well as that of other journalists

"We have had no response, but will step up our campaign"

A total of six journalists are in detention under South African

Emergency regulations

Article 19 is retaining the services of a lawyer at the Legal Resources Centre in Johannesburg to help secure Sisulu's release

The chairman of Article 19 is celebrated British writer William Shawcross. The organisation derives its name from article 19 of the Universal Declaration of Human Rights, which states that everyone has the right to freedom of expression. This right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through media regardless of frontiers

Global 'hotline' to help censored journalists

AN international "censorship hotline" and a "fund against censorship" are being established as a result of the World News Media Action Conference in London

The hotline will be a clearing house for complaints by journalists subjected to censorship, who will be able to get assistance and advice as well as publicise their plight

This will be allied to an "early-warning system" which will focus international attention on imminent clampdowns on journalists around the world

The fund against censorship will support legal challenges to other abuses of press freedom, and a list of international legal specialists on the media will be compiled

This week's conference — which brought together more than 100 of the world's top journalists and publishers — culminated in the Declaration of London, which highlighted formal and informal censorship practices around the globe

"Worldwide, freedoms are being threatened by censorship, some of it crude and naked, some of it clothed in other guises, but all of it directed to the same ends — restriction of the public's right to knowledge of public business, denial of people's right to be fully informed of all that affects their lives and their future," the declaration said

The declaration pointed to an ominous trend, the growing use of brute force by government powers, criminal forces and other interests seeking to intimidate the news media

The conference was equally concerned with "the proliferation of press controls which equate with censorship in all but name"

These included punitive press codes, threats to withdraw publishing or broadcasting rights, the licensing of journalists, and economic pressures

Delegates were concerned by recent developments in South Africa, and agreed that "national security and the needs of public order and national development are frequently invoked in justification for restraints on the free flow of information"

There was also concern that foreign

By ANTON HARBER and SHAUN JOHNSON in London

journalists were regularly refused visas to cover events in countries like South Africa

"Foreign journalists should be allowed to travel freely within a country," said the declaration

Delegates made mention of the South Africa government's recent expulsion of *New York Times* correspondent Allan Cowell

The conference decided that missions may be sent to countries facing severe suppression of news, and South Africa was suggested as an urgent example of such need

The conference — dominated by mainstream American journalists and publishers — heard horrifying testimony from Latin American and African journalists

A stunned audience listened to a tape recording made by a Uruguayan editor of a mob attack on his newspaper offices, and to a Nigerian journalist who survived a recent bomb blast which killed his editor

Nicholas Daniloff of *US News and*

World Report gave a detailed account of his time in a Moscow prison, and delegates heard a smuggled tape recorded message from Stefan Bratowski, former leader of Poland's Solidarity Journalists' Union

Criticism of the performance of Western newspapers and their managements was noticeably absent, and attacks on governments focussed largely on eastern European and socialist countries

The conference represented an unprecedented gathering of publishers' power, ensuring that the deliberations will be widely publicised in the print and broadcasting media in the West

Underlying the contributions of most delegates was an implacable hostility to the "new world information order" pioneered by Unesco

Although the few delegates from the Third World expressed some dissent at the dominance of the American *weltenschaung*, consensus over the need to fight censorship was enough to unite the conference behind the Declaration of London

Publishers call on NPU: Stay out of the Laager

By SHAUN JOHNSON in London

Harvey Tyson, former *Rand Daily Mail* journalist Raymond Louw and Benjamin Pogrand, exiled former editor Donald Woods and *Weekly Mail* co-editor Anton Harber

During the adoption of the declaration, Harber urged delegates to exert pressure on major SA press groups, currently involved in negotiations with the government

"There is a real fear, particularly among newspapers such as the *Weekly Mail* and *New Nation*, that the Newspaper Press Union might be tempted during its talks to enter into self restricting agreements in order to avoid government attacks

"This would make papers like ours much more vulnerable"

After a debate, the conference decided not to include the call to the managements in its formal declaration, but resolved to send an urgent letter to NPU leaders calling on them "not to enter into agreements with the government which may curtail the rights of competing newspapers"

George Theiner, editor of the influential *International Index on Censorship* — who delivered the conference's keynote address — told delegates "It would be a disgrace if we did not give our fullest support to South African newspapers"

The conference organisers — the World Press Freedom Committee, the IPI and the International Federation of Newspaper Publishers — are presently drawing up the letter of appeal

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SOME of the world's top journalists and publishers are to ask South African newspaper managements not to make a deal with the government which would isolate independent newspapers like the *Weekly Mail*

They have drawn up a condemnation of governments censoring news, and a plan of action for beating restrictions

Called the Declaration of London, it is endorsed by more than 100 of the world's top journalists and publishers, who gathered in London last weekend to plan ways of fighting news censorship

Participants included Lord Ardwick, chairman of the Press Freedom Committee, International Press Institute (IPI) director Peter Galliner, *Reader's Digest* editor-in-chief Kenneth Gilmore, Nicholas Daniloff, the *US News and World Report* correspondent recently expelled from the Soviet Union, and the editors of the *Christian Science Monitor*, Scripps Howard Newspapers, *The Economist*, Associated Press, the *International Herald Tribune*, *El Pais* of Spain, the *Wall Street Journal* and several Latin American and African newspapers

The South African government's unprecedented press restrictions were attacked during the two-day gathering

But South African delegates insisted that the managements of the major press groups be reminded of their responsibilities in defending journalists against pressures from the government

South Africans at the conference included the editor of *The Star*,

(259) (243) (307)
Info: regulations

under review 24/1/87

PRETORIA — In view of speculation in the press regarding possible changes to the regulations prohibiting the promotion of unlawful organisations, the Deputy Minister of Information, Dr C. J. van der Merwe, confirmed in a brief statement that "the situation prohibiting the media from promoting unlawful organisations

is being evaluated."
He added: "No final decision in this regard has been taken."
Dr Van der merwe said that as far as the relaxation of some other emergency regulations were concerned, comments in this regard were "at present pure speculation." — Sapa

Press: powers of police chief argued

24/1/87
Dispatch Correspondent

JOHANNESBURG — The Commissioner of Police did not have the power to act against the media in terms of emergency regulation 7 as he purported to do when he issued the latest press restrictions on January 8, it was argued in the Rand Supreme Court yesterday.

The commissioner's notice and order prohibits newspapers, magazines and periodicals from publishing anything which commends, defends, explains or justifies an unlawful organisation or is calculated to improve or promote their public image and esteem.

The two major press groups have challenged the order and notice on the grounds that the commissioner exceeded his powers and are so vague and unreasonable that they should be declared void and of no force and effect in law

Mr D. Kuny, SC, who appeared for the press, said the notice and order were grossly unreasonable and partial and unequal in that they did not apply to radio or television

He argued that the order should be declared invalid because in making it applicable to the entire country and the self-governing territories the commissioner went beyond the powers vested in him

The commissioner was only entitled to make orders for a specific area, he said, and not for the entire country

Mr Kuny said the commissioner had purported to act against the media in terms of regulation 7 but this was never intended by the enabling Act.

He said the commissioner could not have applied his mind to the implications of the order because if he had it would have been obvious to him that there were whole areas that had nothing to do with the maintenance of public order and the safety of the public

"If this is what he has done he has acted ultra vires.

"He obviously had in mind casting the order and notice as widely as possible because although it followed after the ANC advertisement he has seen fit to sweep every unlawful organisation into the net

"By doing that he has gone way beyond the powers available to him "

Mr Kuny said it appeared the commissioner had not applied his mind to the implications of the order and the loopholes in it

"The commissioner appears to consider himself to be armed with very, very wide powers to stop public debate about any unlawful organisation

"The order and notice are so wide that they have created chaos and confusion in the minds of people about what they may or may not publish "

Mr P C van der Byl, SC, who appeared on behalf of the Minister of Law and Order and the Commissioner of Police argued that regulation 7 (1) (b) was wide enough to allow the commissioner to make the order he had

He said the Commissioner of Police submitted that a Natal decision declaring regulation 7 (d) ultra vires was wrong

Regulation 7 (d) allowed the commissioner to regulate, control or prohibit any matter without giving reasons, any matter which in his opinion was necessary for maintaining public safety or maintenance of law and order The hearing continues on Monday

sunrise

Curbs on reports vague, say Press

By Lesley Cowling

If the Commissioner of Police addressed his recruits on the strategies of the African National Congress (ANC) would he contravene his own order and notice restricting reporting on any actions of an unlawful organisation?

This was discussed in the Rand Supreme Court yesterday during the hearing of The Argus and South African Associated Newspapers (SAAN) challenge to restrictions on the reporting on unlawful organisations

The newspaper groups have asked that the order and notice be set aside and declared unlawful. Mr Denis Kuny SC, counsel for the newspapers, said the order and notice were vague and uncertain, making it difficult for editors to interpret.

He used many examples to prove his point, one of which Mr Justice H Daniels put to counsel for the Minister of Law and Order and the Commissioner Mr P C van der Byl.

Mr van der Byl appeared to have difficulty deciding whether the Commissioner, in addressing his own recruits on the ANC, would be contravening his restrictions preventing the explanation of the strategy of an unlawful organisation.

He said if the explanation was negative to the security of the State, it would contravene the order. If it was positive to State security, it would not. The test to be applied would be what the intention of the explanation was, he said.

Mr Justice Daniels, however, remarked there was still a difficulty in interpretation.

Argument also centred on the meaning of the word "support" in the notice. The notice states that a statement is subversive when it has the effect of inciting or encouraging members of the public to "support" any unlawful organisation.

Mr van der Byl said the meaning the newspapers placed on "support" went too far and to say it meant "sympathy for" was a very unusual meaning.

The newspaper groups have also attacked the order and notice on the grounds that they go beyond the powers vested in the Commissioner by the emergency regulations and are unrea-

Press curbs SASJ fears wave of 'being voluntary' curbs evaluated'

24/11/87
243

Staff Reporter

A NEW wave of "voluntary" press censorship and restrictions could be in the offing, the Southern African Society of Journalists said yesterday

Political Staff

THE emergency restrictions prohibiting the media from promoting unlawful organizations were being evaluated, the Deputy Minister of Information, Dr Stoffel van der Merwe, said yesterday

The warning came in a submission the SASJ made to the Media Council at a meeting in Cape Town

The SASJ urged the council "not to compromise on press freedom issues" during current deliberations between the government, the newspaper industry and the council

In the submission, SASJ president Pat Sidley said she believed the talks could result in further restrictions to the flow of information in the country

Ms Sidley said the SASJ believed in a non-racial democratic society, a prerequisite of which was the right to know what was happening in that society

"Already South Africa has more than 100 statutory limitations on this freedom, not to mention the many other restrictions on civil liberties"

The states of emergency had substantially curtailed the right of people to know

The SASJ feared the current discussions would result either in the establishment of new restrictive mechanisms or in the industry taking over the implementation of existing mechanisms

Ms Sidley said "We are particularly concerned that the NPU will agree to some voluntary form of censorship and that this will involve pressure being brought to bear on the Media Council"

In a statement to Sapa, he said that in view of press speculation over possible changes to the regulations, he could confirm this but "no final decision has been taken"

The Progressive Federal Party spokesman on information, Mr Peter Soal, said yesterday "We welcome this review, but the restrictions should not have been imposed anyway"

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Further press curbs feared

24/1/87

JOHANNESBURG — A new wave of "voluntary" press censorship and restrictions could be in the offing, the Southern African Society of Journalists has warned

The warning came after the SASJ made representations to the Media Council in Cape Town and urged it "not to compromise on press freedom issues during current deliberations between the government, the newspaper industry and itself".

The SASJ met with the chairman of the council, Mr Justice L de Villiers van Winsen, at the council's offices

In the SASJ submission to the council, the society said they believed the talks between the Media Council, the government and the newspaper industry could result in further restrictions to the flow of information in the country

"We stated our concern late last year when the government sought the voluntary co-operation of the NPU and the Media Council in restricting the media further," said the president of the SASJ, Miss Pat Sidely

"Already South Africa has more than 100 statutory limitations on this freedom, not to mention the many other restrictions on civil liberties"

The state of emergency had curtailed the right of people to know what was happening around them.

The SASJ feared the current discussions would result either in the establishment of new restrictive mechanisms or in the industry taking over the implementation of existing mechanisms, Miss Sidely said

"We are particularly concerned that the NPU will agree to some voluntary form of censorship and that this will involve pressure being brought to bear on the Media Council"

DDC-Sapa

Appeal to

24/1/87
Media

Council

CAPE TOWN—The Southern African Society of Journalists made representations to the Media Council in Cape Town yesterday to urge it not to compromise on Press freedom issues during current deliberations between the Government, the newspaper industry and itself.

Representatives of the SASJ presented a statement to the council saying it feared current discussions would result either in the establishment of new, restrictive, censorship mechanisms or in the industry taking over the implementation of existing mechanisms.

'We are particularly concerned that the NPU will agree to some voluntary form of censorship and that this will involve pressure being brought to bear on the Media Council' — (Sapa)

Press curbs are ^{25/11/81} 'absurd' ^{SUNTIMES} lawyer tells ²⁴³ court

DIFFICULTIES posed by the Government's new Press gags were highlighted in the Rand Supreme Court on Friday when two newspaper groups applied to have the Press regulations declared unlawful

The court was told that an affidavit submitted by the Commissioner of Police, General Johan Coetzee, might infringe the gags he had imposed, and that the official SA Law Report's account of an Appeal Court case may have contravened the regulations

The application to have the Press gags declared void was brought by SA Associated Newspapers — publishers of the Sunday Times — and the Argus Group.

Vague

The basis of the application was that the wording of the notice and order issued by Gen Coetzee was either so vague that it could not be interpreted, or so wide that the legislators could not have meant to have given him so much power

The two newspaper groups brought the urgent application to have the Press gags declared invalid after Gen Coetzee had gazetted the restrictions on January 8

The proclamation of the new restrictions was a sequel to the UDF placing advertisements with the two newspaper groups calling on the Government to unban the ANC

The gags make it an offence for editors to allow advertisements or statements to be published which improve or promote the public image or esteem of an unlawful organisation

Addressing Mr Justice Daniels, Mr Dennis Kuny, SC, for the two newspaper groups, highlighted the absurdities of the the new curbs, asking whether news-

ish statements like the following

● Gen Coetzee's affidavit to the court in which he explained the strategy of the ANC, and why it had been necessary to curb the Press

"If a newspaper tonight publishes the affidavit of Gen Coetzee's explanation of the strategy of the ANC, it would be hit by the order," he said

● The SA Law Report coverage of an Appeal Court case involving a cassette recording of Oliver Tambo explaining the policy and aims of the ANC

"Members of the public reading the report could be encouraged to support the ANC, and as a consequence the report and its editors could be subject to heavy penalties, and the report could be seized," Mr Kuny said

● A university lecture on the ANC, even if it were for academic purposes or was in the form of a condemnation

● A call for the release of Nelson Mandela

● Details of the ANC Freedom Charter It had been adopted as the policy of several other organisations which had not been declared unlawful

● A politician saying that he supported the ideals of the ANC but not its violent methods of achieving them

● The Government saying that it was prepared to hold talks with the ANC if it renounced violence

● Overseas Press reports that American Secretary of State George Schultz was to have a meeting with ANC leader Oliver Tambo

Mr Kuny described the situation facing editors of South African newspapers as "one absurdity piled on another" trying to interpret the regulations

The case continues tomorrow



Book tells what Press didn't, says editor

243

By Carina le Grange
The publication of the book "Die Trojaanse Perd" (The Trojan Horse) is an indictment against the South African Press, says one of the book's editors.

Mr Hans Prenaar told The Star this was because the book revealed people's perceptions, experiences and thoughts in a state of emergency in a way not done by the Press.

He said he felt very strongly that the victims of unrest should be able to tell their stories themselves.

"Victims are seldom allowed to tell of their own experience — newspapers often use the excuse that they do

not want to be guilty of incitement as a reason for not reporting on the emotional upheaval caused by unrest," Mr Prenaar said.

Published late last year by Taurus, the title refers to the "Trojan horse" incident in which security force members hidden in an unmarked vehicle opened fire on a mob in Athlone on October 15 1985.

The book consists of a series of interviews with various people — including witnesses to and victims of the incident.

Sources — both Afrikaans and English — were interviewed by Mr Prenaar and Mr Hen Willense, a poet

and lecturer of Afrikaans at the University of the Western Cape. The book is published with apparent disregard for the state of emergency regulations (see separate story).

The result is a response by frustrated South Africans of different colours to what they saw — even before the extension of the first state of emergency to the Cape — as the "silence in all languages" of an Afrikaans newspaper in comparison with that of an English newspaper in Cape Town, according to Mr Prenaar.

He said the book is also the result of a desire to document happenings,

views and actions and to document the recognition of the "hundreds of grassroots organisations" of the United Democratic Front and other movements in the Cape Peninsula as the means and hope to "avoid a permanent police state".

Mr Prenaar writes in the foreword that the book "is no attempt to exploit the Trojan Horse as a symbol of suffering and to blackmail people emotionally for small political gain".

"It is rather intended as an introduction to the processes of thought of the kinds of communities which are, throughout the country, the target of similar misuse by the state."

Afrikaans publishers who take the bull by the horns

By Carina le Grange

Taurus, publishers of "Die Trojaanse Perd" (The Trojan Horse), was launched after the first Afrikaans book was banned more than 10 years ago.

The book was André Brink's "Kennis van die Aand" (Looking on Darkness).

After that no one would risk publishing Brink's next book and three academics of the University of the Witwatersrand, Professor Ernst Lindenbergh, Professor Ampie Coetzee and Mr John Miles, started, as a non-profit-making collective, Taurus.

Today there are three further members. They are fellow academic Mr Gerrit Olivier, Mr Tienie du Plessis a lecturer in graphics at the Pretoria Technikon and Afrikaans journalist Hans Prenaar.

Asked if they expected action to be taken for the daring publication of "Die Trojaanse Perd" in the light of state of emergency regulations, Mr Olivier told The Star "We have been unsure at times whether

er there would be a reaction. We knew we were moving into a dangerous marginal area

"But once we received the material for the book we no longer had any choice. It has been the tradition of Taurus to publish (what other publishers would not). We had a responsibility towards both the public and the people interviewed for the book — they took risks."

About 1 000 copies of the book had been published and sales were going well.

"Taurus started as a reaction against moral censure — but moral censure is also political censure," Mr Olivier said.

He said this had become increasingly clear over the past few years and that a "decision was taken some time ago to publish more political books as the only way to justify our existence."

Last year saw the publication of "Praat met die ANC" (Speak to the ANC) — also a series of interviews conducted by Mr Olivier with Afrikaanser Stel-

lenbosch students and others who either intended to enter into dialogue with the ANC or others who had spoken to the outlawed movement.

It took only six weeks to get the project off the ground and the book published, but Mr Olivier said it was necessary to publish books of this kind as quickly as possible.

"Taurus has now chosen a different direction although it still publishes novels and other books. Today we can see the importance of what we are trying to do," he said.

Mr Olivier said response to the latest book ranged from utter shock over the contents to surprise that such a book could be published.

"Response to the book on the ANC convinced us we should publish more such books as the Afrikaans Press maintains a deadly silence over these issues — the Afrikaans Press is almost a more effective suppression of information than the Bureau for Information," he said.

Newspaper groups resume court challenge

The challenge by South Africa's major English newspaper groups to the latest emergency media restrictions is due to resume in the Rand Supreme Court today.

Argus and South African Associated Newspapers (Saan) last week brought an urgent application against an emergency order restricting reporting on unlawful organisations.

They have asked that an order issued by the Commissioner of Police prohibiting the publication of anything that promoted unlawful organisations be set aside.

The order goes beyond the powers granted to the commissioner by the emergency regulations, the applicants argued.

Mr Rex Gibson, deputy editor of The Star, said

in an affidavit last week that the restrictions made it almost impossible for newspapers to carry on their daily business without a real threat of committing a criminal offence.

The notice would make unwarranted inroads into the public's right to be informed and the likely effect would be to deny South Africans information they needed to make crucial and urgent decisions on their own future, he said.

The newspaper groups have also asked the court to find that an advertisement commemorating the 75th anniversary of the African National Congress — and asking that it be unbanned — was not unlawful.

The Commissioner of Police, General Johan Coetzee, denied the emergency restriction was a reaction to the ANC advertisement.

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2 BUSINESS DAY, Monday, January 26 1987

Police exceeded powers, says Press

SUSAN RUSSELL

THE challenge of Press restrictions, begun on January 8 by two major Press groups, continues in the Rand Supreme Court today.

D Kuny, SC, who is appearing for the Press, said on Friday the Commissioner of Police had gone beyond the powers vested in him by Regulation 7 (1) b (ii) by making it applicable to the entire country and that it should be declared void and of no force and effect in law

Kuny said it appeared the commissioner had not applied his mind to the implications of the order and the loopholes in it

"The order and notice are so wide that they have created chaos and confusion in the minds of people about what they may or may not publish"

PC van der Byl, SC, who is ap-

pearing on behalf of the Minister of Law and Order and the Commissioner of Police, argued that the regulation was wide enough to allow the commissioner to make the order he had.

The regulation allowed him to regulate, control or prohibit any matter without giving reasons, any matter which in his opinion was necessary for maintaining public safety or the maintenance of law and order.

243

technology over the past 133 years, we today are as much committed to our clients as we were in 1853. Still small enough to

Business Day reporter out of detention

MIKE ROBERTSON

BUSINESS DAY journalist Sipho Ngcobo was released from detention on Friday after being held under section 29 of the Internal Security Act for 25 days.

Ngcobo was dropped off by police at *Business Day's* offices on his release from John Vorster Square.

A bag of clothing and a box of his possessions — including 16 notebooks — which were taken when he was detained were returned to him.

Before his release he was asked to sign a statement.

Ngcobo said police still had his contact book, but had said they would give it back to him later this week.

He said that while in detention he had been questioned about articles he had written for the newspaper. In particular police had questioned him about an article on the so-called "comrades", which appeared in *Business Day* on October 30.

Ngcobo said he told police he was blindfolded when taken to the interview

● To Page 2 →

Business Day reporter out of detention

with the "comrades", so he did not know where it had taken place

He had also been accused of being "not just a journalist" but a plant for either the ANC or PAC

When Ngcobo was arrested, police intimated to *Business Day* lawyers it had nothing to do with his journalistic activities.

Later, supplying reasons for his detention, police said in a telex to the lawyers Ngcobo had contravened sections 54 (1) and 54 (4) of the Internal Security Act.

"This belief relates to Ngcobo's contact with terrorists locally and abroad," the telex said

Ngcobo said that when he was freed a policeman joked that he had both good and bad news for him. The good news was he was being released. The bad news was the AWB had taken over the country.

Asked for comment on Ngcobo's account of his time in detention, a pris-

ons spokesman said it was purely a police matter and referred all enquiries to them.

A police spokesman said he could not comment at this stage because he did not have access to that sort of information. He would refer the matter to security police

Commenting on his detention, Ngcobo said the incarceration of journalists, political leaders and trade unionists was so common in our society that "we have lost a sense of weeping"

He would not be intimidated by his detention

Journalists, he said, had never been responsible for the political turmoil in SA.

"We report events as they occur and as accurately as possible."

● From Page 1 ←

Restrictions not discriminatory court told

JOHANNESBURG — An order by the Commissioner of Police restricting newspapers from reporting on unlawful organisations was not unreasonable in discriminating against the print media, it was argued in the Rand Supreme Court yesterday

The court was hearing an urgent application by the Argus Company and South African Associated Newspapers, who are asking that the order and an accompanying notice be declared unlawful

Mr P C van der Byl, SC, for the Minister of Police and the commissioner, argued that the commissioner had the right in terms of the emergency regulations to discriminate

He said that should another section of the media publish reports or advertisements which contravened the order if published by newspapers, that would also be unlawful because of the notice

Mr Van der Byl was answering an argument by Mr Denis Kuny, SC, for the newspapers, who said it was unreasonable to discriminate against newspapers

Mr Van der Byl also argued that the order

and notice were not vague and uncertain. He returned to an example discussed in court last week — the question of whether the commissioner could contravene his own order by addressing his recruits on the ANC

It was heard that the commissioner could not contravene the order because it specifically forbade editors to report on the ANC — and the commissioner was not an editor

The newspaper groups have also attacked the order and notice on the grounds that they go beyond the powers vested in the commissioner by the emergency regulations

Mr Kuny argued that the order restricted newspapers throughout the country, but the emergency regulations granted the commissioner powers only in a "particular area"

"Particular area" referred to parts of South Africa only. It was not in the commissioner's power to make the order so geographically sweeping

Mr Van der Byl argued that "particular area" referred both to parts of the country and South Africa as a whole.

— Sapa

New media curbs so confusing, judge told

243 27/11/87 W/M.

Mercury Correspondent

JOHANNESBURG—The new media restrictions issued by the Commissioner of Police were so confusing that even the legal profession had difficulty in knowing what could be published.

Mr D Kuny SC argued this before Mr Justice Daniels in the Rand Supreme Court yesterday at the conclusion of an urgent application brought by South African Associated Newspapers and the Argus Printing and Publishing Company challenging the regulations.

The Judge reserved his decision until tomorrow.

Mr Kuny said the notice and order issued by the commissioner in terms of the emergency regulations on January 8 were so vague they could not be reasonably understood and acted upon.

The new restrictions prohibit the editor of a newspaper, magazine or periodical from publishing any report or advertisement calculated to improve or promote the public image of an unlawful organisation or commend, defend, explain or justify any of its actions, policies or strategies.

The new restrictions were imposed after various newspapers published an advertisement placed by the UDF, NECC and SACC calling for the unbanning of the ANC.

The application has been made on the grounds that the commissioner exceeded his powers under the emergency regulations.

The Press groups have also asked that the order and notice should be declared void and without force and effect in law because they are so vague and unreasonable that they cannot be understood and implemented.

Mr P C van der Byl SC who appeared for the Minister of Law and Order and the Commissioner of Police argued that the commissioner was entitled to make orders for the entire country.

He said the commissioner was also entitled to act against the media.

Entitled

The fact that the State President had promulgated separate media and security regulations did not mean that he had intended to exclude the power to act against the Press in the other regulations.

Dealing with Mr Kuny's submission that the new restrictions were unreasonable because they acted against newspapers, magazines and periodicals but not against the other branches of the media, Mr van der Byl said the commissioner was also entitled to do this.

He said if an advertisement or report was found to lend support to an unlawful organisation it would be a 'subversive statement' and therefore could not be published by anyone.

Mr van der Byl said the Commissioner of Police was just an official and not a politician who had to see that public order and public safety were maintained.

This was what he was trying to do.

He asked that the application be dismissed with costs.

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CAR Trans 27/11/87
**Delswa profit
up by 150%**

JOHANNESBURG. —

Delswa has lifted after-tax profit more than 150%, from R189 000 to R510 000, in the six months to end-October compared with the same period last year.

Pre-tax profit is up at R975 000 (R363 000) compared with R1,3m for the whole 1985/86 financial year.

The interim dividend has accordingly been doubled from 10c to 20c a share. However, shareholders are warned: "It is unlikely that the total dividend for the year will show a similar rate of increase ..." — Sapa

COM Times 27/1/82
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Media curbs 'confuse even legal profession'

Own Correspondent

JOHANNESBURG — The new media restrictions issued by the Commissioner of Police on January 8 were so confusing that even the legal profession had difficulty in knowing what could be published

Mr D Kuny, SC, argued this before Mr Justice H Daniels in the Rand Supreme Court yesterday at the conclusion of an urgent application brought by South African Associated Newspapers and the Argus Printing and Publishing Company challenging the regulations

The judge reserved his decision till tomorrow.

The new restrictions prohibit the editor of a newspaper, magazine or periodical from publishing any report or advertisement calculated to improve or promote the public image of an unlawful organization or commend, defend, explain or justify any of its actions, policies or strategies

The new restrictions were imposed after various newspapers published an advertisement placed by the UDF, NECC and SACC calling for the unbanning of the ANC

The urgent application has been made on the grounds that the Commissioner exceeded his powers under the emergency regulations

It has also been asked that the order and notice should be declared void and without force and effect in law because they are so vague and unreasonable that they cannot be understood and implemented

Mr P C van der Byl, SC, who appeared for the Minister of Law and Order and the Commissioner of Police, argued yesterday that the commissioner was entitled to make orders for the entire country and not only in a "particular area" He said the commissioner was also entitled to act against the media under Regulation 7

The fact that the State President had promulgated separate media and security regulations did not mean that he had intended to exclude the power to act against the press in the other regulations

Dealing with Mr Kuny's submission that the new restrictions were unreasonable because they did not act against the other branches of the media, Mr Van der Byl said the Commissioner was also entitled to do this

He said that if an advertisement or report was found to lend support to an unlawful organization it was a "subversive statement" and therefore could not be published by anyone

He asked that the application be dismissed with costs

Judgment soon on media challenge

Judgment in the challenge by the Argus Company and South African Associated Newspapers (Saan) to an order and notice restricting reporting on unlawful organisations is expected to be given in the Rand Supreme Court tomorrow.

By Lesley Cowling

The newspaper groups have asked the court to set aside both the order and the notice, issued by the Commissioner of Police in December.

Yesterday Mr Justice H Daniels heard the last arguments from Mr P C van der Byl, SC, counsel for the Minister of Police and the Commissioner, and Mr Denis Kuy, SC, for the newspapers

'TOO WIDE'

The newspaper groups' challenge has been on four broad grounds: that the commissioner is not empowered to issue such an order; that the order is too wide, that both order and notice are grossly unreasonable; and both are vague and uncertain.

On the point that the commissioner had exceeded his powers, Mr Kuy argued that the order restricted newspapers throughout the country, but the emergency regulations on which the commissioner had relied granted him powers only in a "particular area".

"Particular area" referred to parts of South Africa only. It was not in the commissioner's power to make the order so geographically sweeping.

Mr van der Byl argued that "particular area" referred both to parts of the country and South Africa as a whole.

Mr Kuy said the State President had promulgated a separate set of emergency regulations dealing with the media. This implied that orders

to do with the media should be issued in terms of these "media regulations", but the commissioner had used the original regulations to do this.

Mr van der Byl replied that the fact that the State President had promulgated separate regulations for the media did not mean he meant to exclude the power to control the media from the original regulations.

On the point that the order was too wide, Mr Kuy said it was so sweeping that it affected situations that could have no influence on the maintenance of public order.

On the point that the order and notice are grossly unreasonable, Mr Kuy said the order discriminated against the print media; made unwarranted inroads into freedom of expression, and halted a vital debate.

Mr van der Byl said the commissioner had the right in terms of the emergency regulations to discriminate.

INTERPRETATION

On the point that the order and notice are vague and uncertain, Mr Kuy said editors were having a great deal of trouble interpreting the order.

Confusion surrounded the meaning of the word "support". The notice said that a statement was subversive when it had the effect of inciting or encouraging members of the public to "support" any unlawful organisation.

Mr van der Byl said the word had an ordinary and definite meaning

Media curbs baffle lawyers, court hears

243
27/11/87
BUDAPEST

THE new media restrictions issued by the Commissioner of Police were so confusing that even the legal profession had difficulty in knowing what could be published.

Denis Kuny SC argued this before Mr Justice H Daniels in the Rand Supreme Court yesterday at the conclusion of an urgent application brought by South African Associated Newspapers (Saan) and the Argus Printing and Publishing Company challenging the regula-

SUSAN RUSSELL

tions. The judge reserved his decision until tomorrow.

Kuny said the notice and order issued by the Commissioner in terms of the emergency regulations on January 8 were so vague they could not be reasonably understood and acted upon.

The new restrictions prohibit the

editor of a newspaper, magazine or periodical from publishing any report or advertisement calculated to improve or promote the public image of an unlawful organisation or commend, defend, explain or justify any of its actions, policies or strategies.

The urgent application has been made on the grounds that the commissioner exceeded his powers under the emergency regulations.

It also asks that the order and

notice be declared void and without force and effect in law because they are so vague and unreasonable they cannot be understood and implemented.

P C Van der Byl, SC, who appeared for the Minister of Law and Order and the Commissioner of Police, argued yesterday that the commissioner was entitled to make orders for the entire country and not only in a "particular area" as submitted by Kuny.

18/1/87 213

Council to discuss Press restrictions

Municipal Reporter

THE Government's Press curbs are expected to come under attack next Monday during the first meeting of the Durban City Council this year

Ms Margaret Ambler (Essenwood) has called on the council to reject the censorship because the council recognises the needs of its citizens to have the fullest possible infor-

mation on all issues of importance to society'

Several councillors were 'very concerned' about the restrictions, she said

Ms Ambler last month said the mayor, Mr Stan Lange, should resign after he applauded the curbs because 'they have cut down on a lot of necklacings'

The mayor yesterday said he had no comment to make on the council's vote on Monday

Cap Times 29/1/87
Nun charged for charity

247
Own Correspondent

JOHANNESBURG — Operation Hunger has suspended all food supplies to the Northern Transvaal after a nun was found to be charging villagers R2,40 a month for the organization's hand-outs

For their money, villagers received a 12,5kg bag of mealie meal and two cups of soup

Sister Walburga Sehone, based at the Subiaco Mission at Ha-Mothapo, near Pietersburg, admitted charging for the food. She said the money was to help cover the costs incurred in running the programme

A director of Operation Hunger, Ms Ina Perlman, said the organization had never received any money from Sister Sehone. Ms Perlman said it was up to Sister Sehone's superiors to find out what had happened to the cash.

CAP & Times 29/1/87 (scribble) 243

Last scenes on dead man's film

THESE people were among the last to be captured on film by freelance cameraman George De'Ath before he was attacked with pangas while filming fighting between right-wing "witdoeke" and radical "comrades" near the KTC squatter camp last year for Independent Television News

These men appear in the seconds before the film went blank

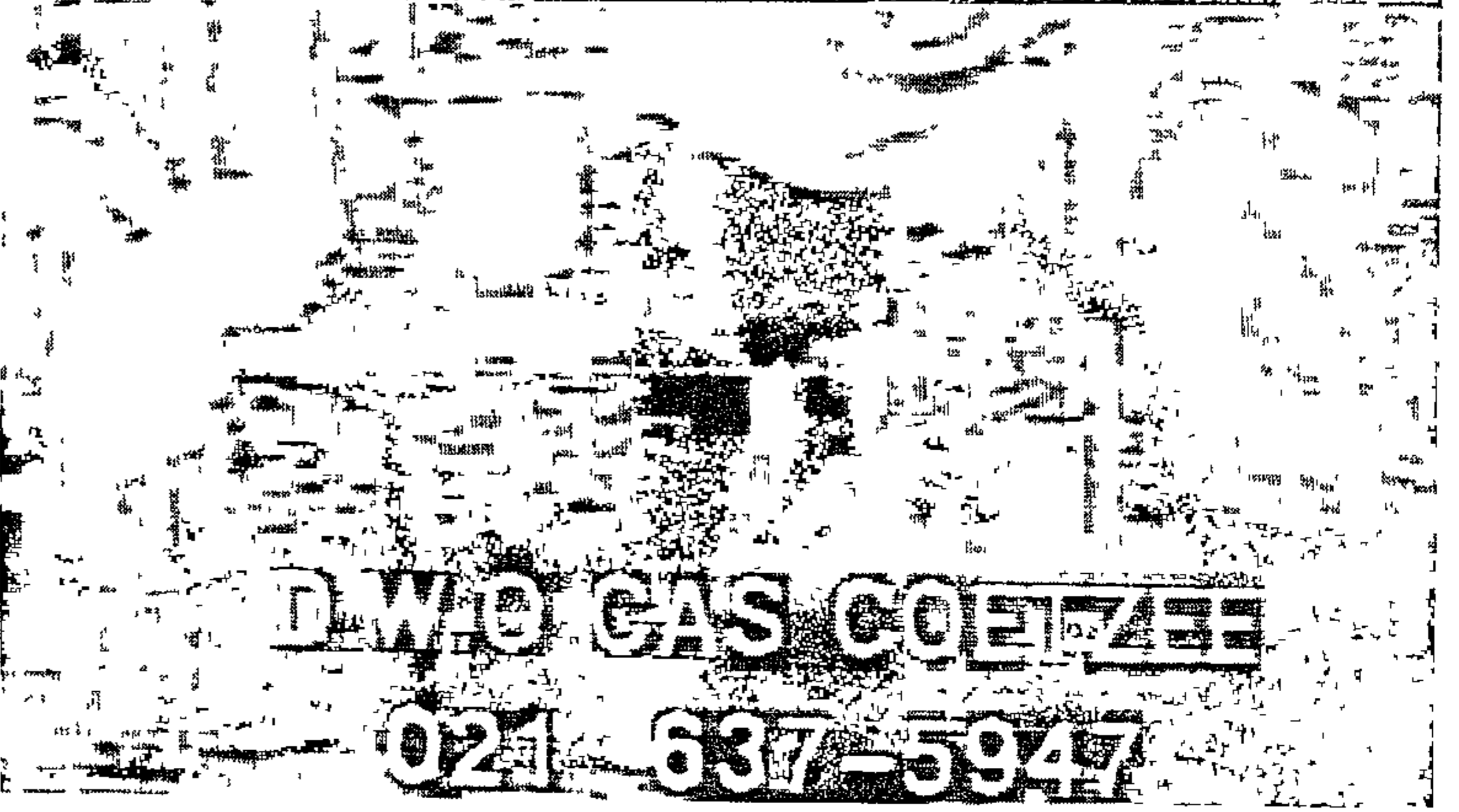
There is nothing to indicate that those shown in the film had anything to do with Mr De'Ath's death, but police believe they may hold vital clues and have asked them to come forward.

There is a reward of R2 000 to anyone supplying information that will help convict the killers

Anyone with information is asked to contact Detective Warrant Officer Cas Coetzee at 637-5948

ITN yesterday donated R25 000 to the Natal Technikon for an annual bursary for a second-year photographic student in memory of Mr De'Ath

the bursary is a gesture to mark the tragic loss of George and a lasting recognition of what he stood for," an ITN representative, Mr Peter Cole, said.



POLICE get wider powers on media

AD 30/1/87

PRETORIA — Wide-ranging powers were given to the Commissioner of Police last night to prohibit the publication of "any matter."

The powers are afforded by amendments to emergency regulations gazetted in Pretoria last night.

"The Commissioner may, for the purpose of the safety of the public, the maintenance of public order or the termination of the state of emergency, and without prior notice to any person and without hearing any person, issue an order not inconsistent with a provision of these regulations, prohibiting any publication, television recording, film recording or sound recording containing any news, comment, or advertisement on or in connection with any matter specified in the order, to be published."

The definition of subversive statement has also been broadened to include the taking part in "any activities of or to join or to support an organisation which is an unlawful organisation in terms of the Internal Security Act, 1982, or to take part in, or to support, any of any such organisations' campaigns, projects, programmes or actions of violence or resistance against, or subversion of, the authority of the state or any local authorities, or of violence against, or intimidation of, any persons or persons belonging to any particular category of person."

The Minister of Law and Order, Mr Adriaan Vlok, said earlier last night the government would promulgate new "enabling" regulations on reports by the media and "amend" other regulations following a decision by the Rand Supreme Court yesterday.

"This is being done because the government is determined that there will be no supportive statements and/or advertisements for terrorist organisations in any way whatsoever," he said in a statement from Pretoria, released by the Department of Information.

In yesterday's court case a country-wide order imposed after several English language newspapers published advertisements commemorating the 75th anniversary of the African National Congress was declared invalid in the Rand Supreme Court.

Two English language newspaper groups, South African Associated Newspapers and Argus, challenged the order issued by the Commissioner of Police on January 8 which prevented newspaper editors from publishing almost anything about the ANC.

But an application to invalidate a notice prohibiting the encourage-

ment of support for an unlawful organisation was rejected.

Mr Justice H. Daniels said the Commissioner had exceeded his authority by issuing the blanket order which included a prohibition on any advert calculated to improve the public image of an unlawful organisation.

Mr Justice Daniels said Regulation 7 (B) gave the Commissioner, General Johan Coetzee jurisdiction to prohibit actions in a "particular area" — and he imposed the prohibition on the whole of South Africa.

Early this morning the Commissioner of Police prohibited the publication of advertisements which defended, praised or endeavoured to justify unlawful organisations' campaigns, projects, programmes or actions.

The order was issued in terms of Proclamation R224 of 1986 as amended in the Government Gazette earlier last night.

The order contained in Gazette number 10605 reads:

"No publisher of a periodical shall publish any periodical containing an advertisement on or in connection with an organisation which is an unlawful organisation in terms of the Internal Security Act, 1982 (Act 74 of 1982), defending, praising, or endeavouring to justify any of such organisation's campaigns, projects, programmes, actions, or policies of violence or resistance against, or of subversion of, the authority of the state or any local authorities, or of violence against, or of intimidation of, any persons or persons belonging to any particular category of persons."

The commissioner also repealed Notice 101 of January 8 which made it subversive to "support" an unlawful organisation.

He furthermore "withdrew" Notice 102 of January 8, the provisions of which were invalidated by the Rand Supreme Court yesterday.

— Sapa

Press victory neutralised by govt

30/11/84
MAX DU PREEZ
Political Correspondent

GOVERNMENT last night published new regulations that neutralise the decision in the Rand Supreme Court in Johannesburg to declare invalid a countrywide order imposed after newspapers published advertisements asking for the unbanning of the ANC.

Law and Order Minister Adriaan Vlok said last night: "Because of the finding that such an order, which was aimed against advertisements concerning the ANC and other prohibited organisations, were in terms of the regulations not authorised, it was decided that in addition to other amended regulations, to also promulgate new enabling regulations.

"This is being done because the government is determined that there will be no supportive statements and/or advertisements for terrorist organisations in any way whatsoever"

Vlok also gave newspapers permission to use editorial comment on the ANC that has appeared in the *Washington Post*, the *Wall Street Journal* and the *New York Post*. In every case the ANC was strongly condemned for its policies on violence.

The country's major English-language Press groups (South African Associated Newspapers and Argus) yesterday won their application in the Rand Supreme Court to have orders issued by the Commissioner of Police on January 9 declared invalid.

● See Page 5

Court upsets order placing countrywide curb on media

By Lesley Cowling

The Rand Supreme Court yesterday set aside an order issued by the Commissioner of Police, General P J Coetzee, in terms of the emergency regulations but upheld the validity of an accompanying notice.

This was the decision of Mr Justice H Daniels in an urgent application brought by The Argus and South African Associated Newspapers (SAAN) against the commissioner and the Minister of Law and Order, challenging the legality of both order and notice.

Mr Justice Daniels also awarded costs — with the exception of the costs of one day — to the newspaper groups.

The order, which applied countrywide, prohibited editors from publishing any advertisement and report calculated to improve the image of any unlawful organisation or any report which explained or defended any unlawful organisation's resistance strategies.

The accompanying notice declared subversive — and therefore unlawful — any statement made by any member of the public which was likely to encourage or incite members of the public to support an unlawful organisation.

The order was issued in terms of the security regulations — the emergency regulations which were promulgated at the start of the second state of emergency.

A second set of emergency regulations, dealing with the media, were promulgated in December last year. The notice was issued in terms of these "media" regulations.

Commissioner exceeded powers

Mr Justice Daniels yesterday ruled that the commissioner had exceeded the powers granted him by the security regulations. He had made the order applicable to the whole of South Africa, which he was not empowered to do.

The regulation in terms of which the order was made — regulation 7(b) — empowered the commissioner to forbid the actions of any person in a "particular area", he said.

But this did not mean the entire Republic.

He said it appeared to him that the State President had intended regulation 7 (b) to grant the commissioner the power to control situations that might arise in a definite area or district.

He rejected an argument by Mr P C van der Byl, SC, for the commissioner, that "particular area" referred both to definite areas within South Africa and the entire Republic.

Having invalidated the order on those grounds, it was not necessary to go into the other arguments about the order's lawfulness, he said.

But, he said, on the face of things it seemed to him the order would also be invalid because the commissioner was not empowered by security regulation 7 to make censorship provisions. Controls on the media were provided for by the media regulations.

The judge rejected the newspaper groups' argument that the notice should be set aside because it was vague and uncertain.

He said the notice was not concerned with the objects of unlawful organisations but with the unlawful organisations themselves.

It was quite easy to determine what unlawful organisations were, he said.

It was, therefore, quite clear what the notice referred to.

In determining what "supporting" would be, he said the ordinary meaning must be given to the word, defining it as "to actively promote the interests of", "stand by" or "back up".

He could not say with conviction that the whole notice was too vague and could only set a regulation aside if it created substantial uncertainty.

The commissioner had acted within the scope and limitations of the regulations. There was no reason to believe and no evidence submitted that the commissioner had acted in bad faith, Mr Justice Daniels said.

● The Star yesterday reported that Mr Justice Daniels "dismissed the newspapers' submission that the ORDER was so vague as to be incapable of reasonable interpretation". This was incorrect. It was the notice that the judge was referring to. He did not refer to the question of vagueness in relation to the order at all. The Star apologises for the error.

Argus 30/1/87

Commissioner of Police gets wider power over Press

Political Staff

THE Commissioner of Police was given even wider powers as South Africa's new chief censor in a late-night Government Gazette last night

They were given to him in reaction to a court ruling yesterday that he had exceeded the powers given him in terms of the emergency regulations when he sought to muzzle the Press.

The Argus and South African Associated Newspaper, Press groups had won a Rand Supreme Court action in which the judge declared a wide-ranging order by the Commissioner to be invalid

USED NEW POWERS

With the Commissioner's latest powers barely three hours old, he used his new authority to prohibit the publication of any advertisements in connection with an unlawful organisation defending, praising or endeavouring to justify any of such organisations' campaigns and actions of violence or resistance against the State

The new order only affects the publication of advertisements, but the sweeping powers which have now been conferred by the State President on the Commissioner of Police, authorised him to impose publication control in respect of

any matter which he may determine.

Law and order spokesman for the Progressive Federal Party Mrs Helen Suzman said the issuing of new restrictions on the media was typical of the Government

She said "The Government is always complaining the world moves the goal posts, but the Government changes the rules of the game

"Every time it loses a case in the courts of law it uses the simple and totally-undemocratic expedient of issuing a new decree

"It doesn't even have to go to Parliament to get approval for amending the law More and more we move into an era of an automatic regime"

AT THE READY

Mrs Suzman added it was significant the new regulations were printed and at the ready in anticipation of an unfavourable decision for the Government in the law courts

"This sort of action not only undermines the authority of Parliament, but makes a mockery of the courts of law," she said

Media lawyer Mr Paul Jenkins said today "These actions by the Government have the

(Turn to Page 3, Col 6)

CML Times 30/1/87

Order on SAAN, Argus invalid

243
~~227~~

JOHANNESBURG. — A countrywide order imposed after several English-language newspapers published advertisements commemorating the 75th anniversary of the African National Congress was declared invalid in the Rand Supreme Court yesterday.

But an application to invalidate an accompanying notice prohibiting the encouragement of support for an unlawful organization was rejected.

Two English-language newspaper groups, South African Associated Newspapers and Argus, challenged the order issued by the Commissioner of Police on January 8 which prevented newspaper editors from publishing almost anything about the ANC.

Mr Justice H Daniels said the commissioner had exceeded his authority by issuing the blanket

order which included a prohibition on any advert calculated to improve the public image of an unlawful organization.

Mr Justice Daniels said General Johan Coetzee derived his powers from Regulation 7 (B) under the Emergency Regulations which gave him jurisdiction to prohibit actions in a "particular area" — and he imposed the prohibition on the whole of SA.

"The real question is whether any particular area means a definite and fixed area," he said.

Counsel for the commissioner, Mr Piet van der Byl, argued that South Africa and its territories were a "particular area" and fell within the regulations. He submitted the section contained no limitation in size and area.

The newspaper groups' lawyer, Mr Denis Kuny, said the commissioner was unreasonable when he imposed the order on the whole of South Africa.

"The State President has imposed some limitation on the area by the use of the word 'particular'," Mr Justice Daniels said.

The State President did not grant the commissioner "carte blanche", he said.

"The only logical conclusion is that any particular area must be interpreted as an area distinguished from others and something less than the Republic of South Africa."

Having invalidated the order on those grounds it was not necessary to consider other arguments about the order's lawfulness. He was of the opinion that the relevant regulations were never "intended to be used to impose censorship on the media".

The "technical victory" was described by a newspaper lawyer as "a case where the court has fulfilled their proper function of protecting the public against the abuse of power by the executive".

"The Commissioner's powers to impose censorship in terms of security regulations and also to regulate other matters on a countrywide basis has been severely circumscribed," Mr Paul Jenkins said.

The notice extended the definition of "subversive statement" to mean a statement likely to incite a person to support an unlawful organization.

SAAN and Argus sought to have the notice invalidated because it was vague and uncertain.

Mr Justice Daniels found there was "nothing uncertain about the notice", and there was no reason to believe the commissioner had acted beyond his powers in respect of the notice.

"This prohibition, now that it has been interpreted by the court as meaning 'to promote the interests of an unlawful organization', doesn't to my mind differ markedly from the prohibition contained in the Internal Security Act Section 13 which made it an offence to advocate, advise, extend or encourage the achievement of any of the objects of an unlawful organization," the lawyer said. — Sapa

Govt takes wider power over media

NM 30/1/87

PRETORIA—Wide-ranging powers were given to the Commissioner of Police last night to prohibit the publication of 'any matter'.

The powers are contained in amendments to emergency regulations gazetted in Pretoria.

In reaction, a Johannesburg newspaper lawyer Mr Paul Jenkins said the commissioner had now been given carte blanche to decide on what may be published in South Africa and had been 'elevated to the country's chief censor'.

The powers are afforded by the sub-regulations inserted into Regulation 3 of Proclamation 224 of December 11, 1986.

Control

The Commissioner may, for the purpose of the safety of the public, the maintenance of public order or the termination of the state of emergency, and without prior notice to any person and without hearing any person, issue an order not inconsistent with a provision of these regulations, prohibiting any publication, television recording, film recording or sound recording containing any news, comment, or advertisement on or in connection with any matter specified in the order, to be published.

The effect of this is that the Commissioner had been empowered to determine what matters shall be subject to 'publication control' and which may only be published with the permission of a Cabinet minister or the Interdepartmental Press Liaison Committee, Mr Jenkins said.

The definition of a subversive statement has also been broadened to include the taking part in 'any activities of or

to join or to support an organisation which is an unlawful organisation in terms of the Internal Security Act, 1982, or to take part in, or to support, any of any such organisations' campaigns, projects, programmes or actions of violence or resistance against, or subversion of, the authority of the State or any local authorities, or of violence against, or intimidation of, any person or persons belonging to any particular category of person.

Last night's Government Gazette Number 10599, contains six amendments to Proclamation R224, but most of them entail technicalities.

The new powers follow a Supreme Court decision to declare invalid a country-wide order imposed after newspapers published advertisements asking for the unbanning of the ANC.

Later last night the Commissioner of Police prohibited the publication of advertisements which defended, praised or endeavoured to justify unlawful organisations' campaigns, projects, programmes or actions.

The order was issued in terms of Proclamation R224 of 1986 as amended in the Government Gazette earlier last night.

The order contained in Gazette number 10605 reads:

'No publisher of a periodical shall publish any periodical containing an advertisement on or in connection with an organisation which is an unlawful organisation in terms of the Internal Security Act, 1982 (Act 74 of 1982), defending, praising, or endeavouring to justify any of such organisation's campaigns, projects, programmes, actions or policies of violence or resistance against, or of subversion of, the authority of the State or any local authorities, or of violence against, or of intimidation of, any persons or persons belonging to any particular category of persons.'

The Commissioner also repealed Notice 101 of January 8 which made it subversive to 'support' an unlawful organisation.

He furthermore 'withdrew' Notice 102 of January

• TURN TO PAGE 2

Wider powers

• FROM PAGE 1

8 - after the provisions of which were invalidated by the Rand Supreme Court yesterday.

Mr Justice Daniels ruled that a countrywide order by the Government, after several English-language newspapers published advertisements commemorating the 75th anniversary of the African National Congress, was invalid.

Two English-language newspaper groups, the Argus and South African Associated Newspapers challenged the order issued by the Commissioner of Police on January 8 which prevented newspaper editors from publishing almost anything about the ANC.

An application by the two groups to invalidate an accompanying notice prohibiting the encouragement of an unlawful organisation was rejected.

Mr Justice Daniels said the Commissioner had exceeded his authority by issuing the blanket order which included a prohibition on any advert calculated to improve the public image of an unlawful organisation.

Mr Justice Daniels said Gen Johan Coetzee derived his powers from Regulation 7 (B) under the Emergency Regulations which gave him jurisdiction to prohibit actions in a 'particular area' — and he imposed the prohibition on the whole of South Africa.

The real question is whether any particular area means a definite and fixed area, he said.

Counsel for the Commissioner, Mr Piet van der Byl, argued that South Africa and its territories were a 'particular area' and fell within the regulations. He submitted the section contained no limitation in size and area and the fact that he chose the largest area did not invalidate the order.

The newspaper groups' lawyer, Mr Denis Kuy, said the Commissioner was unreasonable when he imposed the order on the whole of South Africa.

'The State President has imposed some limitation on the area by the use of the word "particular", Mr Justice Daniels said.

SAAN and Argus sought to have the notice invalidated because it was vague, uncertain and 'so unjust it could never have been intended by Parliament'.

Mr Justice Daniels found there was 'nothing uncertain about the notice'.

(Sapa)

PRESS WINS CASE

A COUNTRY-WIDE order imposed after several English language newspapers published advertisements commemorating the 75th anniversary of the African National Congress was declared invalid in the Rand Supreme Court yesterday.

Two English language newspaper groups—South African Associated Newspapers and Argus—challenged the order issued by the Commissioner of Police on January 8 which prevented newspaper editors from publishing almost anything about the ANC.

Mr Justice H Daniels said the Commissioner had exceeded his authority by issuing the blanket order which included a prohibition on any advert calculated to improve the public image of an unlawful organisation.

"LET THE ANC SPEAK", the advert stated in bold capitals and ac-

cused the Bureau for Information and the South African Broadcasting Corporation "of bombarding the people of South Africa with distortions and untruths about the ANC"

Afrikaans language newspapers and the English-language Johannesburg-based *Citizen* newspaper rejected the advertisement.

Powers

Mr Justice Daniels said General Johan Coetzee derived his powers from Regulation 7 (B) under the emergency regulations which gave him jurisdiction to prohibit actions in a "particular area" — and he imposed the prohibition on the whole of South Africa.

Newspaper lawyer Paul Jenkins said the whole ANC debate could now be resumed.

He also said the judgment on the order had wide implications for a number of organisations, including the order preventing the National Education Crisis Committee from discussing "people's education".



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Sowetan 30/1/87.

ees **New press** curbs after judgment

By MAX DU PREEZ

THE government last night gazetted new regulations neutralizing yesterday's decision of the Rand Supreme Court declaring invalid a ban on advertisements concerning the African National Congress (ANC)

Mr Justice H Daniels said yesterday that the Commissioner of Police had exceeded his authority by issuing the blanket order of January 8 which included a prohibition on any advert calculated to improve the public image of an unlawful organization

Two newspaper groups, South African Associated Newspapers and Argus, challenged the Commissioner's orders preventing the publication of almost anything about the ANC

The Minister of Law and Order, Mr Adriaan Vlok, said in a statement last night "Because of the finding that such an order, which was aimed against advertisements concerning the ANC and other prohibited organizations, were in terms of the regulations not authorized, it was decided that, in addition to other amended regulations, to also promulgate new enabling regulations

"This is being done because the government is determined that there will be no supportive statements and/or advertisements for terrorist organizations in any way whatsoever."

Sapa reports that the powers are afforded by the following sub-regulations inserted into Regulation 3 of Proclamation 224 of December 11-1986

"The Commissioner may, for the purpose of the safety of the public, the maintenance of public order or the termination of the state of emergency, and without prior notice to any person and without hearing any person, issue an order not inconsistent with a provision of these regulations, prohibiting any publication, television recording, film recording or sound recording containing any news, comment, or advertisement on or in connection with any matter specified in the order, to be published"

The effect of this was that the Commissioner had been empowered to determine what matters shall be subject to "publication control" and which may only be published with the permission of a cabinet minister or the Interdepartmental Press Liaison Committee", a Johannesburg lawyer, Mr

BUSINESS BRIEF

Gold (close)	\$410,00
Rand	\$0,4870/77
FT index (close)	1427,00
BD 100	2126,00

To page 2

From page 1

Paul Jenkins, said The definition of subversive statement has also been broadened to include the taking part in "any activities of, or to join, or to support an organization which is an unlawful organization in terms of the Internal Security Act, 1982, or to take part in, or to support, any of any such organizations' campaigns, projects, programmes or actions of violence or resistance against, or subversion of, the authority of the state or any local authorities, or of violence against, or intimidation of, any persons person or persons belonging to any particular category of person"

Mr Vlok's staff also last night phoned newspapers to announce that the minister had given permission to publish selected comments from the Wall Street Journal, New York Times and New York Post — all condemning the ANC's stand on violence

The copies of the articles were provided by the minister's department and were prominently used on SABC-TV news last night The government has previously turned down requests from newspapers to publish reportage and comment on the ANC's policies and activities

An editorial in the Wall Street Journal quoted ANC leader Mr Oliver Tambo saying "The killing of white civilians would have the beneficial effect of getting white people used to bleeding"

The New York Times quoted Mr Tambo as saying "When blacks learn that a white has died in the violence that has become a common feature of the South African political situation — that kind of thing comes like a drop of rain after a long drought."

Order on SAAN, Argus invalid, page 7

ees

New press curbs after judgment

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Order on SAAN, Argus invalid, page 7

2/3
N/M
3/1/87

SAAN chief warns Govt of dangers of new curbs

Mercury Correspondent

JOHANNESBURG—The new Government restrictions issued on Thursday night to override the Rand Supreme Court ruling declaring invalid an order issued on January 9 by the Commissioner of Police are not in the interests of South Africa

That is according to the managing director of South African Associated Newspapers, Mr Stephen Mulholland, who cautioned the Government yesterday that it was ill-advised in taking steps of

this nature

'I think it is in the interests of the country to have an informed public. The dangers of the public not having confidence in its sources of information is one which any society should avoid, particularly a society in the circumstances in which South Africa finds itself today,' Mr Mulholland said

He could not say whether newspaper groups would challenge the new restrictions because he was still studying them

Prof David McQuoid Ma-

son, Professor of Law at the University of Natal in Durban, criticised the wide powers given to the commissioner as being literally 'police-state type of legislation'

'No longer do we have Parliament making these laws,' he said

'Basically the chief commissioner is acting as the chief censor'

Prof McQuoid Mason said it was important for people to realise that they were reading censored news

'Listeners do not realise how much propaganda gets across on radio and television'

The professor said the viewing public was exposed to 'selective' quotes from speeches given by public figures such as Oliver Tambo and Archbishop Desmond Tutu

Justice 'must be open or risk abuse'

MARITZBURG — Where justice was not seen to be open and public there was always the possibility of abuse, Mr Ismail Mahomed SC said yesterday in the Maritzburg Supreme Court

Mr Mahomed was continuing his argument on behalf of the United Democratic Front (UDF) and the Release Mandela Campaign (RMC) in their action challenging the emergency regulations before Mr Justice Page and Mr Justice Galgut

"The fact that there is an emergency accentuates the need for justice to be seen to be done openly," Mr Mahomed said

Commenting on the fact that newspapers could report only on judgments in court cases relating to detainees under the emergency, Mr Mahomed said that when it came to matters of how judicial administration worked and what procedures the court should follow, the judiciary guarded vigorously and jealously its rights

Amendments to the emergency regulations — promulgated on Thursday night — demonstrated that the government had made concessions to the arguments of the UDF and the RMC challenging their validity, he said

Referring to the clause prohibiting any attack on the government, Mr Mahomed said that the implication cre-

ated "a classic illustration of a government saying we will tell you what you need to know but our opponents cannot"

He told the court that this made "a sheer mockery" of democracy

In terms of the regulations it meant that any opposition spokesman needed permission to attack the government outside parliament, but government spokesmen did not, he said

Because the regulations empowered only members of the government to speak, and because this did not extend to the "self-governing territories", spokesmen such as Chief Mangosuthu Buthelezi could not comment even in his own Legislative Assembly

This effectively excluded blacks from criticizing the regulations while it gave Indian, coloured and white government spokesmen the right to do so, he said

Making reference to the clause which prohibited the photographing or video recording of security force action, he said that it merely protected the unlawful actions of the police from the public gaze

"Such protection and secrecy must have been beyond the contemplation of parliament," he said

The hearing was provisionally adjourned until February 9 — Sapa

Carte Tom's
31/1/87

Paper launches one man, one vote 'election'

JOHANNESBURG — The Johannesburg newspaper, The Sowetan, said yesterday it would hold its own "election" and, in a leader page article, called on all South Africans to vote for the 10 people they believed should govern the country

Headlined "ONE MAN ONE VOTE" and "At last YOUR chance to choose your OWN govt" the article said the announcement of the date of the election continued the "centuries-old tradition of white domination"

Three million voters were eligible to vote this year, but 26 million South Africans would be ignored, the article said

"The Sowetan is leaping beyond apartheid, beyond all forms of racism and partition We ask every South African — black and white, young and old, male and female, urban and rural — to pick the 10 people they believe should be governing"

"The top ten names will be the people that South Africans want to entrust with the government of this country The person with the highest votes will be the one South Africans believe should be heading the government"

The "ballot" will run concurrently with the "white" elections — "So we can effectively show what is possible in relation to what is in fact happening in our country now"

"On the day that the results of the white elections are announced, we will also announce the results of the Sowetan's Ballot Box" — Sapa

Jo'burg journalist still in detention

Political Reporter

Business Day has had no response from the police to its appeal for the release of one of its journalists, Mr Siphon Ngcobo, the newspaper said today.

The acting editor of *Business Day*, Mr Mike Acott, said lawyers had asked the Commissioner of Police, General Johan Coetzee, to intervene, but there had been no response.

At the time of going to press a Pretoria police spokesman said he could not confirm the *Business Day* request.

Mr Ngcobo was detained on Monday under Section 29 of the Internal Security Act.

The detention has been condemned by International Federation of Journalists, the Media Workers Association of South Africa and the Progressive Federal Party.

~~2/2/87~~ 2/3 2/2/87

Lawyers slam new press curbs

JOHANNESBURG —

The legal fraternity has slammed the sweeping new powers granted to the Commissioner of Police on Thursday, saying they deprived citizens "of another safeguard against abuse by the state

The commissioner's new powers were given to him in reaction to a court ruling that found he had exceeded his powers under the emergency regulations when he sought to muzzle the press

A spokesman for Lawyers for Human Rights said it had almost been expected the government would refuse to abide by the Supreme Court decision and would issue new regulations to circumvent them

He said this was a weakness in the constitutional system as Parliament could do as it pleased

The chairman of the General Council of the Bar of South Africa, Mr H P Viljoen, SC, said it was a matter of "deep regret" that the government had found it necessary to curb the independent reporting of factual occurrences in such a drastic manner.

— Sapa

Lange blocks vote against Press curbs

Municipal Reporter

DURBAN Mayor Stan Lange, whose defence of Press censorship led to a city council resolution opposing the curbs, blocked voting on the resolution last night by voting twice on the issue

An amendment by Deputy Mayor Henry Klotz, calling the curbs a matter of national politics which the council should not discuss, produced a 13-13 tie

The Mayor, whose vote as a councillor resulted in the tie, then used his mayoral prerogative as a tie-breaker, making the vote 14-13

Had he not voted, the result would have been 13-12 against the resolution, after which the council would have voted on Councillor Margaret Ambler's resolution opposing Press curbs and recognising 'the needs of its citizens to have the fullest possible information on all issues of importance'

Councillor Peter Mansfield (Glenwood) said 'People in almost every country in the world know more about what is going on down the road in the townships of this city than you do'

Mr Mansfield, who was not present for the final vote, said the Mayor's earlier statements applauding the Press curbs made a farce of the amendment claiming the matter was outside the council's sphere

Councillor Neil MacLennan (Durban North) said 'If anybody believes the state of emergency does not affect the city, he should take his head out of the sand'

Councillor Gys Müller (Grosvenor/Brighton Beach) said the Press had 'fantastic freedom'

Lange sets his own Press curbs

W/m (243) 4/2/87
Municipal Reporter

THE Mayor of Durban, Councillor Stan Lange, who blocked a city council motion condemning the Government's Press curbs this week, set conditions for making Press statements last night.

'When the Press wants a statement from me I will give it to them in writing and I will demand that they don't only take selective portions of it in print but print it in full,' said Mr Lange

'And unless I get a guarantee from editors that the full explanations of why I make certain statements will be printed, then I will not make a statement, because when I have a conversation with people, only selective statements are taken which very often give a false impression'

Asked if that was an indication that the Press had

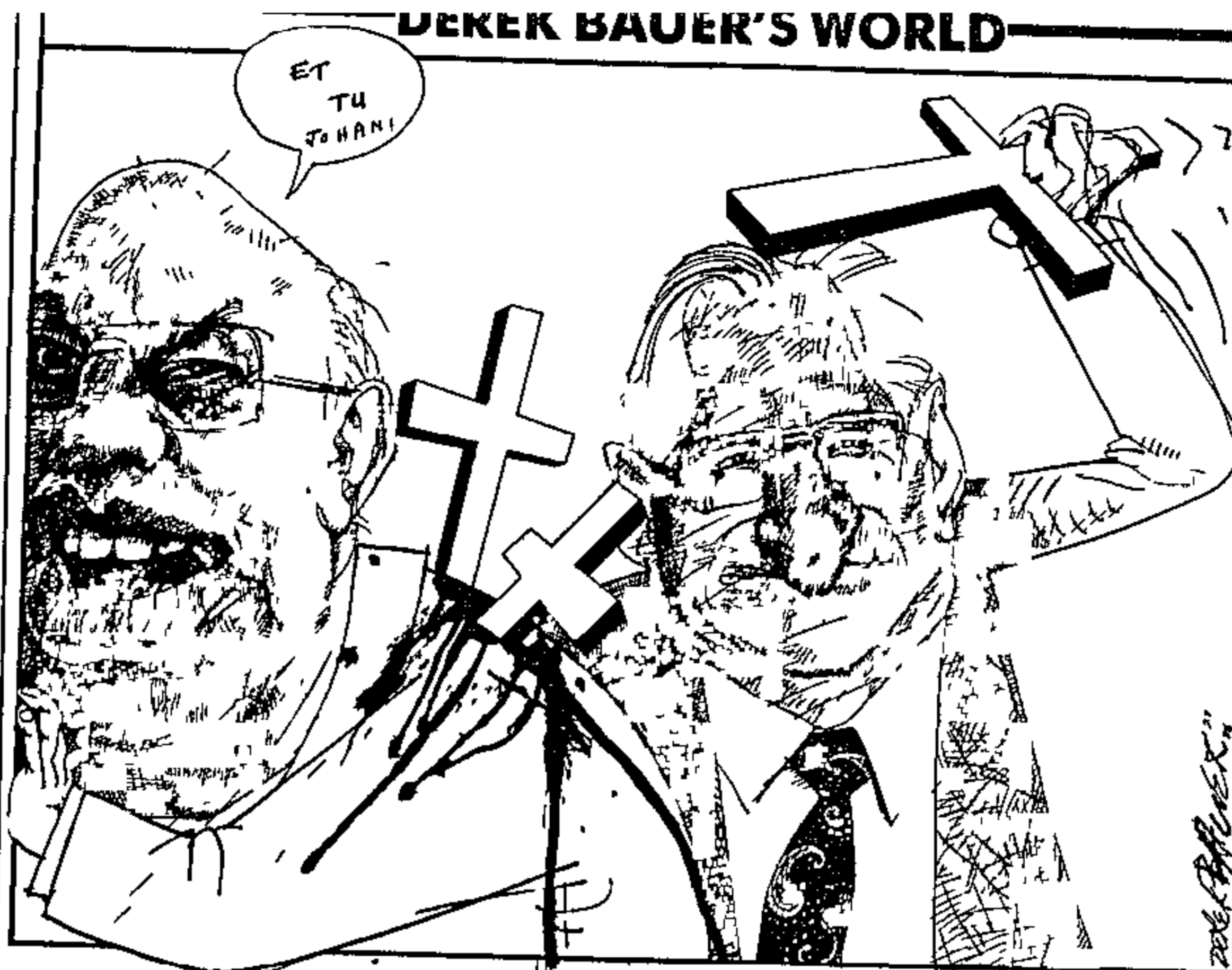
misquoted his views on the advisability of Press censorship, Mr Lange replied 'No further comment whatsoever'

Discussing the Mayor's casting vote which blocked the move to censure the Government for the curbs, Councillor Margaret Ambler (Essenwood) said it was 'extraordinary' that Mr Lange had voted twice in favour of an amendment which was in effect a vote of censure for his earlier behaviour

And as the vote had been initiated by his comments on how Press curbs cut down on necklacings, he should have recused himself from the chamber and been replaced by the Deputy Mayor, she said

'I'm very concerned that the Mayor remained in the chair and supported the amendment by Deputy Mayor Henry Klotz which, frankly, in the end, was censuring him'

● See Editorial Opinion



W/Mail

LETTERS

30/1-5/2/87

Saan's Mulholland hits back at Raymond Louw

THERE are several aspects of Raymond Louw's article on the media (WM, Dec 19) which call for comment. I will address them in the order in which they appeared.

1 His tendentious allegation that members of the Newspaper Press Union (NPU) considered their stakes in M-Net in their response to the government's requests is, as far as my company is concerned, totally without foundation. At no stage did this issue arise. As one of our company's representatives at the meetings, I can assure Mr Louw that at no stage did consideration of our stake in M-Net cross my mind.

2 Licences to transmit television broadcasts are always issued, or withdrawn, by governments. This is not peculiar to South Africa. I would be interested in learning from Mr Louw how we might acquire a stake in TV broadcasting without a licence to trade from the government.

3 Yes, we do try to avoid "outright confrontation" with the government and we do so in an effort to preserve as much freedom of the press as possible. As Mr Louw is well aware, our efforts to promote the Media Council as an alternative to new legislation are not new. This was done when Mr Louw held a senior position in our company.

4 His suggestion that the NPU "hurriedly" adopted its stance on refusing exemption after protests by journalists is, again, completely without foundation. Right from the first time we were given a *precis* of the government's new regulations we rejected exemption outright and remained consistent in this approach throughout.

5 There is a curious conflict between Mr Louw's statement that newspapers must be profitable, his hand-wringing over the closure of the *Rand Daily Mail* and his carping over the publishers' attempts to earn profits out of TV to subsidise newspapers. Exactly what does he want?

6 Again I find confusing his implied criticism of what he calls the "Argus-dominated partnership(s) in Cape Town" contrasted with his praise for the *Cape Times*. What seems to escape him is that without the Joint Operating Agreement (JOA) in Cape Town, the *Times* would have gone the same way as the *RDM*. Incidentally, I firmly believe the *RDM* could have survived as a profitable entity in a Johannesburg JOA. These JOAs have existed in the USA for decades saving many financially weak papers from closure. He seems also to think there is

something sinister in appointing an editor-in-chief in PE. There are plenty of models for this arrangement all over the world.

7 I dismiss with contempt his view that SA Associated Newspapers (SAAN) "has retreated into its own conservative laager". The pretentious left of journalism is as uncomfortable with a variety of views as the right. Our editors are free to pursue their editorial policies which span a diversity of views. If you doubt this, ask them.

8 Mr Louw makes reference to the "English press (revelling) in bloody editor scalping". If my memory serves me the only editors removed from their jobs in the English press in the past decade have been A Sparks (fired) and R Gibson (retrenched) at the *RDM* and K Owen (transferred in company and subsequently reappointed at *Business Day*). Hardly a bloodbath — on Fleet Street they change them monthly.

9 Mr Louw says our publications accepted the latest media curbs "with hardly a whimper" and that this was "an outstanding example of the media relaying their master's voice". There is a great weight of evidence, including Supreme Court action, which refutes this.

It is sad to see a professional journalist whom I once admired sink to such depths of mendacity as has Raymond Louw — Stephan Mulholland, SAAN managing director, Johannesburg.

Raymond Louw replies: I will respond point by point.

1 & 2 I said M-Net was the "unmentioned consideration" during meetings between the NPU and the government. I am surprised Mr Mulholland insists that its potential as an instrument of influence in the hands of an authoritarian government has not occurred to him, as it has to other members of the NPU. He appears to have some realisation of how the government views granting permission to the newspaper industry by his acknowledgement (Point 2) of the need for government licencing to acquire a stake in TV. The benefits given to *Nasionale Pers* by the newspaper groups for persuading the government to grant that favour is an indication that circumstances here are different to those in the US and Britain.

3 When I was a member of the executive of the NPU, I objected to the way the government forced the Media Council on to the press. I objected to arming the council with the power to impose excessive punishment (R10 000 fines, etc), but was overruled in attempts to avoid "outright confrontation"

with the government. However, one of my suggestions was accepted: that the council's constitution be amended to include the objective that it uphold and maintain press freedom.

4 I did not discuss the issue of "exemption", but wrote about the NPU's acceptance of the government's view of the "revolutionary onslaught" and its lame statement a few days later that the Press had to be treated as a whole.

5 There is no conflict if it is understood that influence can be exerted on someone who accepts favours from others. *The Star's* Code of Ethics puts it this way: "All staff must decline special favours and treatment which could be construed as obligating them to a news source or aimed at influencing their treatment of news." The government's granting of the favour of M-Net on special conditions could be so construed.

6 I proposed a form of joint operation involving the *RDM* in 1968 and was disappointed when it came to naught. The current JOAs are different and undesirable because they are dominated by one company and have all the characteristics of monopoly rather than sharing costly production facilities. As for SAAN's PE operation, I made no comment on the merging of operation under an editor-in-chief for whom I have the highest regard. If there are any "sinister" aspects they appear to be in the thinking of Mr Mulholland.

7 At least one foreign correspondent in a recent report shares my assessment of the change in the *Sunday Times's* political character. I am, however, delighted at the implication that Mr Mulholland has relinquished the controlling position of editor-in-chief of *Business Day* and *Financial Mail*, which he declared he would retain when he became SAAN managing director.

8 The reference to "editor scalping" was made as a comparison to what happens in the Afrikaans press which "launders dismissals with sideways promotions". As Mr Mulholland is sensitive on the issue I suggest he delve into the history of the *RDM*.

9 These remarks were directed at the Afrikaans press. However, if Mr Mulholland feels that they apply to SAAN, so be it.

● Letters should be posted to Weekly Mail Letters, PO Box 260425, Excom 2023, Johannesburg. Letters must include a full name and address, even where a pseudonym is to be used. The Weekly Mail reserves the right to edit letters for clarity or length.

STAR WITNESS IS DETAINED AT INQUEST

By MATHATHA
TSEDU

THE inquest hearing into the death of journalist Makompo Lucky Kutumela got off to a dramatic start yesterday when a security policeman walked into court and arrested a star witness under emergency regulations.

The detained man is Mr Kgalabe Kekana, a trade unionist and a regional organiser of the Media Workers Association of South Africa (Mwasa)

He was to testify as a family witness in the inquest hearing being held at Mokopane Magistrate's Court.

The station commander at the Mokopane police station was testifying when Mr Kekana, who had been sitting outside court, dashed into court with the security policemen in hot pursuit

A scuffle ensued and family advocate Mr Dikgang Moseneke applied for an adjournment of the hearing

The magistrate, Mr M B Mabuza, granted the adjournment and the security policeman, who identified himself as Sergeant Gouws of the security police, informed Mr Moseneke that he was detaining Mr Kekana "under the Internal Security Act in terms of the state of emergency" He said he did not need a warrant for the arrest.

Earlier in the morning a Lebowa police constable had been stopped by the family at-

torney from arresting Mr Kekana, who, he said was needed for another case related to the inquest He left after being told the case had been withdrawn in the Pietersburg Regional Court in November last year

Contempt

Mr Moseneke addressed the court after the adjournment and said it was "totally unacceptable that the police should walk in and cause a scuffle in court. It amounts to a contempt of court as they could have requested an adjournment or guarded all entries to make sure the witness could not es-

cape This is going to impair our preparation for this matter as he is going to be needed to testify."

Counsel for the police, Mr J A Wessels, concurred with Mr Moseneke, but said he did not know "at this stage" whether it was a contempt of court "as we do not have all details".

Mr Kekana was arrested with Mr Kutumela on April 4 last year and was to have testified in the hearing He was detained by members of the South African Defence Force two weeks ago and released two days later without being charged

An ominous date. An ominous topic

THE National Press Union will meet the Cabinet next week — on Friday 13 — for discussions expected to have far-reaching consequences for South African journalists.

The meeting is a follow-up to tense negotiations between the two parties at the end of last year. Discussions broke down when members of the NPU could not agree on whether to enforce self-censorship in order to escape the government's envisaged press restrictions directed at the alternative press.

In retaliation, the government promulgated the far-reaching December 11 Emergency press curbs, which applied to all media.

A date was set for a follow up Cabinet-NPU meeting, and, responding to pressure, the NPU announced it would examine ways of "beefing up" the Media Council to enable it to police newspaper reports on unrest and security matters.

Today, two months later, industry sources said very little had changed. The same issues remained on the negotiating table, and press sources reported strong indications that ideological differences could split the NPU and Conference of Editors.

President PW Botha told parliament on Wednesday the Emergency press curbs would be lifted "tomorrow" if members of the NPU

We may never learn why the government chose the first Friday 13th of 1987 as the appropriate date to meet major newspaper publishers to discuss the thorny issue of press 'discipline'. But whether accident or design, the symbolism is uncomfortably appropriate

would discipline themselves

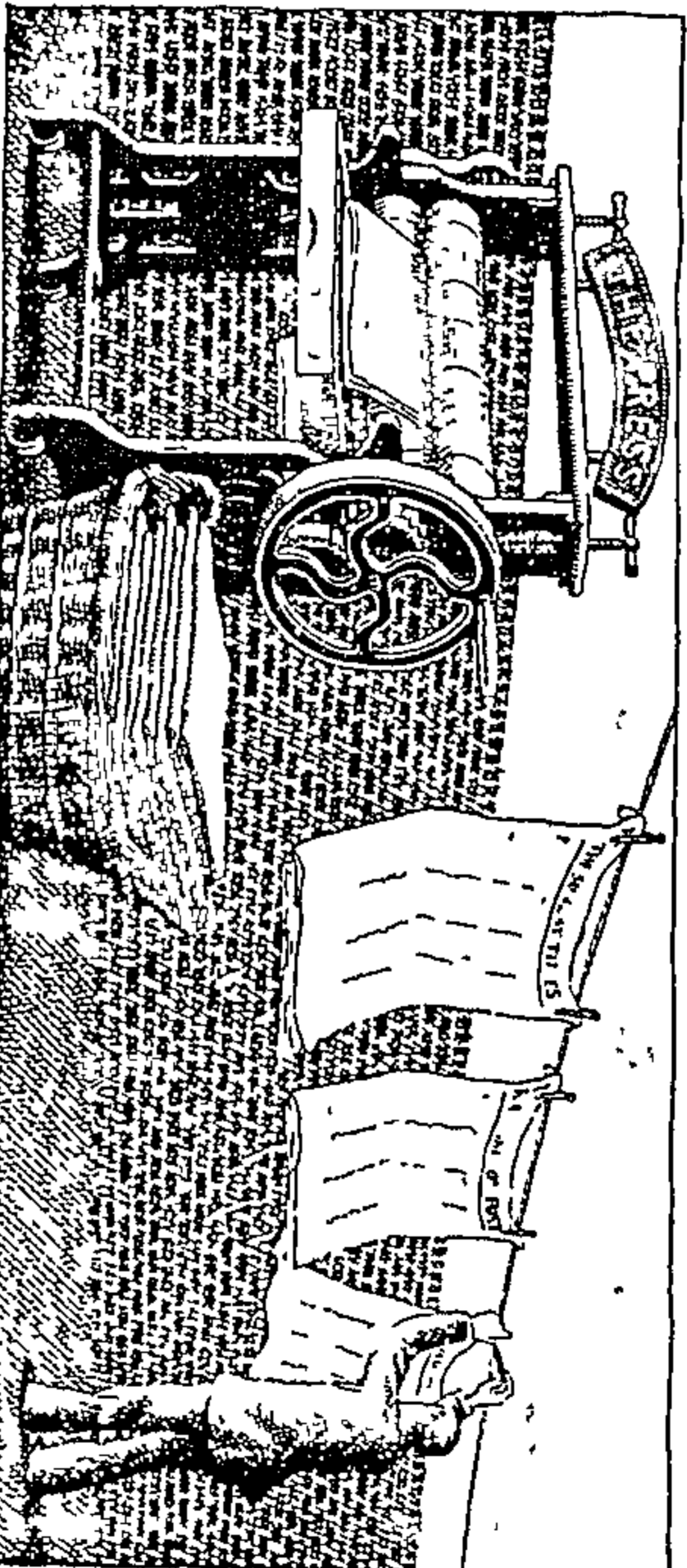
He said he had made the offer to newspaper managers, but they had "come up against their own editors" and had finally rejected the offer.

Some press sources confirm a rift between English and Afrikaans newspaper companies over the question of self-censorship.

However, others consider a serious split unlikely when weighed against the NPU's commercial considerations. The four major newspaper groups which comprise the Union — Saan, Argus, Nasionale Pers and Perskor — have highly interlaced interests in M-Net, advertising and newsprint.

Industry sources have outlined a number of likely scenarios.

One theory is that the NPU will endeavour to appease the government by putting into practice the Media Council's ability — which is already written into its constitution — to prosecute and discipline newspapers of its own accord.



Tomorrow's news? Sanitised and well-rinsed

Although the Council publicly declares its independence, sources say both the government and the NPU wield sufficient power over members to ensure it toes the line.

Others say if the Media Council is indeed "beefed up", the Friday 13 meeting may see a revival of the government's threat to make non-NPU newspapers — the independent or alternative press — subject to additional restrictions.

However, it would appear a body of

in both the English and Afrikaans-language press holds it to be unwise to keep giving in to the government's demands to hit at the independent press, in the fear they will be next.

Some sources speculate that the government will not go further than the Emergency media powers issued in December and January. Others still fear the introduction of a register of journalists which will make it illegal for anyone to practise as a journalist without

2543

Those who won't be present (but won't be forgotten)

Not a single representative of the 'alternative press' will attend next week's meeting — but chances are they will rank high on the agenda
JO-ANN BEKKER reports on recent developments in the emerging press

INDEPENDENT newspapers and agencies, loosely described as the alternative press, are burgeoning in the midst of an unprecedented state clampdown on information

The operations, often small and financially precarious, have found a ready market at home and abroad. But the more successful they become, the more they risk retaliatory action from the authorities

This week Bureau for Information chief Stoffel van der Merwe accused the alternative media of "masquerading as journalists" when they were in fact "promoting a revolutionary cause"

Already, the alternative press has been hard-hit under the nationwide Emergency. Zwelakhe Sisulu, editor of the Southern African Catholic Bishops' Conference weekly *New Nation*, has been in detention for two months, during a crucial stage in the paper's development when it switched from a fortnightly to weekly schedule

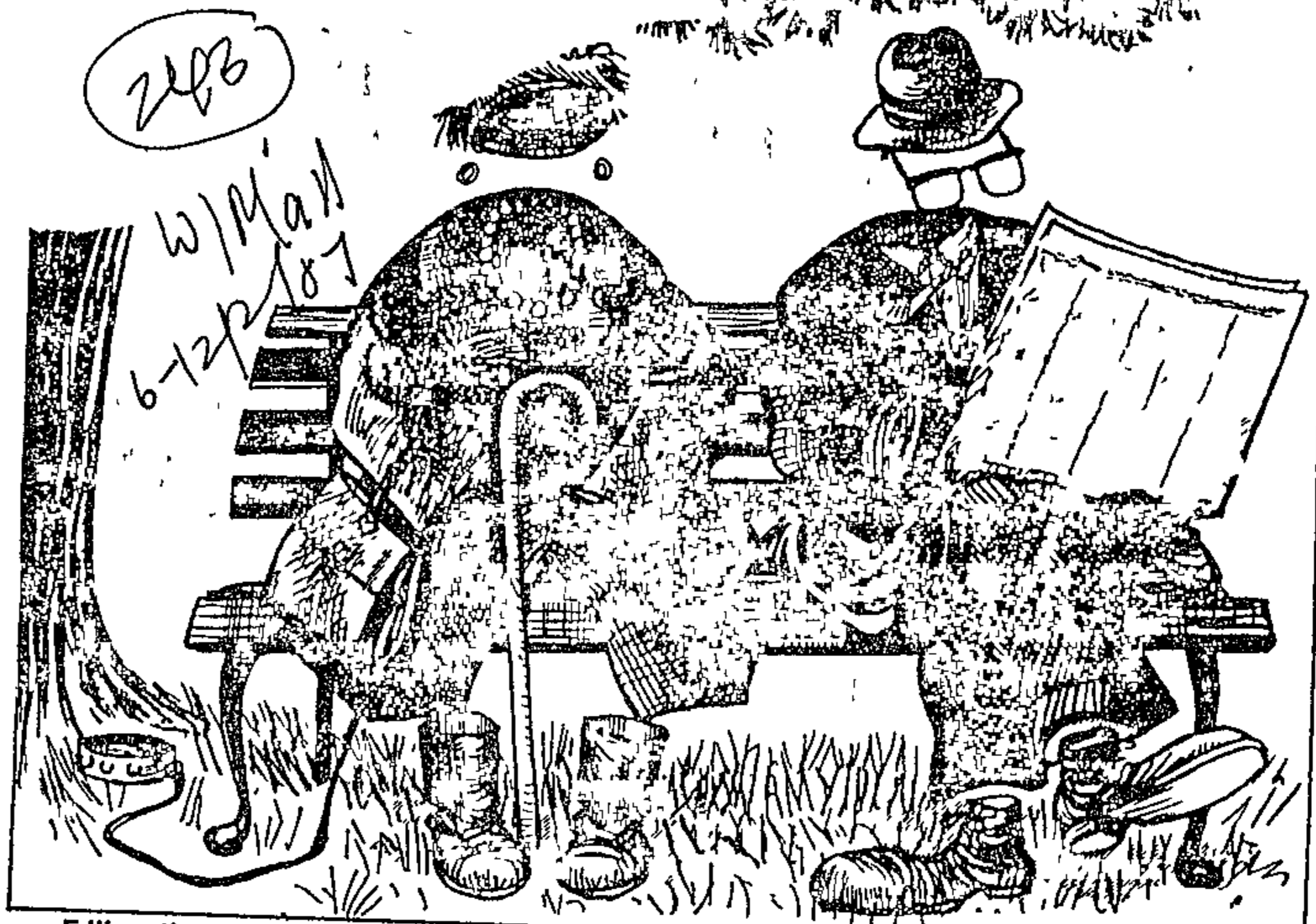
Mike Loewe and Eric Linda, who ran an independent news agency called *Vukani*, were held under Emergency regulations for three months last year. Loewe was restricted from working as a journalist on his release, but after legal action the restriction was withdrawn on December 12

The day after the Emergency was decreed, unsold copies of the *Weekly Mail* were seized. Police later included the *Mail* and *New Nation* in a list of newspapers barred from publicising certain UDF campaigns

Other alternative media suffered mysterious attacks. The building housing the national student newspaper *Saspu National* was fire-bombed last June, destroying typesetting and printing equipment. The Port Elizabeth news agency *Ecna* was burgled and all its papers stolen

The phrase "alternative press" is woolly enough to embrace operations with almost nothing more in common than their small staffs and shoe-string budgets

The range extends from slick glossies like Denis Beckett's



Filling the gaps: the invisible people who seldom appear in the mainstream press



Alternative flash: a Tops letterhead

RAPE - THE CRIME AGAINST WOMEN

Women are raped everyday — in fact, 200 women in South Africa get raped everyday. Poor! There are only young women who get raped. But babies as young as six months old and women of 60 years old get raped. Every woman lives with the fear of rape at her side.

WHAT IS RAPE?
 In South Africa the law says that rape is when a man forces his penis into a woman's vagina when she doesn't want to have sex. But women don't have the law does not say enough. The law must change.

WHY MEN RAPE
 People think that men rape because they cannot stop themselves. Men are not like that. Men have to do with sex — rape is about power and fear.

Some men told us this story:
 "There's a friend who rapes. Once I got out of the car he said to me, 'I'm sorry, but I had to do it. I was raped by another man in the end and he..."

inside page from *Learn and Teach*, a magazine aimed at new readers

Frontline, through 'heavyweight' academic journals like *Work In Progress*, to the polemical pamphlets hand-distributed by various political organisations

Some notable new newspaper titles are

The trade union tabloid *Cosatu News*, launched with an advantage other publishers can only envy an instant circulation of 200 000. The state seems aware of the giant readership two issues have been published and both were speedily banned

The country's oldest black newspaper, the Natal Midlands Catholic newspaper *UmAfrika*, revitalised and relaunched late last year

Despite the ill omens hanging over the press, the first issue of *South*, a new weekly newspaper for the Western and Eastern Cape started by restrenched staffers of the defunct *Cape Herald*, is due to go on sale at the end of the month

Editor Rashid Sena described *South* as a newspaper for the black working class — "a market ignored by mainstream newspapers" — planning to train a top team of investigative reporters "We aim to be as broadbased as possible, reflecting the views of all non-racial progressive organisations and will maintain an independent editorial policy"

A striking new development has been the number of news agencies formed in recent months to cover news in particular areas

Three are in the Eastern Cape. East London News (*elnews*), started by former Daily Dispatch staffer Franz Kruger in May last year to "fill a huge gap in reporting in the Border area". Today it serves both alternative and mainstream newspapers and has expanded to a three-person news bureau

"It was a bit of a gamble, but East London seems to be precisely the place to do it," Kruger said. "We are able to move in areas and tackle things which bigger news agencies aren't able to do"

East Cape News Agency (*Ecna*), formed as an alliance of Port Elizabeth's freelance journalists last October. It serves a number of

newspapers, agencies and radio stations

Loewe, who began working through *Ecna* after his restriction order was withdrawn in December, said the agency was not "alternative to anything, but a full-blooded news agency aiming to provide reliable, accurate and independent service to the public and fill the frightening silences on the part of the mainstream press"

Albany News Agency became operational this month. It covers news in Grahamstown and the surrounding area and has informal links with certain staff and students at the journalism school at Rhodes University

Concorde News Launched in Durban four months ago, essentially as a training project and loosely associated with the local Technicon Sympathetic working journalists provide assistance and guidance

Two new press agencies have been set up in Johannesburg

The Other Press Service (*Tops*) — started barely a month ago by *City Press* veterans Monto Badela, Chris Vick and David Niddrie, and already one of the country's most prolific news outfits

Tops aims to supply reports — specifically about the country's working class — to a "chronically unserved" local and overseas market. *Tops* also assists other organisations with media production

Agenda News (South African bureau) — run by David Niddrie, is a branch of Howard Barrell's well-established Harare-based agency, which in many ways set the pattern which the others now follow.

Key press
trial starts
this week

By MOIRA LEVY

A SIGNIFICANT press freedom case which will test the scope of legislation curtailing the right to report on any police action begins in the Cape Town Regional Court next week

Cape Times journalist Tony Weaver faces four charges of contravening Section 27(b) of the Police Act during his coverage of a shootout in Guguletu last March, in which seven alleged African National Congress guerrillas were killed

found guilty of reporting "untrue matter" about security force actions, Weaver faces a maximum penalty of 20 years in jail and a fine of R40 000. The onus is on him to prove he took "reasonable steps" to ensure the information was true

Weaver's trial is believed to be the third trial under Section 27 (b), and the first where a journalist is charged for material published overseas. His prosecution stems from an interview he gave to the BBC in which he reported the mothers of two Guguletu victims believed their sons were shot by the police. They believed the police then planted weapons on the men and claimed they were ANC guerrillas to justify the shooting.

Weaver told the BBC "The families of both insist that neither of them have ever been involved in politics of any sort, and that both were on their way to try to find work — they were unemployed — and that both men had never been involved in any kind of ANC activity, and not even activity of any political grouping in South Africa.

Both sets of parents believe — they are obviously extremely bitter about what has happened — they believe that their sons were set up, the whole thing was a set up. This was their feeling and obviously we have no proof of that."

Weaver's case is significant in that his defence could hinge on how he could be expected to take reasonable steps to establish whether the feelings expressed by the parents of the victims were true or untrue.

In April last year Juliette Saunders, a reporter on the Eastern Province Herald, was found guilty of contravening the act in a report giving eye witness accounts alleging members of the security forces had used sjamboks and fired teargas and rubber bullets at a funeral crowd.

She has lodged a notice of appeal against her conviction and sentence of R100 or 20 days' imprisonment. The Herald's editor, JC Viviers, was found not guilty.



Press rejects PW's guidelines offer

DD 2/2/87
PRETORIA — Newspaper editors have rejected as "self-censorship" the State President, Mr P W Botha's offer to lift the press curbs provided the press agrees to adopt government guidelines for reporting

"Newspapers worthy of the name cannot enter into cosy private arrangements with the government to censor news," the editor of The Star, Mr Harvey Tyson, said yesterday

Reacting to Mr Botha's statement in Parliament on Thursday that the press curbs would be "lifted tomorrow" if the press accepted the guidelines, Mr Mr Tyson said

"The Star's view is well known and has been outlined several times before the government cannot expect The Star to connive with it to suppress news of which the government does not approve"

Government sources said yesterday "the ball is now in the newspapers' court" following Mr Botha's statements, but the editor of Business Day, Mr Ken Owen, said newspaper editors could not be expected to "censor themselves"

"I believe that if the government wishes to censor the news it must do so itself, Newspaper editors cannot be expected to censor themselves in terms of guidelines which lack the force of law," said Mr Owen

The editor of the Cape Times, Mr Tony Heard, said "Guidelines mean self-censorship"

"If the established South African press connives at the destruction of the alternative press — which in the clear object of the State President's statement — it would destroy what remains of the credibility of the established press," he said

"Guidelines mean self-censorship, and there is enough of that already" — Sapa

The Media Council

THE South African Media Council is an independent body established to deal with various matters affecting media reporting and comment.

South Africa ~~1977~~ 1978
One of the council's functions is to receive and act upon complaints from members of the public who have not been able to get satisfaction by approaching a newspaper or other news

media directly. Complaints must relate to published editorial matter and should be lodged within 10 days of publication. But late complaints may be accepted if good reasons can be advanced. 9/2/87

The address is: The Conciliator/Registrar, SA Media Council, P.O. Box 5222, Cape Town 8000. Telephone: (021) 46-7317. Inquiries are welcomed.

A dismal record of Press censorship

RK66's 10/2/87 (243) (A)

THE latest restrictions on the press in South Africa have, justifiably, been given great prominence in Europe and America.

They are denounced as yet another blow to individual liberty and freedom of expression

But when, I wonder, will those who protest so loudly turn their attention to the rest of the continent

With a few honourable exceptions, notably Senegal and Botswana, the press throughout black Africa is under strict government control and serves only the interest of those in power

The least deviation from the "revolutionary path," the slightest allusion to ministerial corruption or the expression of a timidly dissenting opinion invariably brings a harsh reprisal

Thousands of editors, journalists and writers have been imprisoned, some have simply vanished. Here, almost at random, are some examples of what black journalists are up against.

■ **Nigeria** — Dele Giwa, editor-in-chief of *Newswatch*, was killed by a letter bomb on October 9, 1986. The sophisticated nature of the bomb and Dele's encounter with State Security officers shortly before his death led

most Nigerians to suspect the government itself

■ **Malawi** — Jonathan Kuntumbila, chief editor of the *Daily Times*, and two senior journalists of the Malawi news agency, Sunday Kuwale and

GEORGE AYITTEY, a Ghanaian assistant Professor of Economics at the University of Bloomsburg, Pennsylvania, looks at dismal record of restrictions on the Press in independent Africa.



Paul Akomenji, have been in jail for more than a year for publishing a statement by President Banda's official hostess, Cecilia Tamanda, that "men cannot do without women" which she later denied

■ **Zimbabwe** — In 1981 the editor of the *Umtali Post* was dismissed on Robert Mugabe's orders after she questioned the presence of North Korean military instructors

■ **Cameroon** — Officers of the National Documentary Centre, the country's secret police, detained journalists and seized publications it deemed "detrimental to public order" In the 1960s there were 15 newspapers in the Cameroon, today only one remains

■ **Kenya** — In March 1986, more than 20 people were arrested in a new wave of detentions without trial under the Preservation of Public Security Act.

■ **Liberia** — The newspaper *Footprints Today* has

ceased publication following threats from the security police. The offices of another newspaper *The Daily Observer*, were burned down last May, apparently by government agents

■ **Ethiopia** — Martha Kumsa, who wrote for the Oromo-language newspaper *Barissa*, remains detained in Alem Bekagne ("End of the World") prison without trial or charges

■ **Zaire** — In March 1986, Amnesty International released a report detailing accounts of arrests, torture and extra-judicial executions by soldiers on February 10, 1985. On the same day Techmala Malembwe, a journalist working for the *Courier d'Afrique* and *Tribune Africaine*, was arrested

■ **Ghana** — Officially editors are free to publish whatever is newsworthy. But as Bafour Ankomah, editor of the independent Ghanaian daily, *The Pioneer*, put it "You publish whatever is newswor-

thy when you want to commit suicide"

In the face of this evidence, some people outside Africa may nevertheless argue that the 1986 Nobel Prize to Wole Soyinka, the Nigerian novelist, play and poet renowned for his attacks on officialdom, demonstrates that freedom of expression still exists

Ironically, anxious to share in the reflected glory, the jubilation over Soyinka's award was led by the very despots and dictators who have discouraged African writers, gagged a once free press and done so much to destroy African culture and tradition

Throughout Africa one constantly hears the slogans "People's Revolution" and "People's Power," but where is the power of the African people to remove a head of state in black Africa

Only six (Obasanjo of Nigeria, Ahidjo of Cameroon, Dhab of Sudan, Nyerere of Tanzania, Senghor of Senegal and Stevens of Sierra Leone) relinquished power voluntarily. Of these, Stevens had ruled for 17 years, Senghor 20, Ahidjo for 22 and Nyerere for 24. All the rest were ousted or assassinated in military coups

True freedom never came to Africa. Its people wanted independence from colonial rule not to be ruled by another set of aliens or black neo-colonialists

A set of figures from the International Press Institute illustrates the situation today. In the 1960s there were more than 300 daily newspapers in Africa, now there are fewer than 140, and nine countries have no newspapers at all

So, when you read of the next iniquity by the Botha government, perhaps you will at least spare a thought for the millions to the north, repressed by their own people in the name of freedom — *The Times News Service*



Govt, Press impasse is an old story

BIDEN
243 10/2/8



● RETIEF

Business Day Reporter

THE impasse between government and the Press is a new chapter in an old story — the struggle waged by newspapers for the past 25 years to avoid having a statutorily controlled Press

The latest round arises from the unrest which led to the state of emergency, and government's desire to curb reports it believes help foster a climate of anarchy and revolution

Its attention this time is mainly directed to the "alternative Press" — smaller newspapers such as *New Nation* and the *Weekly Mail*, which fall outside the four major Press groups. Managements of the major groups are represented by the Newspaper Press Union (NPU). Their newspapers subscribe to the Media Council's code of conduct and are subject to council judgment and discipline

For the past three months, government has been trying to persuade NPU newspapers to submit to self-censorship — in return for which it will exempt them from emergency restrictions — while government will be free to act against smaller newspapers

The NPU has refused, stating that any steps taken by government in terms of emergency regulations must apply to all media

Government, which over the years has threatened direct and permanent Press controls, including a statutory code of conduct, wants the council code strengthened to encompass reporting under the emergency Newspaper managements have resisted, while agreeing council procedures could be amended to facilitate a more rapid handling of complaints

On November 28, President P W Botha said the council's disciplinary procedures were unsatisfactory and needed "pepping up"

After the NPU met government on December 5, Botha said the NPU had agreed that SA was subjected to "a many-pronged but well co-ordinated revolutionary onslaught", but that newspapers' primary function was to inform the public as fairly and objectively as they could

The NPU said the council's mechanisms might need reviewing to take into account the emergency and the revolutionary onslaught. It suggested a meeting with the council and a Cabinet committee

Council chairman Mr Justice van Winsen said he would attend the meeting on December 9 to find out what govern-

ment wanted. As he understood it, Botha's idea of "pepping up" the council involved extending its jurisdiction to deal with matters pertaining to the emergency

It was at this December 9 meeting, the NPU said it had refused special exemption and that it and editors had decided any emergency Press curbs had to apply to all media. Government duly promulgated new emergency Press curbs on December 11

The atmosphere was clouded further by publication in English-language newspapers last month of advertisements calling for the unbanning of the ANC. Additional emergency regulations were issued as a result

Another meeting between NPU representatives and a Cabinet committee under Constitutional Affairs Minister Chris Heunis was to have taken place last Friday. It was cancelled by government when the NPU said its members could not obtain consensus on changing the council's constitution

Botha said as the NPU and editors could not reach agreement, government had no choice but to continue applying Press curbs to all newspapers

SA Associated Newspapers (SAAN) said, in reaction to the breakdown in talks, that it fully subscribed to the principles and purposes of the Media Council, which could play no part in the administration of censorship regulations

SAAN chairman Pat Retief and MD Steve Mulholland said SAAN was committed to the free flow of information. SAAN believed SA citizens could be trusted with the information they needed for the sensible conduct of their lives and had taken legal action against steps which deprived the public of this information

While a free Press could pose problems in a society in a process of transition and subject to attacks by those seeking violent change, SAAN believed its newspapers sought to inform the public in a fair, balanced and responsible way. SAAN editors were vigorous proponents of freedom of information

"We are committed to the indivisibility of Press freedom. We cannot, therefore, entertain proposals that would isolate any section of the media and leave it more vulnerable to official sanctions

"We subscribe fully to the principles and purposes of the Media Council. In particular, we support the principle that self-regulation and observance of a voluntary code of ethics — adjudicated upon by an independent council — is the only acceptable form of promoting the highest possible standards of professional conduct

"It is our wish that the public and the government should make greater use of the Media Council. In order to make it more accessible and to speed up its procedures, we believe that certain amendments to its procedures may be necessary and its resources must be considerably enhanced

"But we believe that, as an independent professional body, it can play no part in the administration of censorship regulations imposed by the authorities. We believe that every channel must be employed to persuade the authorities to abandon resort to censorship"

The Argus Group has adopted a similar stance on the indivisibility of Press freedom and the need for an informed public. It also agreed that Media Council operations could be streamlined to handle complaints more rapidly

The two Afrikaans Press groups, Perskor and Nasionale Pers, have accepted that emergency curbs on the Press are a temporary necessity

Perskor expressed its "absolute faith" in the free speech essential for the survival of democracy, but said free speech did not "include the freedom to trade in distribution of news irrespective of the consequences"

Nasionale Pers MD Ton Vosloo accused English-language groups of changing their attitude to the "revolutionary onslaught". He also attacked them for their claim, through lawyers acting in a legal challenge to the emergency regulations, that it was the English-language newspapers who acted as guardians of free speech and the public's right to know

Vosloo said it was Nasionale Pers which had often had to pull the chestnuts out of the fire when excesses in the English language Press had created provocation and confrontation for the Press as a whole.

● See Comment on Page 6

schowitz. *British, fSw.195

shareholders of R50 million is the five year history of the Company. The value has risen by more than 50% and now stands at R115 million. Operating income for 1986 is not directly comparable with 1985, and at the year-end stands at R11.5 million, an increase of 454% to R6.9 million due to higher sales and lower borrowings and interest payments.

Dividends of 10% from 13.3 cents to 50.6 cents and a special dividend of 10% has been declared.

Shareholders' realised profits on the sale of shares held in the company are 690 S

NUJ: release prisoners

243

~~309~~ DD

10/2/87

JOHANNESBURG — The National Union of Journalists has called on the South African authorities to consider the immediate and unconditional release of "three prisoners of conscience" being detained under the emergency regulations

In a letters addressed to Minister of Law and Order, Mr Adriaan Vlok, the Commissioner of Police, Gen Johan Coetzee, and the Minister of Home Affairs and Communication, Dr J C G Botha, among others, the General Secretary of NUJ, Mr Harry Conroy, said the union was concerned to learn of the plight of journalist Brian Sokutu

"We understand that Mr Sokutu was arrested at home last June and is detained, together with Donovan Nadison and Michael Coetzee, without trial under the State of Emergency regu-

lations currently in force," said the letters

Mr Conroy added that it has been reported that Mr Sokutu and Mr Nadison, a youth church worker, have become ill and were suffering from depression

"The NUJ fights constantly for the right of freedom of expression and feels concerned over the long detention of these three prisoners of conscience

"The ill health of two of them, has undoubtedly been caused by the duration of detention," said the letters

Mr Conroy said the union — which represents over 33 000 journalists in Britain and Ireland — urged that the three men "be granted immediate access to independent medical examination", and hoped the authorities would consider "their immediate and unconditional release" — Sapa

can't think 11/2/87

'If it looks like unrest, it can't be reported'

243

MARITZBURG — If the public arrest of a gang of bagsnatchers looked like an unrest incident to a passerby, the arrest could not be reported by the media, the Maritzburg Supreme Court heard yesterday

This example of what could not be reported was given in argument by Mr Jan Combrink SC, for the State President and the government.

Mr Combrink was responding to an application by the UDF and the Release Mandela Campaign for the new emergency regulations, promulgated on December 11, to be declared null and void

Alternatively the two organizations have asked that key regulations be declared unlawful

Discussing regulations 3(1)(a) and (b), Mr Combrink told the court the State President had the power to prohibit reporting on security action or anything which would appear to a bystander to be security action

'Sensational reporting'

The issue, he said, "Was not over the truth It is concerned with what image is created"

A section of the regulations banning the publication of evidence at judicial proceedings relating to the arrest and detention of a person in terms of the emergency until a final judgment was delivered, was intended to prevent sensational and one-sided reporting, he said

The hearing has been adjourned until April 2

□ A UDF and Release Mandela Campaign challenge to a government order prohibiting newspapers from publishing reports or advertisements which promote the aims of an unlawful organization was withdrawn in court yesterday

The application was withdrawn after counsel for the Commissioner of Police and the Minister of Law and Order conceded the invalidity of the order in the light of a recent Rand Supreme Court decision

However, the UDF told the court it will challenge an order promulgated on January 29 after the Rand Supreme Court decision — Sapa and Own Correspondent

Inquiry told to probe Ball link

PRETORIA — The State President, Mr P W Botha, has instructed the Munnik Commission of Inquiry to ascertain whether Mr Chris Ball was involved in financing the pro-ANC advertisements which appeared in newspapers nationwide on January 11

This was one of the terms of reference gazetted here yesterday for the one-man commission appointed to investigate the advertisement

According to the notice, the commission's terms of reference are

"To investigate and report on.

● "In which newspapers advertisements concerning the ANC appeared on January 8 1987,

● "By whom or on behalf of whom the advertisements were placed and how, how much and by whom or on behalf of whom the newspapers were paid for the publication of the advertisements,

● "What the source was of the funds that were used to pay for the advertisements and whether Mr Chris Ball was involved in the financial arrangements"

— Sapa

17/2/87 09. 1

Argus 13/2/80

243

Papers say 'No' to changing the rules

JOHANNESBURG — There could be no question of unilateral alterations to the code, constitution or modus operandi of the Media Council, heads of the Argus company said in a statement here

Last night's statement, issued jointly by the company's chairman, Mr Hal Miller, and its managing director, Mr P W McLean, said the council was an independent body.

President P W Botha last night called off today's meeting between a Cabinet committee and the Newspaper Press Union to discuss changing the council's rules on the reporting of unrest during the emergency

They were to discuss whether such rules could replace the new Press curbs

INDEPENDENT

The Argus company statement said the council was, "independent alike of the Government, the National Press Union, the Conference of Editors or any other group or individual. It alone can change its form and substance"

"The freedom of the Press is indivisible and one section will not seek exemption through voluntary restraint at the expense of the rest of the Press"

President Botha said the NPU, the Media Council and editorial personnel of the newspapers concerned had been unable to reach consensus on the need for such rules

NO PROGRESS

"It is clear that despite the NPU's initial acknowledgement of the necessity for effective measures to deal with the abuse of the media during the emergency, the media have made no progress in establishing effective procedures to regulate themselves"

"The Government has no choice but to continue with the general implementation of existing media regulations"

Today's meeting would serve no purpose, he said

South African Associated Newspapers said last night "We are committed to the indivisibility of Press freedom. We cannot, therefore, entertain proposals that would isolate any section of the media"

Perskor last night expressed its disappointment with the breakdown in negotiations — Sapa and Political Correspondent

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Volume 3, Number 6 FRIDAY FEBRUARY 13 to THURSDAY FEBRUARY 19, 1987

PW calls off press summit



● PW Botha: Editors put squeeze on NPU

STATE President P.W. Botha last night called off the cabinet committee and the Newspaper Press Union (NPU) only hours before it was due to take place. He said in a statement that the meeting would "serve no purpose".

The government "had no choice" but to continue with the general implementation of the existing Emergency media regulations, he said.

It had become apparent, he said, that the NPU, the Media Council and particularly the editors of the newspapers involved had been unable to reach any consensus on the issues to be discussed at the meeting.

Botha also made it clear that the government would continue to try to find "ways and means of combating the abuse of the media by revolutionary elements" in his statement. Botha

sketched the background to the three meetings between himself, members of the cabinet and members of the NPU on three occasions in November and December last year.

He said that on December 5 NPU representatives had acknowledged South Africa was under a revolutionary onslaught and agreed it was necessary to do everything possible to avoid supporting

● To PAGE 2

P.P.O.

PW calls off press indaba

● From PAGE 1

those who sought revolutionary change. 13/2-19/2/87

They had also noted his suggestion that the Media Council was an unsatisfactory mechanism for press regulation, and were of the opinion that the mechanism had to be improved.

The NPU had set up a committee to study the possibility of amending the Media Council code of conduct.

He said the NPU had been severely criticised by the Southern African Society of Journalists and other "radical organisations".

The NPU later announced that there had been divergent views in consulting their editors as well as representatives of the Media Council.

A further meeting of the NPU and the special cabinet committee had been arranged for today, February 13.

"It has now become apparent that the NPU, the Media Council, and particularly the editorial personnel of the newspapers involved have been unable to reach consensus on this question (of amending the code of conduct).

"It is clear that despite the NPU's initial acknowledgement of the necessity for effective measures to deal with the abuse of the media during the State of Emergency, no progress has been made (by the media) in establishing effective procedures to regulate themselves," he said.

Under these circumstances, the government did not believe a meeting would serve any purpose.

It would, however, keep its channels of communication with the NPU open with a view to finding ways and means of combating the abuse of the media by "revolutionary elements" and of promoting the freer flow of information to the South African public.

PW: emergency press curbs to stay

Dispatch Correspondent

CAPE TOWN — President P W Botha said yesterday that existing press curbs would stay and that he had cancelled a meeting today with the Newspaper Press Union because no progress had been made with amending the format of the Media Council

He said the proposed meeting would not serve any purpose under the circumstances. He and members of the cabinet had met twice with the NPU and senior management of the four main groups last year.

"I gave details of the problems caused by certain publications which were actively promoting the revolutionary climate in South Africa

and indicated that I planned to take action against such publications, but would be prepared to exempt the main SA media from stricter regulations provided they voluntarily adhered to certain guidelines," he said.

The media representatives had acknowledged the country was being subjected to a "multi-dimensional and well co-ordinated revolutionary offensive" and accepted that everything had to be done to avoid supporting revolutionary change.

The press groups had pointed out the Media Council had not been created to handle circumstances that had arisen "as a result of the revolutionary offensive

and the resulting state of emergency"

They felt the mechanism of the council needed to be reviewed. After the second meeting the press groups which had participated in the talks had been severely criticised by the South African Society of Journalists and other radical organisations, Mr Botha said.

At a subsequent meeting between the NPU and a committee of ministers, the NPU and editors had decided that any regulations which might be promulgated by the government to deal with the State of Emergency should be applicable to all media.

"It has now become apparent that the NPU,

the Media Council and particularly the editorial personnel of the newspapers involved have been unable to reach consensus on this question.

"However, certain members of the NPU have issued a statement in which they have indicated that they intend to propose certain amendments to the constitution and rules of procedure of the council.

"It is clear that despite the NPU's initial acknowledgment of the necessity for effective measures to deal with the abuse of the media during the state of emergency, no progress has been made by the media in establishing effective procedures to regulate themselves.

"The government accordingly has no choice but to continue with the general implementation of the existing media regulations.

"The government is, however, prepared to keep its channels of communication with the NPU open with a view to finding ways and means of combating the abuse of the media by revolutionary elements and of promoting the freer flow of information to the South African public," Mr Botha said.

NPU memo page 11

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DD 13/2/87

PUBLISHING

Out of the tunnel

F/M 13/2/87 ~~SA~~ 243

Sceptics may say that newspaper and magazine publishers have merely papered over the cracks in the industry. But as publishers absorb the Audit Bureau of Circulation sales figures for the second half of last year, it's apparent that confidence is creeping back.

For the last three years publishing has been SA's Cinderella. Newspapers and magazines known throughout the country have closed, thousands of staff of the major publishing groups have been retrenched, capital plant has been sold overseas and much has been made of the inroads of the dreaded electronic media into the advertising cake — the food stock of almost every periodical.

In the last three years, the print media have seen bloody internecine competition, a diminishing share of adspend and steeply rising costs. After extensive reorganisation, though, industry leaders see light at the end of the tunnel.

But with three of the big four newspaper groups about to publish year-end figures to the end of March, expectations are rising. Certainly the picture today is very much brighter than it was a year ago.

If you listen to top executives of the major groups, the lessons of the past have been well learned.

What has happened to SA's newspapers — the high profile of the industry — has by and large been a microcosm of worldwide trends. Mass-circulation dailies and Sunday papers have been white-anted by the growth of regional free sheets, which can home in on the Sandton or Sea Point housewife, and by the proliferation of the electronic media — mainly radio and television, which particularly strokes the ego of the advertiser and the advertising agency.

At the same time local publishers were

being hit by unprecedentedly high inflation which caught them all flat-footed. The cost of mass-input newsprint from the two local manufacturers, Sappi and Mondi, was fixed by a long-term contract which guaranteed fixed returns on investment just when the papermakers had commissioned massive — and expensive — new plant.

Dollar-denominated imports like ink and photographic supplies were sent sky high by the falling rand.

And finally, there was increasing competition for the advertising rand, which tempted everyone to make special deals. Just at that time the two major English-language groups, South African Associated Newspapers (Saan) and Argus embarked on a bloody battle for lucrative property advertising in Johannesburg, Cape Town and to a lesser extent in Durban.

"Discounting was rife," says Argus MD, newspapers, Peter McLean. "The cut-throat competition jeopardised our ability to make satisfactory profits." A glance at some financial statements towards the end of the Seventies shows graphic testimony: turnover was rising while earnings were in sharp decline.

The result is history. The *Rand Daily Mail* and *Sunday Express* folded. While Saan launched the specialist *Business Day* it entered into joint production agreements with Argus in Johannesburg, Cape Town and Durban. There were heavy retrenchments in the administrative, journalistic and technical staffs of both groups.

The Afrikaans press escaped the worst of that battle, but it too was feeling the effects of the tougher competition for advertising, particularly from increased television and radio ad time.

The extent of the threat from television in particular is graphically illustrated by a breakdown of total advertising expenditure. In the period from 1980 to the year ended June 1986, television expanded its share of the cake threefold, from just over R70m to R228,5m. In the same period newspapers expanded their share from R122m to R234,9m. Even with magazines and the black press the print media expansion barely

doubled from R180,2m to R355,9m.

And the competition is intensifying. As MD of Media Shop Dick Reed notes, the South African viewer can now tune in to six television services and 30 radio stations. He points out that in 1977 the print media took 79% of total adspend, in 1985 this was down to 57%.

Why then the slowly rising confidence within the print industry? The ABC figures released this week do not at first glance give cause for undue optimism (See *Business*, page 95). Circulations of most of the country's leading publications are slipping again after some modest increases in the first half of the year. There are of course notable exceptions, such as Saan's *Sunday Times* which increased its average circulation in the second half of last year to 490 035, *Nasionale's* unstoppable *Huisgenoot* and Perskor's *Scope*, which seems to be back on a growth curve.

The *Sunday Times* seems set to make more gains. Since November, apart from the holiday period, it has regularly sold more than 500 000 copies a week. One of its major competitors, *Rapport*, has slipped badly in the last two six-monthly periods, falling from 400 733 in the second half of 1985 to 378 643 in the latest. Within the industry there is renewed speculation about the future of *The Sunday Star*, which has never reached its target of 200 000 copies a week and which slipped from 98 180 to 92 676 in the second half of last year.

In the important financial weekly sector *Finansies & Tegniek* (average sales of 15 073) has recovered well from the circulation setback when it changed from monthly to weekly publication to overtake *Finance Week* (14 702). But both are well behind market leader *Financial Mail*, which had average sales in the half year of 31 147,



Media shops's reed ... much more on offer

despite a 50% cover price increase and a tougher line on subscribers who allow subscriptions to lapse.

The more positive aspect comes rather from the major publishing houses' adaptation to new, tougher times. "They seem to have learned some hard lessons," says Reed. "A period of adjustment was inevitable after the complacency, and even arrogance, on the part of the press. I, for one, have confidence in print."

Saan, which has been through a harrowing two years with the closure of two of its titles and large-scale retrenchments, has patently adjusted to its new role as a newspaper service organisation. In the first six months of the current financial year it showed a R8,1m turnaround, from a loss of R4,4m to a profit of R3,6m, the group is on the way to another good half year.

But MD Stephen Mulholland is far from complacent. He's enthusiastic about the savings achieved by joint production with Argus in Durban, Cape Town and Johannesburg and says there are still more areas of co-operation to be explored, without jeopardising either group's editorial independence.

He says that means of improving profitability in the depressed eastern Cape are being examined. *The Cape Times* is producing revenue and is not in jeopardy. The group's real strength is in the Transvaal, where the *Sunday Times* and *FM* maintain their pre-eminent positions in their sectors and *Business Day* is profitable.

"The newspaper industry has travelled a long, hard road," says Mulholland. "But we're still here — and we're here to stay."

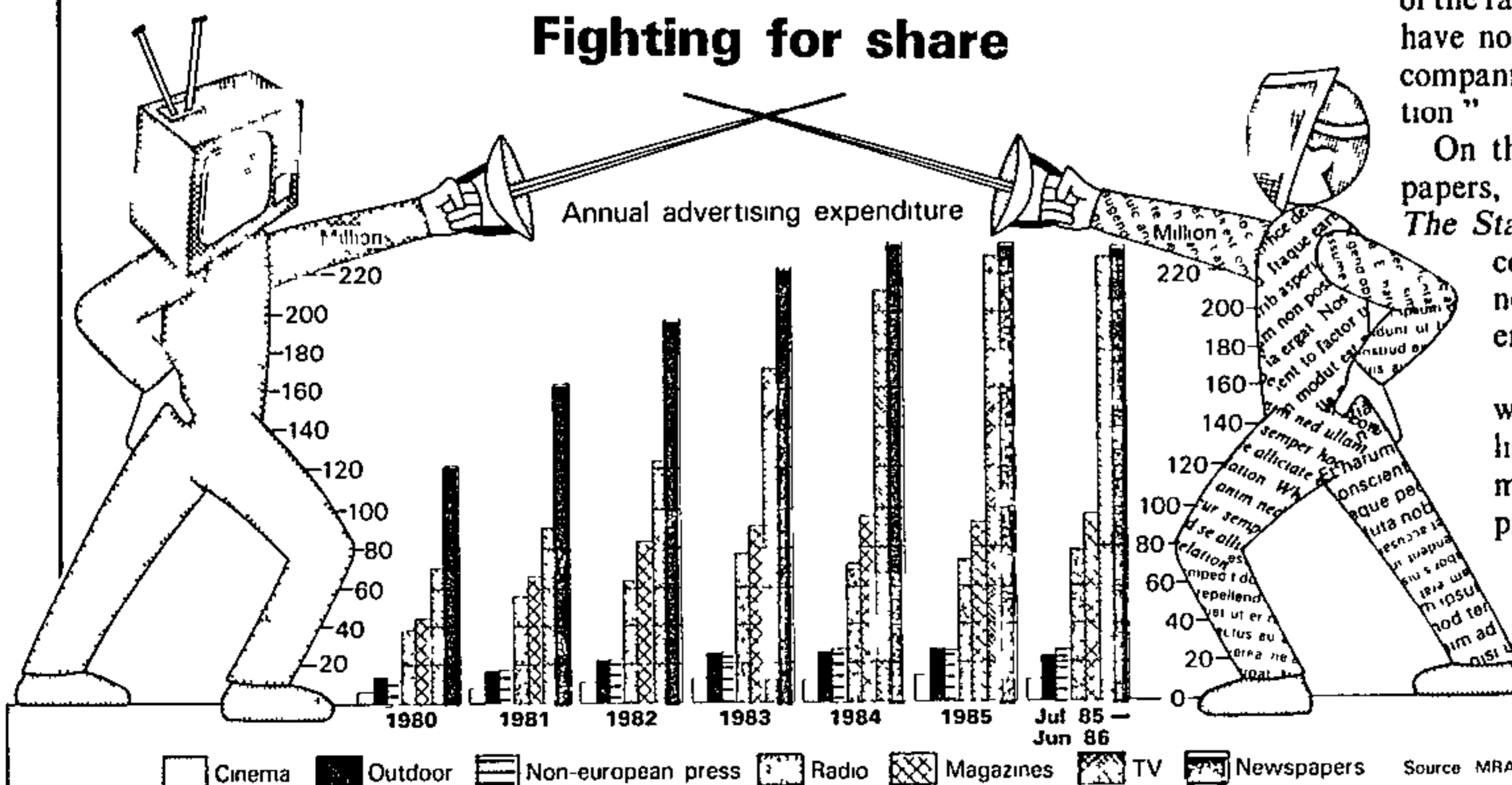
Argus's McLean is similarly bullish about the benefits for both companies of joint production and some common administrative procedures. And, he says, full effects of the rationalisation introduced in mid-1986 have not yet been felt. "Increasingly, both companies will reap the benefits of co-operation."

On the circulation of the group's major papers, he's happy with the performance of *The Star* and *The Saturday Star*. But he concedes that *The Sunday Star* has not achieved the penetration that was envisaged.

In spite of the confidence expressed within the groups, the newspaper publishing industry recognises that it must still come to grips with major problems.

Critical among them is the newspapers' cost structure. McLean points out that publishers are at a decided disadvantage in their fight against SABC. Newsprint costs alone increased some 20% last year, and

Fighting for share



look like rising by a similar proportion this year. Distribution of a bulky product over long distances is another drain

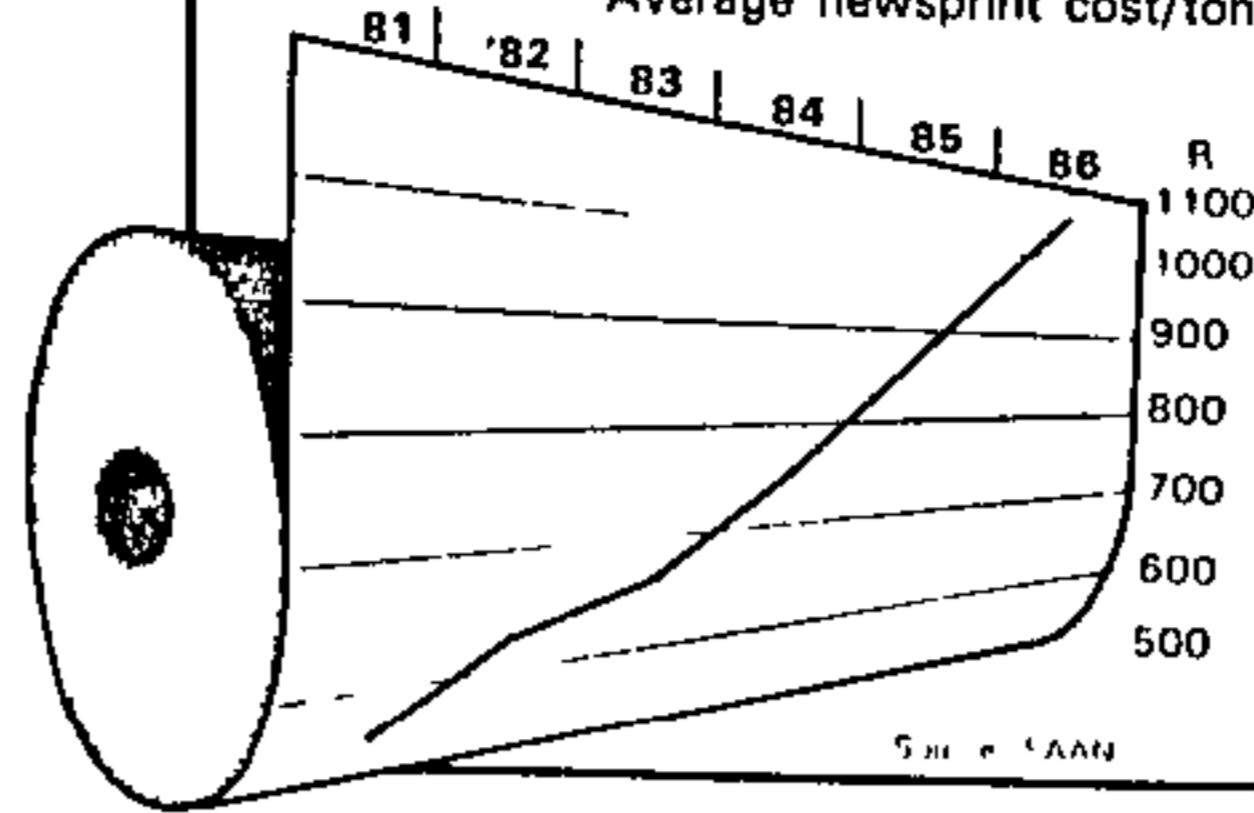
Costs of inks and photographic materials have also risen as the rand declined, and journalists' salaries have just been increased fairly substantially, admittedly for the first time in several years

SABC, on the other hand, does not face constantly rising raw material costs "Once the transmitter's in place, use of the ether is free," says McLean.

Then there's the newspapers' lost penetration in their natural markets. The Newspaper Marketing Bureau's Noel Coburn picks this as a major failing of the local industry "We cannot be happy with our circulations. While reading population may have doubled

Adding up

Average newsprint cost/ton



since 1960, our circulations have not kept pace

"TV is blamed for lost readers, but overseas newspapers have learnt to fight back for readership. It's a great challenge for us to learn how to market our newspapers creatively."

McLean says that lost readers are mainly at the young end of the market, and publishers will have to keep a close watch on cover prices if they are to win back readers

Perhaps the greatest hope lies in the fact that the industry, having survived a crisis, seems determined never to be caught on the wrong foot again. The need for cost efficiencies has been recognised and addressed to a substantial degree in groups like Saan. Slightly higher economic growth this year should help consolidate their position. Thereafter, matching products to markets, fairer taxation (GST is levied on advertising in a way that amounts to double taxation), and technological advances will be the areas to which successful publishers will address themselves

NPU hands minister memo on media matters

243. DD
13/2/87

JOHANNESBURG — The NPU has released the following memo which was presented to the Minister of Constitutional Development, Mr Chris Heunis, as chairman of a cabinet sub-committee on media matters

On December 9, 1986 a delegation of the Newspaper Press Union of South Africa met a cabinet sub-committee under the chairmanship of Mr Chris Heunis in connection with the statement by the State President on December 5 about his meeting with the NPU representatives of four newspapers

The NPU has now fulfilled the undertaking it gave on December 9, i.e. to discuss the question informally with the chairman and alternate chairman of the SA Media Council to consult the Conference of Editors and to thoroughly discuss the issue within the full executive council of the NPU

We report that consensus could not be found in the NPU to change the constitution of the Media Council. Furthermore, in terms

of its constitution a certain procedure is necessary to amend the constitution and code of conduct of the Media Council, a task which is the prerogative of the independent Media Council

It should also be noted that, since the December 9 meeting two further developments have influenced the situation of a general election in which the question of censorship is a lively issue, and the challenge in the courts by some NPU members of aspects of the emergency regulations

Meanwhile, the cabinet committee may wish to know that, as members of the Media Council, certain members of the NPU have set in motion the proper procedures to propose certain amendments to the constitution, procedures and code of the Media Council

These steps express the longstanding concern — which pre-dates the December 9 meeting — among individual members of the NPU about some aspects of the workings of the Media Council

The proposal by certain members deals with matters such as ways of making the Media Council more pro-active, the speed of its operations, its finances, its punitive powers and its role in exceptional circumstances, such as the proclamation of a state of emergency during which the supply of information of public interest and importance may be abnormally restricted

● The South African Associated Newspapers said yesterday the SA Media Council could play no part in the administration of censorship regulations imposed on the news media by the authorities

Saan stated "In particular, we support the principle that self-regulation and observance of a voluntary code of ethics — adjudicated upon by an independent council — is the only acceptable form of promoting the highest possible standards of professional conduct."

● Saan has also stated that it intends changing its name to Times Media Limited — Sapa

CAPL Times 13/2/87

Botha cancels

NPU meeting

Political Staff

THE press curbs are to remain and the State President, Mr P.W. Botha, has cancelled today's meeting with the Newspaper Press Union because the media has made no progress with procedures to regulate itself.

Mr Botha said last night that in spite of the NPU's initial acknowledgement of the need for effective measures to deal with the "abuse of the media" during the emergency, no progress had been made.

A meeting today would therefore not "serve any purpose" although the government would keep open the channels of communication with the NPU.

□ Reports, page 7

Press curbs here to stay Botha

Case 1076
13/2/87
243

Political Staff

PRESIDENT P W Botha said yesterday that existing press curbs are to stay and he has cancelled a meeting today with the Newspaper Press Union because no progress had been made with amending the Media Council

Mr Botha and members of the cabinet met twice with the NPU and senior management of the four main newspaper groups last year

'Revolutionary climate'

"I gave details of the problems caused by certain publications which were actively promoting the revolutionary climate in South Africa and indicated that I planned to take action against such publications but would be prepared to exempt the main SA media from stricter regulations provided they voluntarily adhered to certain guidelines," said Mr Botha

The media representatives had noted his earlier statement that the existing mechanism for the regulation of the press, the Media Council, was unsatisfactory and would have to be improved

The press groups had pointed out that the Media Council had not been created to handle circumstances as had arisen "as a result of the revolutionary offensive and the resulting State of Emergency"

They felt the mechanism of the council needed to be reviewed

'Divergent views'

At a subsequent meeting between the NPU and a committee of ministers, the NPU announced that "divergent views had been expressed in consultations they had held with editors and with the chairman and alternate chairman of the Media Council"

The council's constitution and code of conduct could not be changed without 21 days' notice and it was decided to appoint a committee to discuss the matter with the council

"It has now become apparent that the NPU, the Media Council and particularly the editorial personnel of the newspapers involved, have been unable to reach consensus," Mr Botha said

"Under these circumstances the government does not believe that a meeting with the NPU as planned would serve any purpose," he said

NPU reports no consensus

JOHANNESBURG — The Newspaper Press Union of SA (NPU) has released the following memo, presented to Minister Heunis as chairman of a cabinet sub-committee on media matters

On December 9, 1986 a delegation of the Newspaper Press Union of South Africa met a cabinet sub-committee under the chairmanship of Mr Chris Heunis in connection with the statement by the State President on December 5 about his meeting with the NPU representatives of four newspapers

The NPU has now fulfilled the undertaking it gave on December 9 to discuss the question informally with the chairman and alternate chairman of the SA Media Council, to consult the Conference of Editors and to thoroughly discuss the issue within the full executive council of the NPU

We report that consensus could not be found in the NPU to change the constitution of the Media Council. Furthermore, in terms of its constitution a certain procedure is necessary to amend the constitution and code of conduct of the Media Council, a task which is the prerogative of the independent Media Council

It should also be noted that, since the December 9 meeting two further developments have influenced the situation. The proclamation of a general election in which the question of censorship is a lively issue and the challenge in the courts by some NPU members of aspects of the emergency regulations

Meanwhile, the cabinet committee may wish to know that, as members of the Media Council, certain members of the NPU have set in motion the proper procedures to propose certain amendments to the constitution, procedures and code of the Media Council

These steps express the longstanding concern — which pre-dates the December 9 meeting — among individual members of the NPU about some aspects of the workings of the Media Council

The proposal by certain members deals with matters such as ways of making the Media Council more proactive, the speed of its operations, its finances, its punitive powers and its role in exceptional circumstances, such as the proclamation of a state of emergency during which the supply of information of public interest and importance may be abnormally restricted

□ South African Associated Newspapers (SAAN) said yesterday that the council could play no part in the administration of censorship regulations — Sapa

W/LEADERS 14/2/87
243

The Argus leads

THE Argus has further entrenched its position as the Western Cape's leading newspaper.

Latest audited circulation figures issued by the Audit Bureau of Circulation show that people living in the Western Cape increasingly prefer The Argus to any other newspaper in the area.

Both the daily and weekend editions of The Argus have again increased their share of the Western Cape newspaper market, the figures show.

The Argus, with average daily sales of 96 890, now has 43,75 percent of the Western Cape daily newspaper market. This is a gain in market share since the first half of last year of more than one percentage point and of two percentage points since the end of 1985.

The Argus's average daily sales of 96 890 compare with Die Burger's 71 242, which gives it 32,2 percent of the market, and the Cape Times' 53 330, giving it 24,1 percent of the market.

The figures for Weekend Argus tell a similar story of a newspaper steadily gaining in popularity and increasing its penetration of the market.

Average Saturday sales for Weekend Argus are 116 675, giving it 44,4 percent of the market — a significant improvement on the 43,0 percent held in the first half of last year and 41,8 percent in the second half of 1985.

Die Burger with average Saturday sales of 80 566 has 30,6 percent of the market and the Cape Times with sales of 65 713 has 25,0 percent.

● See Page 2.

Cash

By ANTHONY JOHNSON
Political Correspondent

SHARP differences have emerged between the managements of the four major press groups in the wake of government attempts to engineer a stiffer self-censorship package for the establishment press.

Differences of opinion between the "Big Four" were thrown into relief in statements issued following President P. W. Botha's cancellation of yesterday's meeting with the Newspaper Press Union because of lack of progress in amending the press's own policing body — the Media Council.

SAAN and Argus, representing the major English-language newspapers, have come out strongly against further policing of the press, while Nasionale Pers and Perskor, representing mainly the Afrikaans-language newspapers, have been more sympathetic to the government's viewpoint.

It is understood Mr Botha proposed the Media Council take an active part in disciplining the media in terms of the emergency regulations.

Certain members of the NPU were to propose amendments to the Media Council's constitution procedures and code to give the council greater punitive powers.

South African Associated Newspapers said the SA Media Council could play no part in administering censorship regulations. A SAAN statement said it subscribed fully to the principles and purposes of the Media Council.

But, SAAN said "We are committed to the indivisibility of press freedom. We cannot, therefore, entertain proposals that would isolate any section of the media and leave it more vulnerable to official sanctions."

"We believe that the citizens of this country can be trusted with the information they need for the sensible conduct of their lives."

"It is our wish that both the public and the government should make help to end it. An informed public is

'Big Four' differ On censorship

Cape Times 14/2/87 243

greater use of the Media Council. "In order to make it more accessible and to speed up its procedures, we believe that certain amendments to its procedures may be necessary and its resources must be considerably enhanced."

The heads of the Argus company said in a statement that there could be no question of unilateral alterations to the code, constitution or modus operandi of the Media Council.

The statement, issued jointly by the company's chairman, Mr Hal Miller, and its managing director, Mr P. W. McLean, said the Media Council was an independent body.

"We are inclined to the view that its operations could with advantage be streamlined to achieve more rapid handling of complaints. But this is for the council itself to assess and decide upon."

The Argus company said it endorsed strongly the firm stand taken by the NPU some weeks ago in refusing to accept voluntary guidelines proposed by the government to avoid the emergency regulations.

"The freedom of the press is indivisible and one section of it will not seek exemption through voluntary restraint at the expense of the rest of the press."

"We believe that the people of South Africa need as much information as possible in these difficult times so that they can make decisions based on all the facts," the statement said.

"Ignorance of matters surrounding the turmoil in our country will not help to end it. An informed public is

some time that those groups have people in their service who have never accepted the Media Council's code subscribed to by their employers.

"Certain English-language newspapers had given employment to journalists that have been punished in court for deeds of subversion and terrorism."

Mr Vosloo said work of apologists and fellow-travellers of the "comprehensive but well-co-ordinated onslaught" was daily visible in the columns of English newspapers.

"This reality was now being covered by a smokescreen of a heroic struggle for press freedom, in the course of which it is being insinuated that press freedom does not concern Afrikaans-language newspapers," Mr Vosloo said.

Perskor expressed its disappointment with the breakdown in negotiations.

The publishing company said in a statement that it believed both the government and the public "can and should make better use of the Media Council than is the case at present".

It added that the procedures of the council should be adapted.

Declaring "absolute faith" in the principle of freedom of speech "without which democracy cannot survive", Perskor added that it did not believe that freedom of speech "includes the freedom to trade in distribution of news irrespective of the consequences".

"If public interest is not the yardstick that is to be and can be applied with responsibility, democracy, especially in South Africa's circumstances, can have little chance of survival," the statement said.

It added "We accept that the country is at present in a state of emergency, and the government's assurance that circumstances have imposed on it the duty temporarily to place restrictions on certain kinds of reports."

clearly better able to contribute towards solutions that will bring turmoil to an end.

"There are already too many laws and regulations which interfere with full flow of information."

The government had frequently expressed concern over what it termed "negative reporting", the statement noted.

"We believe that the Media Council is the appropriate forum to test whether reports are negative and we suggest the government should seek the judgment of the Media Council about matters in the press which causes it concern."

The MD of Nasionale Pers, Mr Ton Vosloo, said it was "deeply disappointed" that consensus had not been reached on a role for the Media Council "to ensure the freer flow of information under the state of emergency".

He noted that on December 5 the members of the NPU reported to President Botha that they fully appreciated that South Africa was being subjected to a "comprehensive but well co-ordinated revolutionary onslaught".

At the time the NPU told Mr Botha it accepted the necessity to do everything necessary to prevent support and encouragement being given to those striving for revolutionary change through overt or covert means.

"However, with the passage of time the English-language press groups totally changed their standpoint, apparently in response to pressure from their own members."

"It has generally been known for

what legislation was each detained and (d) what was the cause of death in each case?

The MINISTER OF LAW AND ORDER

- (a) None while in police custody
- (b) to (d) Fall away

Detainees

*2 Mrs H SUZMAN asked the Minister of Law and Order

(a) How many persons have been detained in terms of section 50A of the Internal Security Act, No 74 of 1982, since 26 August 1986 and (b) in respect of what date is this information furnished?

†The MINISTER OF LAW AND ORDER

- (a) None
- (b) 5 February 1987

Internal Security Act

*3 Mrs H SUZMAN asked the Minister of Law and Order

(a) How many persons have been detained in terms of section (i) 28 and (ii) 29 of the Internal Security Act, No 74 of 1982, since 12 June 1986 and (b) in respect of what date is this information furnished?

The MINISTER OF LAW AND ORDER

- (a) (i) None
- (ii) 368 persons

(b) 6 February 1987

Browne Commission

*4 Dr W J SNYMAN asked the Minister of National Health and Population Development †

HOA

Whether the report of the Browne Commission is available in both official languages, if not, why not?

†The MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

No Due to its urgency and importance for the further development of Health Services it was decided to release the different reports in the language in which they were originally written

*5 Mr S S VAN DER MERWE asked the Minister of Law and Order

Sipho M Ngobo

(1) Whether a certain journalist, whose name and other particulars have been furnished to the South African Police for the purpose of the Minister's reply, was detained by the Police in December 1986 or January 1987, if so, (a) on what date, (b) in terms of what statutory provisions, (c) why, (d) where was he held, (e) when was he released and (f) what is the name of (i) this person and (ii) his employer,

(2) whether any items belonging to this person were removed by the Police, if so, (a) what items and (b) why,

(3) whether all the items belonging to this person and removed by the Police have been returned to him, if not, (a) why not and (b) what items are still in Police hands,

(4) whether, while this person was in detention, he was questioned about his work as a journalist, if so, for what reasons,

(5) whether any other action was taken by the Police in respect of this person, if so, (a) what action and (b) why?

The MINISTER OF LAW AND ORDER

(1) Yes

(a) 29 December 1986

(b) Section 29 (1) of the Internal Security Act, 1982

(c) To investigate his possible involvement in the activities of a banned organisation

(d) Johannesburg

(e) 23 January 1987

(f) (i) Sipho M Ngobo

(ii) Business Day

(2) Yes

(a) A variety of documents ie press reports, note books, photographs, pamphlets, paperbacks and letters

(b) Because it was required in the Police investigation

(3) Yes

(a) and (b) Fall away

(b) and (c)

Areas Investigated

1 Azaadville-Krugersdorp

2 Bloemhof

3 Stellenbosch

4 East-London

5 Edenburg

6 Queenstown

Purpose of Investigation

Extension of Indian group area

Extension of coloured groups area

Deproclamation of portions of the white and coloured groups areas and to be left controlled for industrial purposes

Deproclamation of a portion of the white group area and to be left controlled for industrial purposes

Proclamation of a coloured group area

Deproclamation of a portion of the white group area and to be left controlled for industrial purposes

HOA

(4) No

(5) No

(a) and (b) Fall away

*6 Mr S S VAN DER MERWE asked the Minister of Constitutional Development and Planning

Whether the Group Areas Board or committees of the said Board have conducted investigations into the possibility of establishing new group areas or changing the determination of existing group areas during the latest specified 12-month period for which information is available, if so, (a) on how many occasions, (b) in respect of which areas and (c) what was the purpose of the investigation in each case?

The DEPUTY MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING (Reply laid upon the Table with leave of House)

Yes

(a) 48 areas were investigated by the Group Areas Board for the period 1 January 1986 to 31 December 1986

4
13
3/2/81
Turned down
CAPE TOWN — The police had refused permission on 75 occasions for newspapers to publish articles since the promulgation of revised emergency regulations on the media in December, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday —
DDC

Waddell says management killed *Mail*

Own Correspondent

THE former management of South African Associated Newspapers (SAAN) — and not the journalists — was responsible for the closure of the *Rand Daily Mail*

This was said by Gordon Waddell, chairman of SAAN's largest shareholder Johannesburg Consolidated Investments in a *Leadership* interview

Waddell said he accepted that in history, he would be seen as one of those who participated in the decision to close the *Mail*

He admitted "a degree of guilt" about his failure to move earlier to instal the current SAAN management.

"I say with great conviction that it was unnecessary, and I say that because I have no doubt that the *Rand Daily Mail*, run by the present management of SAAN, would not have died"

He said "I think the problem with SAAN was always seen as the style of the editor I don't think the problem lay there at all. The problem lay with the management of the business as opposed to the editorial side."

"To the extent that I failed to carry that point of view, then I must have been guilty"

Asked if that was his point of view at the time, he replied. "I don't think it was nearly so clear to me. On that I must be absolutely fair"

"But what I was clear about is that you must never have a board that doesn't represent the shareholders"

(a) How many applications for the (i) establishment of conciliation boards in terms of section 35, and (ii) appointment of a mediator in terms of section 44, of the Labour Relations Act, No 28 of 1956, were (aa) made and (bb) approved in 1986 and (b) in respect of what percentage of the approved applications were the disputes settled, in each case?

The MINISTER OF MANPOWER

(a) (i) (aa) 1 294

(bb) 306

(ii) (aa) Nil

(bb) Nil

(b) Conciliation boards—36,9 per cent Mediators—falls away

Note As at the end of 1986, 58 disputes were still under consideration by conciliation boards

Unemployed insurance cards

390 Mr P H P GASTROW asked the Minister of Manpower

Whether any employers were (a) prosecuted and (b) warned in 1986 for failing to keep their employees' unemployment insurance cards up to date, if so, how many in each category?

The MINISTER OF MANPOWER

(a) Yes, 4 638

(b) Yes, many were warned during 1986 but separate figures on the number of warnings given are not readily available

Strikes

391 Mr P H P GASTROW asked the Minister of Manpower

(a) How many (i) disputes, (ii) work stoppages and (iii) strikes were reported in 1986 in terms of the Labour Relations Act, No 28 of 1956, to (aa) his Department and (bb) the Wage Board and (b) in what industries, trades or occupations did (i) work stoppages and (ii) strikes occur?

The MINISTER OF MANPOWER

(a) (i) (aa) and (bb) The Labour Relations Act, 1956, does not contain provisions in terms of which disputes must be reported to the Department of Manpower or the Wage Board

(ii) (aa) 150

(iii) (aa) 643

(ii) (bb) and (iii) (bb) Work stoppages and strikes are not reportable to the Wage Board

(b) (i) and (ii)

Construction 30

Electricity 4

Finance and insurance 5

Government and services 19

Manufacturing 433

Mining 96

Trade and accommodation services 171

Transport and communication 35

Total 793

Note These figures include strikes and work stoppages. Separate figures for the different industries, trades or occupations are not available

Regional newspapers

392 Mr P G SOAL asked the Deputy Minister of Information

(1) (a) How many regional newspapers are published by the Bureau for Information, (b) what is the purpose of these newspapers, (c) what is the name of each of the newspapers published, (d) where is each newspaper distributed, (e) to whom are copies distributed, (f) what number of copies of each newspaper is printed, (g) what is the total amount allocated to the production and distribution of these regional newspapers during the current financial year and (h) who prints each of these newspapers,

(2) whether the printing of each of these newspapers was put out to tender, if not, why not, if so, (a) from whom were tenders received and (b) what was the amount of each tender,

(3) whether these newspapers carry political news, if so, on what basis,

(4) (a) what is the editorial policy of each

(5) whether he will furnish the names of the editors of these newspapers, if not, why not if so, what is the name of the editor of each of these newspapers?

The DEPUTY MINISTER OF INFORMATION

(1) (a) Eight

(b) To act as a means of communication between the Government and the various groups at the regional level

(c) and (d)

Regional Newspapers	Regional Offices	Area of Distribution
Pusano	Bloemfontein	Orange Free State
Phoenix	Durban	Natal
Metropolitan Digest	Johannesburg	Witwatersrand
Die Karet	Cape Town	Cape Province
Izindaba	Pietermaritzburg	Natal
Umso	Port Elizabeth	Eastern Cape
Lighth/Khanya	Pretoria	Northern and Western Transvaal
Silulu	Nelspruit	Eastern Transvaal

(e) The newspapers are distributed to persons who express interest in receiving them and whose names are then added to the relevant circulation list. Some copies are also distributed through libraries, clinics and housing offices. Liaison officials also distribute copies during their normal liaison activities

(h) Pusano

Phoenix

Metropolitan Digest

Die Karet

Izindaba

Umso

Lighth/Khanya

Silulu

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(g) R1 402 200

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News in Brief

MC Temp 23/2/77

Journalist detained

229 243 103

UMTATA. — A journalist for Agence France Presse (AFP), Mr Graham Brown, a South African, was detained by security police here at the weekend. AFP said yesterday they had received confirmation of his detention from a police spokesman. He is being held under security legislation.

COMPANIES

Afr Pers shares jump 5c on news of high earnings

AFRIKAANSE Pers (Afr Pers) and Vaderland Beleggings shares responded to good results for the six months to December by closing higher on the JSE yesterday.

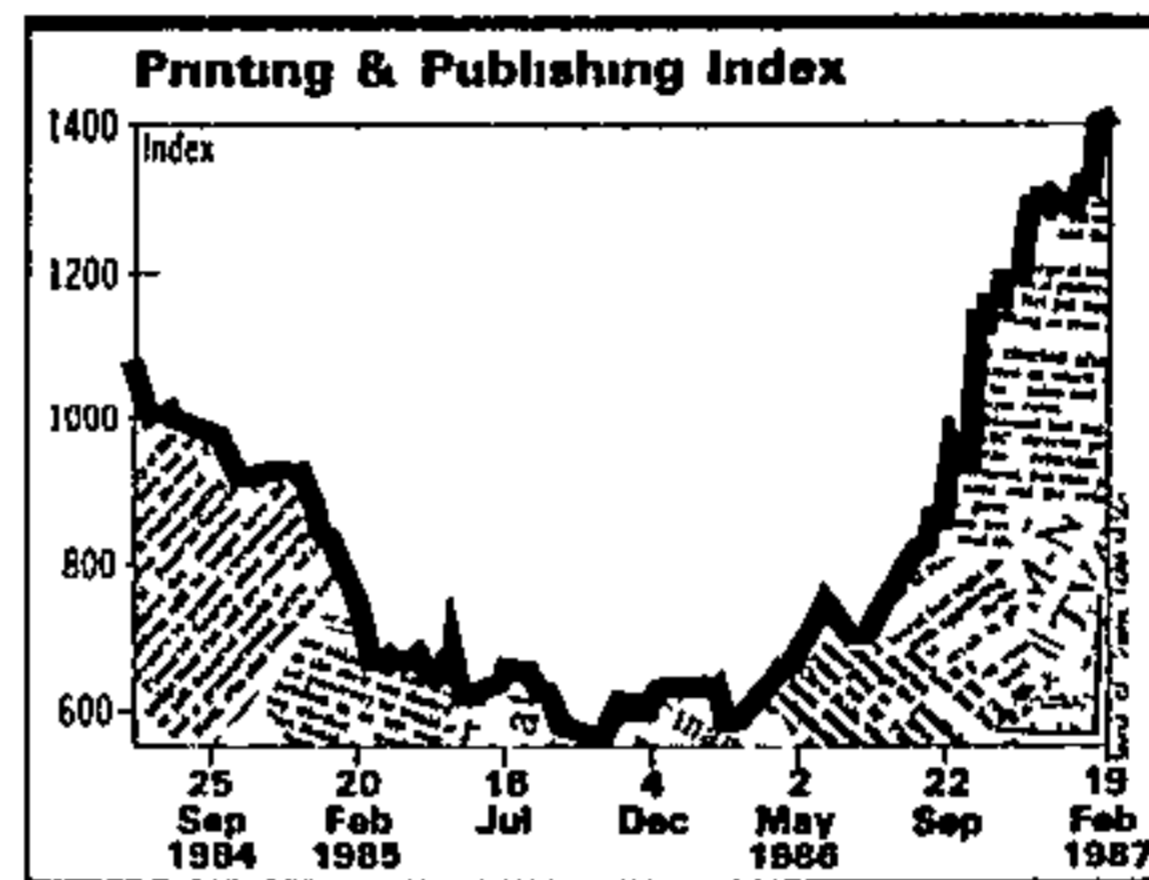
Afr Pers, which derives its income from the printing and publishing company, Perskor, ended the day 5c higher at 320c after news it had doubled its earnings to 88c (1985 44c) a share for the half year.

Vaderland — an investment holding company which gets its income from Afr Pers dividends — also doubled its income to 27,3c a share (13,6c). The share price responded and closed 10c higher at 105c with nearly 308 000 shares worth R322 820 changing hands in 27 deals.

It was the second most actively traded share in volume terms on the market yesterday.

The outlook for Afr Pers for the remainder of the year is "cautiously optimistic" and profits should at least be maintained at "the same level as the six months to June 1986".

This view is somewhat less bullish than for the remainder of the printing and publishing sector whose index has more than doubled since the beginning of 1986.



CHERYLYN IRETON

Analysts say the jump in the index from around 650 points to over 1 400, reflects renewed confidence in the industry after major rationalisation by the two companies who comprise the sector index SA Associated Newspapers (SAAN) and the Argus Printing and Publishing Company.

In the past year, SAAN's share price has rocketed from R7,50 to its current high of R32. Market analysts say recent activity, which saw the share climb R5,50 in the week to February 16 — with only 2 000 shares traded — is on expectation of "superb results".

Argus also shot up from R40 a year ago to its current trading price of R76.

CAP6

TIMIS

24/2/87

243

~~243~~

AFP news editor released

THE South African news editor for Agence France Presse (AFP), Mr Graham Brown, who was detained by Transkei police at the weekend, was released yesterday afternoon after two nights in custody.

Mr Brown, 39, was covering the attempted coup on the palace of the Ciskei's President Lennox Sebe, and had embarked on a day-trip from Bisho to Umtata when he was detained.

An AFP spokesman, Mr Barry Smit, said yesterday it was possible that Mr Brown was mistaken for the French mercenary, Mr Jean-Michael Desble, 47, being sought in the wake of the coup attempt.

Table Mountain

Sunday paper in pipeline

Post Correspondent

JOHANNESBURG — Talks have been held between English newspaper groups about establishing a new Afrikaans Sunday newspaper which would accelerate the momentum of the left wing of the National Party

Reports here say those involved are Mr Terry Moolman, managing director of the Caxton group (in which the Argus Group has a 50% share) and Mr Stephen Mulholland, managing director of SAAN.

A third person mentioned is Mr Tertius Myburgh, editor of the Sunday Times, who is also a director of SAAN.

Mr Harald Pakendorf, former editor of Die Vaderland, is being tipped as editor

He is media liaison officer for Mr Wynand Malan, former NP MP who is standing as an independent in Randburg

Mr Pakendorf confirmed there had been talks regarding a new newspaper but nothing had been finalised

It is being said the newspaper will make its bow before the general election on May 6

SAAN and Argus sources said nothing beyond the planning stage had been reached — Sapa

(243) 27/2/87

THIS PAGE — TELEPHONE EAST LONDON 26141

AG declines to prosecute editor, staff

Dispatch Reporter

EAST LONDON — The Attorney-General has declined to prosecute the Daily Dispatch, its Editor, Mr George Farr, and two former members of the newspaper's editorial staff

A possible prosecution has been considered in terms of Section 27B of the Police Act, following publication of a report in the Daily Dispatch on March 22, 1986

The newspaper's representatives involved were Mr Farr, Mrs Niki Kotze, who was crime reporter at the time, and Mr Owen Vanqa, who was a Daily Dispatch senior reporter in its King William's Town office and who filed the original report

The report was about police action in Breidbach, near King William's Town, involving a group of people waiting for the outcome of a court application challenging the banning of a service that was to have been conducted by a patron of the United Democratic Front and the president of the World Alliance of Reformed Churches, Dr Allan Boesak

The report quoted comments about the conduct of the police by a spokesman for the King William's Town Civic Association, Mr J. Smith.

A police officer visited Mr Farr in his office on July 3 last year and informed him that he and the two reporters

were required to make statements confirming the accuracy of the report that had been published in March

These statements were duly made before an attorney acting for the Daily Dispatch, Mr G.W. Moolman, and were then handed to the police

This week, Detective Warrant Officer G van Rooyen of the Criminal Investigation Department called on Mr Farr and asked him to sign an affidavit before the detective (acting as a commissioner of oaths) attesting to the truth of the statement he had made.

After Mr Farr had agreed to sign the affidavit, Detective Warrant Officer van Rooyen informed him of the Attorney-General's decision against a prosecution.

● Section 27B of the Police Act provides that "any person who publishes any untrue matter in relation to any action by the force or any part of the force, or any member of the force in relation to the performance of his functions as such a member, without having reasonable grounds (the onus of proof of which shall rest on such a person) for believing that that statement is true, shall be guilty of an offence and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment".

News in Brief

Cape Times 28/2/87 243

Paper: No prosecution

EAST LONDON — The Attorney-General of the Cape has declined to prosecute the Daily Dispatch, its editor, Mr George Farr, and two former members of the newspaper's editorial staff. A possible prosecution had been considered in terms of Section 27b of the Police Act, following publication of a report in the Daily Dispatch on March 22, 1986.

NP defectors come in for stick

DD 2/3/87

Beeld bitterly re-proached the group of politicians and academics who have left the National Party in despair of meaningful reform. It said there was "a considerable degree of political expediency in their present demonstrations".

The NP's congresses, said Beeld, were recognised as the authoritative bodies within the party. Nationalists who now expressed their lack of confidence in the party, were therefore condemning themselves.

Afrikaans newspapers that had been trying for decades to get the pace of reform speeded up had received little support from those who now condemned the party and its leadership. They had left the platform to the "other side" and listened in silence to the abuse of their best ally, the Afrikaans Press.

The actions of the "defectors" were certainly newsworthy, but to see them as leading to a stampede out of the NP would be a "greatly exaggerated claim".

Die Burger said all the defectors could possibly achieve would be to inflict unnecessary damage on the only party that could offer the country hope.

The NP now had the opportunity to present to the voters and the "Worrall candidates" new perspectives on the tempo, style and content of the next phase of reform.

Afrikaans Press commentators saw the Menlo Park incident, in which a young black athlete was barred from the school's race track, as a warning against letting right-wingers gain control of public bodies.

Beeld's columnist Lood quoted a parent as saying "While we sat and watched Dallas, they were organising".

The editor of Die Vaderland, Gert Kotze, said in his personal column there was not the slightest doubt that the Conservative Party had made it one of its objectives to the left of it. The split to the right has been discussed of."

NADERE KENNIS

A weekly review of the Afrikaans Press by JAMES McCLURG

atives to penetrate culture and cultural bodies and, if necessary, "take them over".

"Previously," said Mr Kotze, with striking candour, "that used to be more or less the prerogative of the NP." He wondered whether the NP had decided that it was time it began to fight back on this level.

Should the Federasie van Afrikaanse Kultuurvereniginge, Afrikanerdom's top cultural body, admit people of colour to its ranks?

This question has gained fresh impetus from a speech by Dr Anton Rupert, leading industrialist, in which he

said Afrikaners should not keep their language selfishly to themselves.

Die Burger saw in this speech an indirect plea to the FAK to admit to its ranks all who "honour Afrikaans as their mother tongue" (Dr Rupert pointed out that Afrikaans was the home language of nearly as many coloured people as of whites).

Die Burger said in an editorial that if Afrikaans was not to become a languishing language spoken only by white Afrikaners, with their declining birth-rate, Afrikaans cultural organisations would have to reach the hearts of people of colour.

Die Volksblad has expressed concern that six months after the first Indian owned factory was established in Botshabelo, near Bloemfontein, temporary accom-

modation for the Indian staff of the three such factories "now established there has still not been made available in Bloemfontein."

"The industrialists," said Die Volksblad, "are threatening to withdraw, and hundreds of jobs for black workers could disappear."

The establishment of the factories followed the repeal of a century-old law virtually banning Indians from the

According to Die Volksblad, there have been many promises, but the Indian staff are still having to sleep in the factories while their families remain behind in Natal. Even a telex to the State President "has not helped", and there are suggestions that the present impasse, marked by wrangling between the Bloemfontein City Council and the Provincial Administration, will continue "until after the election".

Rare way to muzzle student paper

PATRICK BULGER

THE Publications Board has invoked a rarely used section of the Publications Act to censor *Saspu National*, a leftwing student-produced newspaper.

Under Section 9 (2) of the Act, the paper's publishers, the SA Students' Press Union, have to submit a copy of the paper to be published to a committee, which has to clear it before publication. *Saspu* claims a circulation of 50 000.

A similar prohibition has been issued against *Free Azania*, an alternative education publication.

The order has provoked a strongly-worded protest from the Anti-Censorship Action Group, which said it was "an abrupt warning to other newspapers in SA to impose more vigorously a crippling form of self-censorship".

The move is a departure from recent government practice of muzzling the Press through police orders.

A Directorate of Publications spokesman said in Cape Town implementation of the section "does not happen often".

He said he could not disclose the reasons for the order being issued. The reasons were provided to the publishers.

Saspu has given notice that it intends appealing to the Publications Appeal Board against the decision.

CAI TRIPS 4/3/87

Commission looks at 'Mr Z's' accounts

JOHANNESBURG. — "Mr Z" was previously the managing director of a company, a witness yesterday told the Munnik Commission during scrutiny of "Mr Z's" bank accounts in connection with an advertisement calling for the unbanning of the ANC

Records of transactions and overdraft facilities on two accounts held by "Mr Z" — whose identity is being withheld by the commission — were presented by the senior general manager of Barclays Bank, Mr Jimmy McKenzie, to Mr Justice G Munnik, Judge President of the Cape Province.

Mr Z helped arrange payment for the advertisement published on January 8 — the 75th anniversary of the founding of the ANC, press reports alleged.

Mr McKenzie said a bank cheque of R100 000 was deposited into the Barclays account of Mr Krish Naidoo, attorney for the United Democratic Front, on January 7.

A debit of R100 000 was registered against Mr Z's exclusive "Premier" account on January 6.

Mr McKenzie said bank records suggested Mr Z had overdraft facilities of R20 000 on his "Status" account and R100 000 on the "Premier" account.

Mr McKenzie said Mr Z's account was "troublesome" to the extent that his branch manager had to "bring him back into line" regarding his overdraft rate. — Sapa

(203) 5/13/87

By Zenaide Vendero

The power of the people can change the course of South Africa on May 6, three newspaper editors agreed in Johannesburg last night

They were speaking at a discussion "Can the Man in the Street Effect Change in South Africa?" organised by Club 44, an arm of the South African Jewish Board of Deputies.

It was chaired by Professor Michael Katz, chairman of the Board of Deputies, and featured Mr Harvey Tyson of The Star, Mr Tertius Myburgh of

People power can change SA, editors agree

the *Sunday Times* and Mr Joe Latakomo of the *Sowetan*

The editors agree it is vital white South Africans exercise the few democratic rights they have left, such as the vote.

"Use your democratic muscle before it atrophies from lack of use and bureaucratic restrictions," said Mr Tyson.

Mr Latakomo said "white South Africans wield a powerful tool for change" and asked how whites who failed to use

their vote — which blacks wanted so badly — could change the country's course

"People ask what can be done about Menlo Park, about Indians being kicked out of so-called white areas, about the education system and Group Areas. They can do something. They can use their vote. That is people power. No Government can afford to ignore it."

It is vital, said Mr Myburgh, that whites take part in the political process

"Change cannot be achieved through protest politics. Whites have access to a limited form of democracy and should use it."

Other democratic rights to be exercised, said Mr Tyson, included testing politicians, lobbying the Government, making others politically aware, writing to newspapers, pestering the SABC and under- standing the perspectives of the non-electorate.

Mr Myburgh said the man in the street could effect change by "taking a long look at how he conducts his personal life"

"Racial harmony begins at home. Isn't it time for each of us to examine personal relationships and conduct? How many opportunities for the promotion of understanding do we allow to slip by because of thoughtlessness or, even worse, because we don't really care?"

Mr Myburgh expressed his concern at the "lamentable failure of so many South Africans to accept their responsibility as individuals."

"We have become a docile, unquestioning community"

Mr Tyson agreed. "Apathy is the chief threat to democracy, and the best ally of dictators."

The editors feel the public is being kept ignorant under the present censorship.

"Ordinary men and women need information for the con-

duct of their lives," said Mr Myburgh. "In a democracy they get that from the media. When information is suppressed, it goes underground."

"We should place greater trust in the public and let them judge good information and bad information in a free market of opinion."

Mr Tyson said few people seemed to care when media curbs were imposed.

South Africans, said Mr Latakomo, faced a challenge. "Here's an opportunity to build a country and a society of which we can be proud."

Inquest witness arrested at court

JOHANNESBURG — At the start of the inquest into the death of journalist Mr Makompo Lucky Kutumela, a security policeman ran into court and arrested one of the witnesses

The Sowetan reported that the detained man is Mr Kgalabe Kekana, a trade unionist and a regional organizer of the Media Workers' Association of South Africa.

A police officer was testifying when Mr Kekana, who had been sitting outside court, dashed into court pursued by the security policeman.

The security policeman, who identified himself as a Sergeant Gouws, told Mr Dikgang Moseneke, the advocate representing the Kutumela family, that he was detaining Mr Kekana "under the Internal Security Act in terms of the state of emergency" and that he did not need a warrant for the arrest

The last moments of Mr Kutumela, who died in police custody less than 24 hours after his arrest, were recounted at the hearing yesterday.

Warrant Officer M M Morare testified before Mr M B Mabuza that when he visited the cell on the morning of April 5 last year, he had found Mr Kutumela still alive and lying on blankets but unable to speak or move. He said another detainee had told him that Mr Kutumela should have been taken to hospital, but the police had ignored all pleas for assistance.

"I went away to arrange for a van to take Mr Kutumela to hospital, but when I returned 10 minutes later he was dead. We covered him with blankets," W/O Morare said.

Cross-examined by Mr Moseneke, he said he had seen two fresh wounds on the head and face of Mr Kutumela. The sergeant on duty during the night had told him the detainee had been assaulted while resisting arrest

This had not been recorded in the occurrence book, he said.

The station commander, Captain Isaac Lebeso, said he saw eight sjambok marks on the body of Mr Kutumela but did not ask who had caused them "because I knew that all the policemen had been issued with sjamboks".

He said he accepted that the sjambok marks were caused by his policemen. — Sapa

TELL YOUR FRIENDS • TELL YOUR

THE TIMES 6/3/87 (275) (23) (243)

2 journalists charged

TWO journalists of the Oudtshoorn community newspaper Saamstaan will appear in George Magistrate's Court next week on charges under Section 27 (b) of the Police Act. The hearing of Mr Humphrey Joseph and Mr Mzukisi Mooi begins on March 10 and relates to the publication of allegedly untrue matter about the SAP. The charges arise out of their reporting of the shooting of Fezile Haase, 14, Patrick Madikane, 14, and Andile Majola, 13, on June 17, 1985, in Bongolethu township.

From Page 1

ADS - GOVT WILL NOT ACT

DPSC.

A police spokesman from the directorate said they would not be prosecuted as the SAP statement had been issued after the publication of the advertisement and article.

In their statement at the weekend, the directorate said: "Legal advice obtained by the SAP indicated that the advertisement constituted an infringement of Regulation 3 (1) (H) read with Regulation 8 of the infringement of Regulations published by proclamation 224 of December 11, 1986, as amended. All editors are

hereby informed that in the case of publication of same or similar advertisements, the SAP will be obliged to act in terms of Regulation 6 of the emergency regulations.

Regulation 6 empowers any Cabinet Minister or divisional commissioner of police to authorise the seizure of any newspapers or publications which contravene the emergency regulations.

A spokesman for the DPSC said they had intended placing advertisements in several major newspapers a day before the "national detainees day", but "obviously we can't do that anymore in the light of the SAP threat".

A statement from the DPSC released at the weekend said that the imprisonment of its political adversaries and critics was high on this Government's list of priorities.

"The very voices that should be heard loud and clear are being stifled, and the Press is now being threatened not to support calls for the release of these prisoners of apartheid," the DPSC statement said.

The committee said such actions are typical of a regime which rules by force rather than by the support of the population.

"The DPSC will continue to press forward with what it regards as its right and obligation to fight political detention, and intends taking legal advice concerning the latest action by the police".

Mr Percy Qoboza, editor of *City Press*, denied in a statement that the DPSC advertisement had been in any way "illegal".

said

"In the coming weeks when the white election hot's up, newspapers will be faced with the dilemma of hearing opposition parties calling for the release of detainees but dare not repeat that call in print.

"I have personally been outraged by the over-zealousness of the police and intend raising the matter with the Conference of Editors.

"We must clearly spell out to the Minister of Law and Order, Mr Adriaan Vlok, that the implications of this latest move are to make South Africa unquestionably a police state," Mr Qoboza said yesterday.

—Sapa

'Too liberal' editor asserts independence

By Susan Fleming

5/13/87

A senior Government official has complained to the editor of the upmarket Afrikaans magazine *De Kat* about its "liberal standpoint".

According to the editor of *De Kat*, Mr Johan van Rooyen, the personal adviser on social matters in the Office of the State President, Dr Jannie Pieterse, told him his magazine was too liberal for Afrikaner readers.

"Dr Pieterse told me the magazine had been discussed at a presidential advisory level and that concern had been voiced about where the magazine was going to," said Mr van Rooyen.

Dr Pieterse complained about an article which appeared in the magazine last year on Dr Alan Boesak. He also expressed concern about an analysis on the Freedom Charter written by Professor Johann van der

Westhuizen of Pretoria University's law department. Mr van Rooyen said he found it most extraordinary that Dr Pieterse had expressed concern about the magazine.

"We believe that we are a very fair and responsible magazine. I stressed to Dr Pieterse that we were an independent magazine and that we were responsible. I also told him we would not be dictated to," said Mr van Rooyen.

WOULD NOT BE FORCED

The publisher of the magazine, Mr Greg Psillos, said he would not be forced by anyone to change the editorial content of any of his magazines. Mr Psillos is the publisher for the English-speaking magazine *Knowing* and a new magazine, *Tribute*, which is aimed at black readers.

Mr Psillos said if any Government official again ap-

proached any of his magazines he would insist on being present at the meeting.

"I will not allow an editor of mine to be told what to do by an outsider or to be dictated to."

Mr Psillos said he could not understand why Dr Pieterse had expressed concern about *De Kat's* so-called liberal standpoint.

"*De Kat* is an independent magazine and we do not believe it is biased. We present all viewpoints — for example in one edition we had one article on Mr Barend du Plessis and another on Dr Alan Boesak. We report on all sides of the spectrum."

In a recent edition of *De Kat* a "tongue-in-cheek" article was published asking people to determine what their own Cabinet should look like.

"There were some very interesting comments in that article and maybe some which people did not like."

Demise of Afrikaans language

Feared!

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100 9/3/87

A new angle on the concern among Afrikaners about the future of their language in a changed South Africa has come from Professor Chris van Schalkwyk of the department of linguistics at the University of South Africa

The minimum requirement would be facilities for simultaneous translation of Afrikaans into English

If English became the official medium while Afrikaans and the black indigenous languages were made subordinate for political and parliamentary purposes, those languages would probably stagnate and deteriorate

According to Beeld, Professor Van Schalkwyk has pleaded for the proper creation of a properly-trained corps of translators and interpreters to ensure that Afrikaans "receives equal treatment in a central government which power will be shared with blacks"

He said English could become the "national and parliamentary medium of debate" if precautions were not taken to see that, for instance, anyone who wished to speak Afrikaans in Parliament would be able to do so

"The picture hitherto drawn of the negotiating process was that the government would negotiate with the black leaders (not yet identified) on a future system of which the government had drawn up the framework. It was also presumed that the government would even decide what black leaders would sit on the other side of the table"

"It would be almost impossible for the government to be simultaneously a negotiator and the promoter. The latter role demands exceptional tact, style, credibility and impartiality"

Professor P J Potgieter, of the department of political science at Potchefstroom University, has questioned whether it would be either practical or desirable for the government to act as the promoter of negotiations on South Africa's future while also acting as one of negotiators

"After all," said Professor Potgieter in an article in Rapport, "the government is itself the problem. Its apartheid system, its limited representativeness and the question of its legitimacy are the core of the problem"

NADERE KENNIS

A weekly review of the Afrikaans Press by JAMES McCLURG

"The polarised situation even makes it essential that international observers be recruited to monitor the government's promotion of the negotiating process"

This was probably the

in certain constituencies there is, rightly, an uneasy feeling that they could pull the rug from under one's feet," said Dr De Klerk

"Nevertheless, I stand by the conclusion that they will find their own level, representative of fewer than 20 per cent of the white population

"The impulse toward finding solutions, the new political philosophy, the facts of reality and the demand for change are too strong to be resisted"

Conflicting reactions to the decision by the general-synod of the NG Kerk to open membership to all races continue to be reported in the Afrikaans Press

● The church council of the NG church in Vredefort, OFS, has decided by 34 votes to seven to reject "in its entirety" the historic document on which the decision on church membership and other liberalising moves were based

Mr Koos Louw, chairman of the National Party's branch in Vredefort, told Die Volksblad the whole affair was a political move by supporters of the Conservative Party

last election in which serious account would have to be taken of the supporters of far-right policies, said the editor of Rapport, Dr Willem de Klerk, in his personal column

"This is a dangerous prophecy, because their pretensions are vast and

Cape Times 9/3/87 243

No action against papers

JOHANNESBURG — Two newspapers here will not be prosecuted for publishing an advertisement and article on Friday calling for a "National Detainees Day"

According to a police statement released shortly before midnight on Friday, any newspaper publishing advertisements or articles advocating a "National Detainees Day" would be infringing the emergency regulations

City Press carried an advertisement on Friday placed by the Detainees' Parents Support Committee (DPSC)

The Star also published a report about the DPSC call

A police spokesman later

said they would not be prosecuted because the SAP statement had been issued after the publication of the advertisement and article

A spokesman for the DPSC said they had intended placing advertisements in several major newspapers a day before the "National Detainees Day", but "obviously we can't do that any more in the light of the SAP threat"

Mr Percy Qoboza, editor of City Press, denied that the DPSC advertisement had been in any way illegal

He said, however, that his newspaper had been forced to withdraw an advertisement placed by the DPSC calling for the release of all those who have been detained under the

present state of emergency

"We have not withdrawn it because it was illegal. It was not. We have done so because it was clear copies of the newspaper would have been seized and destroyed by the police"

Meanwhile in incidents of unrest at the weekend, the Bureau for Information reported

□ A house in KwaDebeka (Pifetown) was petrol-bombed. No injuries or arrests resulted and the damage done was reported as minimal

□ At Imbali (Maritzburg) an 18-year-old member of Inkatha was stabbed in the back. His condition is not serious. Four men were arrested

□ In another attack on an Inkatha member, a house in Umlazi was petrol-bombed. No in-

juries or arrests resulted

□ Ten people — including a policeman — were injured on Saturday when police fired birdshot to disperse a crowd of about 800 people at Union Stadium in Westbury, near Johannesburg

A police spokesman said police used teargas to disperse a rowdy group of spectators

A spokesman for the bureau said police used birdshot to disperse the crowd. A policeman was stoned after he apparently confiscated liquor at the stadium where a school sports meeting was being held

Twelve vehicles were also damaged in the incident when the mob threw stones. Seven men were arrested — Sapa

DPSC call: SAP won't prosecute

Handwritten notes: 243, 9/13, B/D Day, (C) 19, (S)

TWO Johannesburg newspapers would not be prosecuted for contravening the emergency regulations for an advertisement and an article published on Friday calling for a National Detainees Day, a police spokesman said in Pretoria at the weekend.

The Police Directorate of Public Relations said in a statement shortly before midnight on Friday any newspaper publishing advertisements or articles advocating a National Detainees Day would be infringing the emergency regulations.

City Press had carried an advertisement placed by the Detainees' Parents Support Committee (DPSC) about the day.

The Star had also published a story about the call by the DPSC.

A police spokesman from the directorate said the two newspapers would not be prosecuted as the SAP statement had been issued after the publication of the advertisement and article.

The directorate said: "Legal advice obtained by the SAP indicated the advertisement constituted an infringement of Regulation 3 (1) (H) read with Regulation 8 of the regulations published by proclamation 224 of December 11, 1986, as amended

"All editors are hereby informed that in the case of publication of same or similar advertisements, the SAP will be obliged to act in terms of Regulation 6."

Regulation 6 empowers any Cabinet minister or Divisional Commissioner of Police to authorise the sei-

zure of any newspapers or publications which contravene the emergency regulations

A spokesman for the DPSC said it had intended placing advertisements in several major newspapers a day before the National Detainees Day, but "obviously we can't do that anymore in the light of the SAP threat."

A statement from the DPSC said the imprisonment of its political adversaries and critics was high on this government's list of priorities.

"The very voices that should be heard loud and clear are being stifled, and the Press is now being threatened not to support calls for the release of these prisoners of apartheid."

The DPSC said such actions were typical of a regime which ruled by force rather than by the support of the population.

City Press editor Percy Qoboza denied in a statement that the DPSC advertisement had been in any way "illegal".

He said, however, his newspaper "was forced to withdraw an advertisement placed by the DPSC calling for the release of all who have been detained under the present state of emergency.

"We have not withdrawn it because it was illegal. It was not. We have done so because it was clear copies of the newspaper would have been seized and destroyed by the police"

Qoboza said police threats of prosecution in terms of Regulation 3 (1) (H) were "outrageous, to say the least" — Sapa.

Nat revolt publicity blamed

Editor quit *Rapport* over govt pressure

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Bf Day
9/3/87

THE resignation of Willem de Klerk as editor of *Rapport* resulted directly from confrontations he had with "government leaders" and pressures they brought upon his board over the paper's political line, he said yesterday.

One element in the dispute was the publicity *Rapport* gave to Independent ex-Nationalists and to the growing revolt among academics at Stellenbosch and elsewhere, De Klerk told *Business Day*.

That revolt gathered momentum at the weekend when 28 academics issued a statement disclosing that their defection followed 18 months of soul-searching and policy discussion about the national crisis. (See separate report on this page.)

De Klerk confirmed yesterday that *Rapport's* reporting of the revolt in the party at Stellenbosch "caused strong protest from Cabinet level".

In a clear reference to the leadership of President P W Botha, De Klerk told *Business Day*: "I have been an editor for 14 years. The political pressure on me as an editor and on the independence of my newspaper had never been greater than in the recent past.

"The story that the NP had been allowing Afrikaans papers more freedom and

MAX DU PREEZ
Political Correspondent

openness was true. But it certainly is not true any more, not with the present government. They are much stricter, harder and more demanding than the previous government."

A *Rapport* staff member told *Business Day* yesterday that Botha had on various occasions "exploded" after reading *Rapport* on a Sunday morning and intervened directly or through De Klerk's brother, Transvaal leader and National Education Minister F W de Klerk, or through Cape leader Chris Heunis.

Referring to the party leaders, De Klerk said: "They wanted me to shout hallelujah at every thing the National Party was doing and to carry a blue (NP membership) card. Otherwise they brand you as disloyal. This pressure has become a serious threat to political journalism in SA and to Afrikaans papers."

Rapport board chairman Willem van Heerden confirmed yesterday the board had political problems with De Klerk. "We felt that during the election cam-

● To Page 2 →

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Bf Day
9/3/87

Editor tells of confrontation

paign *Rapport* should concentrate less on differences in accent and the policy deviations of individuals and more on the importance of this election for government's programme for orderly reform."

He said the NP still had the opportunity to reform SA, but it would have to change its policies. "The NP has problems with its fundamental premise of racial classification, with its refusal to move towards the idea of freedom of association and its refusal to scrap the Group Areas Act."

De Klerk said he had to resign now, because his board and the Cabinet expected papers "to become strongly pro-

pagandistic" during election time. He said he had explained several times that *Rapport* had never been disloyal to the NP, but that its political pages had a special readership of intellectual and independent-thinking Afrikaners.

In his last column yesterday De Klerk wrote that it was not true the NP would, after the election, move away from its foundation of four racial groups, or that it would scrap the Group Areas Act, allow free association, accept regional solutions such as the KwaNatal Indaba or work towards one parliament for all.

Report by Max du Preez, 11 Diagonal Street Johannesburg

← ● From Page 1

PW's man denies he 'warned'

DOMINIQUE GILBERT

PRESIDENT P.W. Botha's personal adviser on social matters, who is said to have "warned" the editor of *De Kat* magazine about its "liberal standpoint", denied yesterday he had ever done so.

Jannie Pieterse said, "I don't know what you're talking about."

He confirmed he had visited the editor Johan van Rooyen, but said it had been a "personal and not official visit".

Van Rooyen is reported to have said Pieterse had visited him and told him the upmarket Afrikaans magazine had been discussed at a presidential advisory level. Concern had been voiced about where it was going, he added.

He said Pieterse had particularly complained about a report on Allan Boesak and an analysis of the Freedom Charter.

Referring to the report of the complaint, Pieterse said it was untrue.

Van Rooyen was not available for comment yesterday.

However, the magazine's publisher Greg Psillos said he doubted Van Rooyen had fabricated the story.

Report by Dominique Gilbert 11 Diagonal Street Johannesburg

SAP try to stop paper printing advert

C Post
10/3/87
Ere

JOHANNESBURG — Police today attempted to seize The Star to prevent the newspaper publishing an advertisement placed by the Detainees' Parents Support Committee

The Star later brought an urgent application in the Rand Supreme Court seeking an order that the advertisement was legal as published

If the order was granted, The Star would seek an additional order preventing the police from unlawfully seizing copies of the newspaper, the editor-in-chief, Mr Harvey Tyson, said

The Star was bringing its application as a matter of urgency before the main editions of the newspaper were published

The Star stood to lose, in monetary terms alone, R500 000 in cover price, advertising revenue and newsprint costs, apart from other large losses if the newspaper were seized, he said

The application was planned after The Star was unable to ascertain from the police whether they would act against the newspaper if it published the advert

Earlier two security policemen arrived at the newspaper offices with a document ordering the seizure of any edition of today's newspaper in which the advertisement appeared. The order was signed by the Divisional Commissioner of Police for the Witwatersrand, Maj-Gen Mulder van Eyk

They left to seek legal advice after it was pointed out to them that the advertisement had been passed by the newspaper's legal representatives and was materially different from the advertisement published in City Press last week

Last week's advert resulted in police issuing a warning that it should not be published

The PFP spokesman on the media, Mr Dave Dalling, was also unsuccessful in his attempts to contact two Cabinet Ministers, the Minister of Law and Order, Mr Adrian Vlok, and his deputy, Mr Roelf Meyer

Mr Tyson said after the police visit that he believed the advertisement to be completely legal. It had been submitted to The Star's legal advisers

Early editions of The Star newspaper the advert appeared on the streets today

The edition also contained a front-page editorial explaining the newspaper's reasons for going ahead with publication — Sapa

Higher company profits, dividends

AP 645
10/3/87

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By TOM HOOD
Business Editor

MORE signs of the depression easing emerged today, as companies in several fields reported higher profits and dividends.

An analysis of 61 yearly and half-yearly reports from public companies showed only two were still losing, compared to eight previously in the red.

Forty-seven companies were confident enough to pay dividends, 31 increasing payouts and six resuming dividends.

Another seven companies paid the same as last time.

Only three companies reduced dividends, while 12 were still unable to pay anything to shareholders.

Businesses benefiting from the upturn included engineering and other industrial companies and those making consumer products.

The motor trade continued a slight recovery in spite of higher prices.

Analysts estimated that R450-million worth of new vehicles were sold last month throughout the country — about R60-million more than in February last year.

Estate agents reported more sales of houses and at slightly firmer prices.

Almost 850 property transactions took place in Cape Town in January, up from 664 in January last year. The value increased to about R41-million from R38-million.

ANC ads: Govt inspectors take papers from attorney

Own Correspondent

JOHANNESBURG. — Inspectors from the Directorate of Fund Raising yesterday visited the offices of attorney Mr Krish Naidoo, who placed the "Unban the ANC" advertisements early in January

They confiscated several documents

By late yesterday the directorate had still not replied to questions on their investigation. The directorate is attached to the Department of National Health and Population Development

Mr Naidoo's offices were visited late last week after the commission heard evidence that the UDF made three payments of undisclosed amounts into Mr Yusuf Surtee's premier account against which a R100 000 cheque

CW 6 Times 10/3/87
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was drawn to pay for the advertisements

Meanwhile the Witwatersrand local division Attorney-General, Mr Klaus von Lieres, who has been handed the police investigation into the adverts, said yesterday he had not decided on whether to prosecute

He said he had studied the police docket and was awaiting decisions by other AGs. Any prosecution, he said, would more likely be in terms of security legislation rather than the Fund Raising Act

According to Mr Naidoo's lawyer, Mr Amichand Soman, the fund raising inspectors, who identified themselves as Mr J Liebenberg and Mr J van der Walt, spent three hours checking documents.

They said they were acting in terms of Section 30 of the Fund Raising Act, which provides for inspectors to enter and search premises without a warrant.

Mr Naidoo placed the adverts in several newspapers on behalf of the United Democratic Front, the South African Council of Churches, and the National Education Crisis Committee

Mr Soman said the inspectors "said they would seek the assistance of the SAP if we refused to hand documents over".

"We reserved our rights and did not consent to the search. What action they took would be at their own risk," he said

"Should we find it necessary to bring an action for damages we may do so," Mr Soman said

CAPE Times 10/25/72

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PW aide denies warning magazine

Own Correspondent

JOHANNESBURG — The State President's personal adviser on social matters, who is said to have "warned" the editor of De Kat magazine about its "liberal standpoint", yesterday denied he had done so.

"I don't know what you're talking about," Dr Jannie Pieterse said. "In my position I'm not supposed to give comment."

He confirmed he had visited the editor, Mr Johan van Rooyen, but said it had been a "personal and not official visit".

Mr Van Rooyen is reported to have said Dr Pieterse visited him and told him the upmarket Afrikaans magazine had been discussed at a presidential advisory level and that concern had been voiced about the magazine's direction.

In particular, he said, Dr Pieterse had complained about the magazine's article on Dr Allan Boesak and an analysis of the Freedom Charter written by Pretoria University's Professor Johann van der Westhuizen.

Mr Van Rooyen could not be reached yesterday but the magazine's publisher, Mr Greg Psillos, said he doubted Mr Van Rooyen had fabricated the story.

De Klerk says PW pressured Rapport

10/3/87

(244) MIKE ROBERTSON (243)

LONDON — President P W Botha himself put pressure on former *Rapport* editor Willem de Klerk to change the political line of his newspaper.

"He told me so directly on several occasions that he was not pleased with my kind of political journalism. That I was not furthering the aims of the National Party," De Klerk told BBC radio yesterday.

De Klerk said pressure had come from Botha at least three or four times in the past two years. It had also come from *Rapport's* board of directors and the chairman of the board.

He was told the newspaper was too sympathetic towards the independent movement, "too enlightened".

He had resigned because his political integrity and credibility were at stake. De Klerk's resignation and the statement by 27 Stellenbosch academics attacking President P W Botha's policies have received wide coverage in the British media with both *The Times* and the *Guardian* carrying leading articles on the growing disaffection with Botha.

The Times said the Stellenbosch statement was a damning indictment of Botha and Constitutional Development and Planning Minister Chris Heunis.

In its leading article the *Guardian* said those in the independent movement could not be seen as progressive.

Archbishop of Cape Town Desmond Tutu said in London yesterday Botha was almost certainly regretting having called the forthcoming white election.

COURT HALTS SEIZURE OF NEWSPAPER

THE Supreme Court in Johannesburg yesterday granted an order restraining police from seizing any editions of *The Star* containing a DPSC advertisement.

The temporary order also declared the advertisement did not contravene the emergency regulations

The police have been given until March 24 to show why the order should not finally be granted

Giving evidence the Editor of *The Star*, Mr Tyson said "We have two concerns One is that having taken every possible step to ensure that the advertisement is legal in the eyes of the police we received this visit

"More than that we believe our reputation is at stake Not once in 80 years have we been stopped from reaching

our readers We believe we would lose readers if we couldn't give a daily reliable service "

He said that having removed all reference to the release of detainees in the advert, the matter had been taken up in an editorial on the front page

Debate

The editorial argued the emergency regulations referred to the release of a detainee and that he could not believe the legislator intended the public should not be allowed to debate the issue of detention without trial, said Mr Tyson

Mr D Kuny, SC, for *The Star* submitted before Mr Justice Donovan that references to the release of detainees had been removed from the advert These were the portions, he argued, that might have contravened the emergency

regulations The regulations provide that no publication should contain a call for the release of a detainee

A notice to seize *The Star* was handed to Mr Tyson this morning, Mr Kuny said, but the police were informed that the advertisement had been amended

"He (the policeman) indicated that he would have to go back and take instructions The threat has not been lifted," said Mr Kuny

Drastic

The seizure of the newspaper would be a "drastic and prejudicial step"

It would affect many thousands of copies and the resulting financial loss, as well as the reputation of *The Star*

The threat against the newspaper had not been withdrawn The matter was "under consider-

ation" The newspaper's main edition could be printed, distributed and then all copies taken off the street and out of shops by police

To obviate this, the application had been brought as a matter of urgency — Sapa



DEFENDING the public's right to know: Editor of *The Star*, Harvey Tyson.

4 papers
publish
Detainee
Day ad

THELMA TUCH

FOUR newspapers were preparing last night to publish advertisements calling for a day-long fast tomorrow in solidarity with detainees — after unsuccessful attempts yesterday by police to prevent such publicity.

The police attempt to seize copies of *The Star* containing an advertisement on National Detainees Day — issued by the Detainees' Parents Support Committee (DPSC) — backfired as a result of an amendment made to the advertisement and a subsequent court order.

The amendment ensured references to the release of detainees were removed.

● See Page 4

And yesterday afternoon Mr Justice O'Donovan granted an order restraining the police from seizing any editions of *The Star* containing the advert.

Last night the *Sowetan*, the *Cape Times*, the *Eastern Province Herald* and the *Natal Mercury* had placed the advertisement to appear in today's editions.

The original advertisement, which appeared in *City Press* last Friday, brought harsh police reaction.

A statement released by the SAP at the weekend said the advertisement constituted an infringement of the emergency regulations and warned editors police would authorise seizure of newspapers.

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THE Commissioner of Police was ordered not to seize copies of yesterday's editions of *The Star* carrying an advertisement by the Detainees' Parents Support Committee



• TYSON

SAP stopped from seizing Star copies

SUSAN RUSSELL

An interim interdict was granted by a Rand Supreme Court judge after an urgent application by the newspaper yesterday.

The Star brought the application at midday after police had earlier visited its building and said they were considering seizing the newspaper in terms of the emergency regulations

The "Stop Press" edition of *The Star* carrying the advertisement on Page 4 and a related editorial on the front page was already on sale when Mr Justice O'Donovan heard the application.

The advertisement in *The Star* had been amended so as not to include a call for the release of detainees

Counsel for the Argus company Denis Kuny, SC, submitted that in its amended form the advertise-

ment did not contravene 3(1)(h) or any other regulation

He said the advertisement as it appeared was now in order and any attempts by the commissioner to seize the newspaper in terms of regulation 6 would be unlawful

Kuny said the threat of imminent seizure was causing financial loss and other irreparable harm to the newspaper

Editor Harvey Tyson and an attorney acting for *The Star*, Paul Jenkins, both gave evidence and supported the application.

Tyson said they had come to court because the police had not given any assurance that the paper would not be seized as the day wore on

Jenkins told the judge he had

telephoned the head of the Security Branch in Pretoria, Colonel van der Merwe, and also spoken to an advocate who was in consultation with the State Attorney

He said they had not been able to get him a decision as to whether *The Star* would be seized or not

The judge issued a rule nisi calling on the commissioner to show cause on March 24 why an order should not be made prohibiting and interdicting him from seizing, under regulation 6(1), any editions of *The Star* carrying the advertisement

He must also show cause why an order should not be made declaring that the advertisement did not contravene regulation 3(1)

The rule nisi is to act as a temporary interdict.

Wave of concern follows The Star's court drama

A tide of concern for freedom of speech in South Africa poured into The Star offices today following yesterday's court drama in which the newspaper successfully appealed to the Supreme Court to prevent police seizing the newspaper.

Human rights groups, the official Opposition, lawyers and extra-parliamentary groups all condemned efforts to stop The Star publishing a Detainees' Parents Support Committee (DPSC) advertisement

And following yesterday's Rand Supreme Court case, in which Mr Justice O'Donovan granted the newspaper temporary orders ruling that the form in which the advertisement about tomorrow's annual National Detainees Day appeared was legal, and restraining police from seizing copies of the newspaper, four other newspapers today published the advertisement

They were the *Sowetan*, the *Natal Mercury*, the *Eastern Province Herald*, and the *Cape Times*

In a statement, the South African Police Directorate of Public Relations in Pretoria said yesterday

"The SAP has as the result of an advertisement headlined "National Detainees Day, Thursday 12th March" and published in the *City Press* dated March 8 1987 but issued on March 6 1987 thoroughly considered the matter and also sought legal advice, in order to properly carry out its tasks

"It is the duty of the SAP to maintain law and order and especially during the present state of emergency to ensure that all provisions of the emergency regulations are fully enforced

"In the light of the fact that the legal advisers of the SAP are of the opinion that the particular advertisement is an infringement of Regulation 3 (1)(h) of the regulations as proclaimed in Proclamation R224 of December 11 1986 all editors were informed that should the particulars or similar advertisement be published the SAP would in terms of regulation 6 of the said regulations be obliged to seize the publication This information was applied to the editors in all fairness and in the spirit of co-operation to prevent any possible financial loss to the media

"It is self-evident that any party not in agreement has the fullest right, and had the fullest right to turn to the courts to protect his rights.

"Comment by the Editor of the Star in today's issue of March 10 creates the impression that the newspaper had been delivered to the mercy of the police The comment completely overlooked the fact that the police's action could at any time be tested in the courts and that the police were fully responsible for any unjustified action and any damage resulting from its actions should a court decide"

Mr Tyson said "The Star contests this statement. The fact is that the emergency regulations allow the police to confiscate editions before the legality of the content of any newspaper can be tested in court Claiming damages after a newspaper has been seized hardly helps This was one of the issues raised in the urgent application to the Rand Supreme Court If the police had seized The Star as they threatened to do at the start of the press run, the damage would have been irreparable"

● See Page 13

Editor hails court decision to prevent police's planned seizure of The Star

Check to 'authoritarianism'

By Jo-Anne Richards

Police were yesterday prohibited by the Rand Supreme Court from seizing copies of The Star containing a Detainees' Parents Support Committee advertisement — just as the newspaper's main edition began rolling off the presses.

The temporary order declared that the advertisement did not contravene emergency regulations. Reacting to the decision, Editor in Chief of The Star Mr Harvey Tyson said "The Rand Supreme Court, at instant notice, has provided a check to the headlong rush into censorship and authoritarianism" (See leading article.)

Mr Justice O'Donovan granted the order at about 2 pm yesterday. The Star brought the urgent application shortly before lunch. Mr D Kuny SC, for The Star, told the court all references to the release of detainees had been removed from the advertisement before publication. "The advertisement was amended by deleting all portions appearing to offend emergency regulations," he said.

Mr Kuny argued that the threat of being taken off the streets had not been removed. Police were still considering the matter. Regulations state a publication may not call for the release of "a" detainee. The application arose because, having been warned by police that newspapers would be confiscated if they published an advertisement calling for release of "detainees", The Star felt impelled to publish an amended advertisement, even though it believed the original to be legal.

In evidence, Mr Tyson said he took up the matter of the deleted portion of the advertisement in a front-page editorial as "we cannot believe the legislature intended the public should be forbidden to debate the issue of detention without trial". He said two plainclothes police entered The Star building before

the presses started rolling for the first edition and handed him a police order of seizure of copies of the newspaper.

"I said to the lieutenant that I was convinced the advertisement was legal and that certain amendments had been made. He didn't appear convinced, but made no comment. He said he would have to take further instructions."

Mr Tyson testified to continued communication with the police throughout the morning. Two Cabinet ministers and the Commissioner of Police were unavailable. Nor could the Head of the Security Police give an assurance copies would not be seized. The cost of one day's copies being seized would approach R500 000, he said.

Mr Tyson added "Every hour, newsprint alone costs R20 000. More than that, we believe our reputation is at stake. "Not once in 80 years have we been stopped in reaching our readers. We believe we would lose readers if we couldn't give a daily, reliable service."

Mr Paul Jenkins, an attorney with Webber Wentzel, acting for The Star, said he had twice spoken to the head of the Security Police, a General van der Merwe, since the action started. He was told the matter was still being considered by lawyers.

He had invited General van der Merwe to attend the hearing. No members of the police were present in court. Mr Kuny argued that, due to the action's extreme urgency, formal notice to the respondent, the Police Commissioner, had not been possible.

The Commissioner has until March 24 to show any reason the order should not be granted finally.

Sections cut from the original advertisement were handed to the court as evidence.

Widespread shock at bid to seize Star

By Pat Devereaux

Shock and anger followed yesterday's police attempt to seize copies of The Star which contained an advertisement placed by the Detainees' Parents Support Committee.

Politicians and public spokesmen reacted strongly to the abortive move by police, thwarted when The Star lodged an urgent interdict in the Rand Supreme Court.

The newspaper's legal representative, Mr Peter Reynolds, said the police who arrived at The Star offices with the order would have been acting within their rights — had the advertisement contained matter which contravened the law.

"As it did not, the police ran the risk of acting illegally and facing a claim for damages," said Mr Reynolds.

This view is supported by the interim order which Mr Justice O'Donovan made yesterday afternoon in favour of The Star.

The temporary order declared the advertisement lawful and prohibited the police

from seizing editions of The Star containing the DPSC advertisement.

"If the police had made inquiries about the advertisement before arriving at The Star with their order to seize the newspaper, the need for a court order may never have arisen," said Mr Reynolds.

The Star was congratulated by PRP media spokesman Mr Dave Dalling for standing up to the police and refusing to be intimidated.

Mr Dalling said "Politics in this country becomes sinister when police try to seize a newspaper purely because they think the advertisement calls for the release of detainees."

He warned the Government to stop intimidating and harassing opposition newspapers. "If Mr P W Botha cannot get a grip on his Government he should get out now," he said.

A DPSC spokesman accused the Government of being terrified of criticism on the embarrassing issue of detention of political opponents. "It is prepared to go to any

lengths to stifle such criticism," said the spokesman.

Mr Joel Mervis, official representative of the International Press Institute in South Africa, said: "The seizure of newspapers is an unwarranted intrusion on Press freedom."

The Anti-Censorship Action Group called for resistance to the "total onslaught on freedom of expression" and said they deplored the seizure of any newspaper.

"The attempted seizure of the biggest daily newspaper in the country should make the public aware of the extent of censorship," said a spokeswoman.

She added: "If The Star is threatened with seizure, what source of information is respectable enough to be safe?"

Johannesburg Regional Chairman of the Conservative Party, Mr Clive Derby-Lewis said: "If the Government believes the DPSC is undermining the country they should ban it rather than act against The Star."

The director of the Legal Resources Centre, Mr Geoff Budlender, said the attempted seizure of copies of the newspaper was a graphic illustration of arbitrary power.

"The seizure of newspapers is contrary to any notion of a free Press," he said.

Callers last night praised The Star for its stand.

The Supreme Court gave the police until March 24 to show why the temporary order should not finally be granted.

Out on the streets with the big news after all ... and the lead story yesterday after the Rand Supreme Court decision was the police's attempted seizure of The Star.

Court bars SAP from seizing copies of Star

CAPE TOWN 11/3/87. 243

JOHANNESBURG — Police were yesterday prohibited by the Rand Supreme Court from seizing copies of The Star containing a Detainees' Parents Support Committee advertisement — just as the newspaper's main edition began rolling off the presses

The temporary order declared that the advertisement did not contravene the emergency regulations

Mr Justice O'Donovan granted the order about 2pm, after The Star had brought an urgent application shortly before lunch

Mr D Kuy SC, for The Star, told the court that all references to the release of detainees had been removed from the advertisement before publication

"The advertisement was amended by deleting all portions appearing to offend the emergency regulations

"The Commissioner has not withdrawn the threat to seize the newspaper. The matter is under consideration," he said

The regulations state that a publication may not call for the release of "a" detainee

For the advert — See page 7

Giving evidence, the editor of The Star, Mr Harvey Tyson, said he took up the matter of the deleted portion of the advertisement — the release of detainees — in a front-page editorial. This was because "we cannot believe the legislature intended that the public should be forbidden to debate the issue of detention without trial"

"Not once in 80 years have we been stopped in reaching our readers. We believe we would lose readers if we couldn't give a reliable daily service"

Mr Paul Jenkins, an attorney with Webber Wentzel, acting for The Star, told the court he had twice spoken to the head of the security police in Pretoria, a General Van der Merwe, since the action commenced. He was told the matter was still being considered by lawyers

The Commissioner has until March 24 to show any reason the order should not be granted finally

Sections cut from the original advertisement were handed to the court as evidence. They include a paragraph call-

ing on "all concerned people to demand the immediate and unconditional release of the thousands of South Africans incarcerated in cells throughout the country"

"We are delighted that we were able to prove a point, and it's not the point of censorship it's extraordinary that we have to deal with basics at this time," Mr Tyson said

A statement issued by the SA Police Directorate of Public Relations in Pretoria reads

"The SAP has as the result of an advertisement headlined "National Detainees Day Thursday 12 March" and published in the City Press dated March 8 1987 but issued on March 6 1987 thoroughly considered the matter and also sought legal advice in order to properly carry out its tasks

"It is the duty of the SAP to maintain law and order and especially during the present state of emergency to ensure all provisions of the emergency regulations are fully enforced

"In the light of the fact that the legal advisers of the SAP

are of the opinion that the particular advertisement is an infringement of Regulation 3 (1) (h) of the regulations as proclaimed in Proclamation R224 of December 11 1986 all editors were informed that should the particulars or similar advertisement be published the SAP would in terms of Regulation 6 of the said regulations be obliged to seize the publication. This information was applied to the editors in all fairness and in the spirit of co-operation to prevent any possible financial loss to the media

"It is self-evident that any party not in agreement has the fullest right, and had the fullest right to turn to the courts to protect his rights

"Comment by the editor of the Star in today's issue of March 10 creates the impression that the newspaper had been delivered to the mercy of the police. The comment completely overlooked the fact that the police's action could at any time be tested in the courts and that the police were fully responsible for any unjustified action and any damage resulting from its actions should a court decide"

ANC advert: Hearing told of 'money laundering'

ARGUS
11/3/87

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The Argus Correspondent

JOHANNESBURG — The Munnik Commission of Inquiry yesterday heard dramatic evidence concerning the United Democratic Front's "Unban the ANC" advertisements, including alleged money-laundering, suggestions of overseas funding of the UDF and the telephone tapping of UDF patron Dr Allan Boesak.

The central figure in the funding of the advertisements, Mr Yusuf Surtee, told the commission he was approached in January by UDF national treasurer Mr Azhar Cachalia, a childhood friend, for an urgent loan of R100 000 to pay for certain UDF advertisements

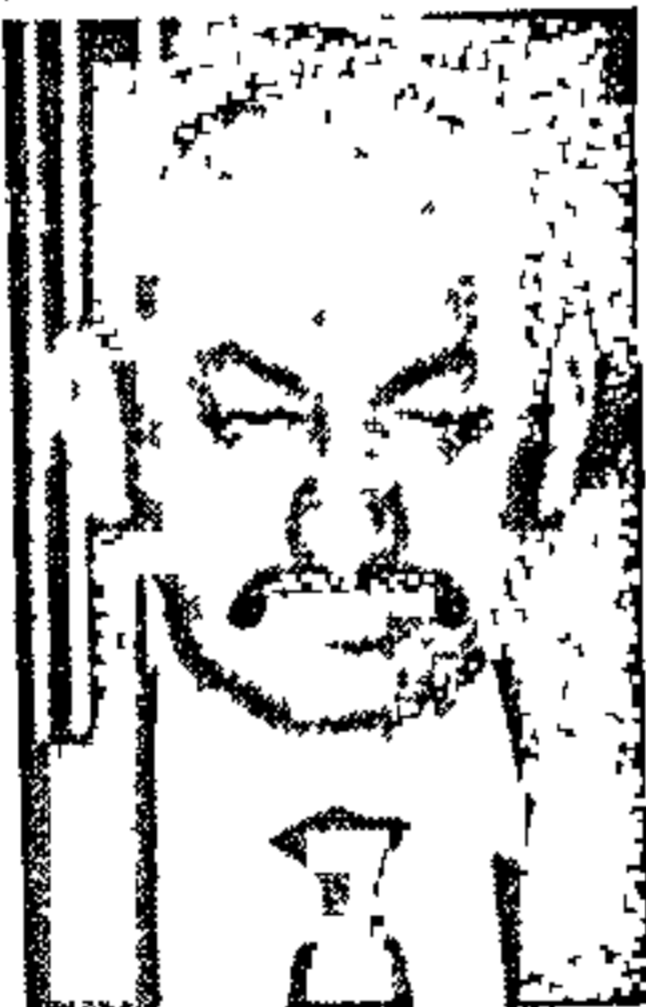
He secured an overdraft of R100 000 from Barclays Bank managing director Mr Chris Ball, saying it was for his personal use Mr Surtee insisted he never told Mr Ball what the money was to be used for

Counsel for the commission, Mr H F van Zyl, SC, then handed to the commission four transcripts of conversations held between Mr Surtee and Dr Boesak and Mr Surtee and Dr Boesak's secretary, Miss Thelma Sacco, which had been transcribed by the National Intelligence Service

In one of the conversations with Miss Sacco, Mr Surtee said he had secured the loan According to the transcript Mr Surtee said "You know who our lifesaver is? He is a good man, this Chris Ball he is so sympathetic, he gave it to me he's done it for a good cause, you see"

Mr van Zyl put it to Mr Surtee "On the face of it, it would seem that you gave him (Mr Ball) one or other explanation with which he sympathised and this is why he gave you the money"

Mr Surtee again insisted that he had cited personal reasons for the overdraft



Mr Yusuf Surtee

In the rest of his conversation with Miss Sacco, Mr Surtee referred to an arrangement to pick up "something" from a Miss Michanek of Sweden He said he would prefer to meet her in Amsterdam during a stop-over on his way to India

Mr Surtee said the UDF had asked him to collect a confidential letter but he failed to do so as he had missed Miss Michanek in Amsterdam

He told the commission he had asked for an extension for repayment of the overdraft mainly because he wanted to provide bridging finance for his father's clothing store, which had run into financial difficulties

Mr Surtee's bank account showed that he had received about R91 000 from the UDF and the National Education Crisis Committee There had been numerous loans to his family's business, most of which were repaid within a few days

"Nothing funny"

Mr van Zyl said "The overall picture from this account is that, apart from a few credits from the UDF, the account was used to play around between you and 101 Fox Street (his family's business)"

Mr Surtee said he was helping his father with cashflow problems "We weren't doing anything funny It was completely legal They were business transactions"

Early in his testimony, Mr Surtee confirmed he knew the UDF was an organisation which could not receive overseas funds

The commission asked Mr Surtee whether he had not in fact "laundered" money by accepting R50 000 from Dr Boesak's Foundation for Peace and Justice and then writing three cash cheques for this amount and handing them to Mr Cachalia

Mr Surtee said he had done so in order to help his friends, Mr Cachalia and Dr Boesak, and not to assist the organisation

Mr Surtee said in hindsight he may have been used

One of the tapped telephone conversations between Mr Surtee and Dr Boesak referred to Mrs Winnie Mandela's negotiations over the making of a film on the Mandelas

It was disclosed that Mrs Mandela had signed contracts with the Bill Cosby organisation and with entertainer Harry Belafonte

In the transcript Mr Surtee said this was terrible and that the wife of the most important man needed guidance

A trust fund for the making of the film by the Cosbys was being established The matter was apparently later resolved

At the start of the day's proceedings Mr Surtee said he had been able to secure the R100 000 overdraft from Barclays Bank in spite of his poor financial record because he had been influential in bringing important accounts to the bank

The commission heard that Mr Surtee's total income with perks was worth about R47 000 while the bank estimated his income to be R100 000 a year

These included the accounts of his businesses and the holding company, Kharbiba, as well as two trust accounts worth a total of R70-million

One of these was the Equal Opportunities Development Fund Trust, sponsored by Coca Cola and worth R20-million over five years The other was the Kagiso Trust Account worth R50-million

Dr Boesak had also transferred his account to the bank

Govt won't act against 2 papers

Saw Star

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TWO Johannesburg newspapers will not be prosecuted for contravening the emergency regulations for an advertisement and an article published at the weekend calling for a "national detainees day," a police spokesman said in Pretoria.

The police directorate of public relations said in a statement that any newspaper publishing

advertisements or articles advocating a "national detainees day" would be infringing the emergency regulations

On Friday, *City Press* carried an advertisement placed by the Detainees' Parents Support Committee (DPSC) about the day

The *Star* newspaper also published a story about the call by the

To Page 2

...war on the

Teacher hands round 'ECC is Red' article

THE cadet master at a top private school in Grahamstown has been distributing copies of the *Aida Parker Newsletter* (APN) attacking the End Conscription Campaign, according to pupils — for the second time in less than a year.

This is despite the particular edition of the newsletter having been discredited by the Media Council for being "distorted".

Copies of the same newsletter have also been distributed at a Port Elizabeth high school, according to newspaper reports

According to a matric pupil at St Andrews College, cadet master AB Crankshaw had given them a "ten minute lecture" last week in which he claimed the ECC was "Soviet-sponsored"

He based this on a report in the *APN* linking the ECC to the Moscow-based World Peace Council — a link which was rejected by the Media Council

The pupil said Crankshaw insisted this was not a political view, it was "fact".

"Basically he gave a similar lecture to one he gave last year, when he also distributed the pamphlet," the pupil said

"He went over what he said last year, for the benefit of those who weren't there."

Consul sees priest

WEEKLY MAIL REPORTER

DETAINED American Catholic priest, Cas Paulsen, was visited by Durban vice-consul Mike Matera this week.

It was the second consular visit to Paulsen who has been held in a Transkei jail since mid-December.

Matera said the priest was showing signs of the strain of his detention and did not seem as well as during his first visit

They were warned not to discuss either conditions of detention or Paulsen's "case"

By JEREMY BERNSTEIN
in Grahamstown

Another matric pupil, who attended Crankshaw's first lecture, accused the cadet master of "ranting and raving about ECC, saying he was only presenting the other side of the story"

He said Crankshaw had shown them reports of Port Elizabeth ECC leader Janet Cherry's arrest on alleged drug charges. He did not, however, show the reports that she had been released without being charged for possession of drugs

After his lecture, Crankshaw had said pupils could get the *APN* from him. He also put copies on newstands in the school's boarding houses

An affidavit recording the incident had been filed with a Grahamstown lawyer, but was unavailable as it was used by the Media Council during its investigation.

St Andrews headmaster Arthur Cotton said he could not comment on the issue, as he had "been away".

Crankshaw said that in terms of school regulations, he was not allowed to comment on the students' allegations

Grahamstown ECC leader Fiona Adams said distribution of the *APN* at schools was "a serious matter, particularly when it has the implicit blessing of the school authorities".

● In its report on the *APN* — prompted by a complaint from the ECC — the Media Council found it had "breached the media code of conduct in a number of respects".

It had "failed to report news truthfully and accurately in a balanced way as a result of distortions, misrepresentations and omissions", the Media Council found.

However, the council was unable to order *APN* to correct the "many incorrect statements, since it does not fall under our jurisdiction".

APN, which is staunchly pro-government, is edited by former *Citizen* political reporter Aida Parker — Albany News



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Police to oppose ruling on The Star

The Commissioner of Police, General Johann Coetzee, announced today that the police would oppose a Supreme Court order which ruled they could not seize copies of The Star which contained a Detainees' Parents Support Committee advertisement.

However, General Coetzee said police legal advisors believed the amended advertisement published by The Star on Tuesday had not contravened the emergency regulations.

He "deplored" The Star's action in only informing the police of the court action at short notice.

The Editor of The Star said that the only deplorable action was that of the police and that the newspaper had done everything possible to prevent it happening.

The Commissioner of Police's statement said "The Commissioner of the SA Police, General Johann Coetzee has decided to make the following facts available:

"On March 6 1987 the SA Police telexed a message to all editors, informing them that an advertisement under the heading, "National Detainees Day 12 March 1987" in the *City Press* dated March 8 1987, but issued on March 6 1987, constituted an infringement of Regulation 3 (1) (h) of the media regulations," the statement said.

"On March 9 1987, the Security Branch of the SA Police in Johannesburg received information that this particular advertisement was to be published in The Star. Security branch officers visited The Star's offices on March 10 to comply with an order of seizure issued

● To Page 7, Col 1

could be accepted that no issue of a newspaper containing the amended advertisement would be seized.

"As a result of the late notice, it was practically impossible for the SA Police's legal advisors to attend the court proceedings in Johannesburg.

"The SA Police deplore The Star's actions and have already instructed their legal advisors to oppose the confirmation of the provisional order."

● The Editor of The Star, Mr Harvey Tyson said in response to the Police statement:

"The police were polite but dilatory in their actions. They could needlessly have caused damage amounting to tens of thousands of rands in direct costs, plus much more.

"The deplorable thing about this distressing occurrence is that police should be able to seize newspapers before any judicial test of their legality.

"We did everything required of us — and more — to help the police make up their mind. The presses had to roll (at about 50 000 copies an hour) on first deadline if we were not to suffer serious losses.

As publishing went ahead The Star tried every avenue possible to get a response from the police. When none was forthcoming, we warned the most senior officer we could contact, well before noon, that if we could not get a reply we would have no option but to seek an urgent court order to prevent the police seizing what we were quite sure was a legally published newspaper.

"The judge actually adjourned the court shortly after 1pm so that our lawyers could again seek a decision from the police. We were told none was available. Then the court action continued.

"It is deplorable that we should be placed under the threat we were."

● From Page 1

in terms of regulations 6 of the media regulations, relating to this advertisement.

"They were however, informed that the advertisement which The Star intended publishing was in fact, an amended advertisement and that the wording thereof was different to that of the advertisement which appeared in *City Press*.

"In view of this, the Security Branch did not execute the order of seizure and notes of the amended advertisement were referred to the SA Police legal advisers for a decision."

A copy of The Star was sent to police headquarters and arrived at 10.59 am. Members of the security branch in Johannesburg were approached by The Star with a request to inform them whether the SAP intended to seize The Star.

"It is standard procedure that all matters pertaining to the emergency regulations and in regard to which the SA Police require legal advice are also submitted to a panel of legal experts. It is not always possible to convene this panel at short notice.

"At approximately 12h00 this panel decided that the amended advertisement did not constitute an infringement of the media regulations."

The statement said the police then obtained a second opinion from senior counsel.

"At 13h03 on March 10 1987, Mr Jenkins, The Star's attorney, informed Major-General van der Merwe, head of the Security Branch that The Star had submitted an application to the Supreme Court."

At no stage prior to this telephonic conversation were the SA Police in any way informed of the court application.

"At approximately 13h15 on March 10 1987 the SA Police's legal advisors contacted The Star's legal advisor and informed him that it

New weekly paper in Cape Town next week

Staff Reporter *ARGUS 13/3/77 243*
A NEW independent weekly newspaper called South will appear in Cape Town for the first time next Thursday

Its editor, Mr Rashid Seria, said yesterday the newspaper had received its registration certificate from the Government and could now go ahead

South will be a tabloid of between 16 and 24 pages," he said

"It will operate on a strictly commercial basis and promote a non-racial and democratic South Africa"

1
2

① To Print: Job Clerk: Rice/idea - Verum. (4)
② To Amend: 2 - Job program

Police to oppose 'seizure' order

The Commissioner of Police, General Johann Coetzee, announced yesterday that the police would oppose a Supreme Court order which ruled they could not seize copies of The Star containing a Detainees' Parents Support Committee advertisement

However, General Coetzee said police legal advisors believed the amended advertisement published by The Star on Tuesday had not contravened the emergency regulations

He "deplored" The Star's action in only informing the police of the court action at short notice

The Editor of The Star said that the only deplorable action was that of the police and that the newspaper had done everything possible to prevent it happening

The Commissioner of Police's statement said "The Commissioner of the SA Police, General Johan Coetzee has decided to make the following facts available

"On March 6 1987 the SA Police te-

lexed a message to all editors, informing them that an advertisement under the heading, "National Detainees Day 12 March 1987" in the *City Press* dated March 8 1987, but issued on March 6 1987, constituted an infringement of Regulation 3 (1) (h) of the media regulations," the statement said

"On March 9 1987, the Security Branch of the SA Police in Johannesburg received information that this particular advertisement was to be published in The Star Security branch officers visited The Star's offices on March 10 to comply with an order of seizure issued in terms of regulations 6 of the media regulations, relating to this advertisement

"They were however, informed that the advertisement which The Star intended publishing was in fact, an amended advertisement and that the wording thereof was different to that of the advertisement which appeared in *City Press*.

● To Page 6, Col 4 ■

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At stake is the right to protest

UNDERCURRENT AFFAIRS BY HARVEY TYSON

It was an exclusive little meeting a small group of newspapermen and security policemen Exclusive — and almost cosy Our acting general manager was revealed as an old boy of Johannesburg's most exclusive boys' school, St John's College The daily editor of The Star was also an Old Johannan, we realised and so, we were told later, was the Security Police lieutenant who arrived at the third basement with an order to confiscate any edition carrying that now famous detainee advertisement

"Would you confiscate our paper if we were to print those pictures up there?" I inquired We all stared intently at the bare-bosomed punts which the works staff collect as connoisseurs.

Minutes later I saw another photograph on the wall — a reproduction of the front page of The Star announcing (would you believe) the closure of The Star's sister newspaper precisely a decade ago

The front-page editorial which I penned on that day 10 years ago said that the arbitrary closure, without explanation, of *The World* meant that all South African newspapers were under threat.

"No longer can it be said that we have a free Press," I wrote

"For once I got it right," I remarked to nobody in particular And I wondered again if the young lieutenant — or the head of all security — appreciated just how serious, how individually tragic and globally significant, was the action on which they had so blithely embarked

My impression is that they were unaware either of the principles or the consequences involved But then neither are the major-

ty of people, even some of the most sophisticated and well-educated Or worse if they are aware, then they don't care

On four successive weekdays I failed to extricate myself from addressing a number of public meetings and, on each occasion, I watched people closing their eyes and snoring in embarrassment as I harangued them about Press censorship

At every meeting but one, some people woke up and asked

"What's wrong with censorship?"

"Don't you see that censorship has stopped all those reports about unrest?"

"Isn't it much more peaceful now?"

At the fourth meeting — the night before the police visited our

presses — the audience, ironically, happened to be the Anti-Censorship Action Committee and some members went to the other extreme

"Why don't you get your paper closed down? Won't that show the world?"

"Show the world what?" I wondered "And what will we do for an encore?"

So long as newspapers and other instruments of democracy survive, there is a chance of restoring freedom in the foreseeable future It is necessary that newspapers survive to remind people that the Government seems hell-bent on fashioning a dictatorship for some future government to run

Every restriction which the National Government imposes will one day be used against Afrikaner nationalists (and the rest of us) The only guarantee of freedom is to protect

freedom It means that YOU have to start protesting

So long as you do so — loudly and publicly — there is still a chance of getting back some democracy

But the real issue in the Press-bashing this week was not censorship or democracy or even emergency rule

The principle at stake was the right of ordinary people to be able to protest against the common and accepted practice of imprisoning people without charging them or giving them a trial

The police believe that the right to debate detention without trial is suspended by the emergency regulations If that were true, it would be best to cry "police state" and flee South Africa

But the courts and Parliament and the Press still survive and the debate on justice and freedom should continue whatever repressive rules any bureaucrat may design

Okay, you can tune in again and we'll talk about more real issues Do you ever get death threats?

We do They're part of the crank mail

But, this week, I received something more cheerful — and it wasn't even anonymous It was a letter purporting to come from God

Nothing unusual about that but this time it came from someone who claimed to be the First Female Representation of God Surely She hasn't read her mythology and history Unfortunately, I've lost her letter, otherwise I could write and tell her about at least three ladies who have been that road before

More accurate is the message from Mr Keith Elliot of Johannesburg who points out that I was wrong last week when I said that, if Swapo were defeated in Namibia (which is a possibility), it would be only the second defeat of revolutionaries by a "colonial power" since World War 2

Malaya is the textbook example But, points out Mr Elliot, there was also the defeat of the Mau Mau in Kenya

Which shows that winning the war is only half the battle

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the week's editorials

The need for
rule of law

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AFTER dramatically suspending normal hearings, the Rand Supreme Court reacted instantly to an urgent appeal by The Star yesterday to restrain the police from seizing the newspaper. This action, and a judgment that an advertisement about detainees was legal, may have deeper consequences than protecting freedom of expression, vital as that is.

The police say that newspapers were always under the courts' protection in this matter — but that is not so. Were it not for the power of the police to confiscate a newspaper *before* any judgment by a court on the legality of any content, The Star would never have insisted on an amendment to the advertisement submitted by the Detainees' Parents Support Committee. The original advertisement, which the police claimed was an infringement of the emergency regulations, was in our view quite legal.

But because of the unchecked power of the police, we had to resort to the device of amending the advertisement and addressing the subject of detainees on page one. Even this perfectly legal action in the public interest brought the risk of

confiscation of the edition. Had the police not hesitated in the face of our move, instant action by the courts could not have stopped irreparable damage to the newspaper. Claiming damages thereafter would have been small comfort.

Now the courts have stopped the security police in their present course. The result goes beyond censorship and beyond politics. Because of the nature of the advertisement, the issue also concerns the fundamental right to oppose detention without trial.

The bottom line for all South Africans must be the right to a public hearing in the face of any criminal accusation. If the emergency regulations are going to prevent people defending this right, then we have nothing left to distinguish us from Marxist regimes.

Perhaps the alacrity of the Supreme Court to grant an order restraining the police will signal to the public the dangers of unchecked power; the dangers of circumventing the courts; and the direct threat to the liberty of every individual when imprisonment without trial not only becomes a regular feature of society but a taboo subject for debate.

FRIDAY MARCH 13 1987

Defending freedom of expression

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Two significant factors, directly affecting advertisers, have arisen from the latest in a series of assaults launched by the authorities against The Star when police tried to seize the newspaper last Tuesday.

Firstly, The Star went out on a limb by publishing what it considered to be a legal advertisement for the Detamnee's Parents' Support Committee in spite of policemen in the building waving official orders. Later in the day the Supreme Court granted an order in favour of The Star.

And not long ago newspapers succeeded in challenging the state's right of seizure in the Natal Supreme Court only for this measure to be reconstituted in another form.

Apart from The Star's intention of maintaining its undemably costly crusade for freedom of expression, this also involves defending the right of every advertiser to state any legitimate case unlike many other news media. The Star will publish any legal advertisement from any organisation — far right to far left.

While it is tempting to give

the assurance that the advertisers of Sudso soap powder will be exempt from the brunt of the emergency regulations, the way paranoia is growing, anything can happen. But certainly any advertising agency placing on behalf of a political organisation for the forthcoming elections could find the police on its doorstep. The Star will be right there with them, whatever the advertisers' views may be.

Second, while South Africa is undoubtedly one of the most complex countries on the globe for marketers, the emergency regula-

tions have created a phenomenon directly affecting advertising media managers.

With pro-government media quite patently sticking to the letter of the emergency laws and The Star and others continually testing these laws, the increasing numbers of people who are concerned about the future of the country, are being forced to follow a variety of news media in an attempt to become better informed.

A survey carried out by The Star last year showed, for example, that the SABC's interpretation of news differed almost entirely from that of The Star's.

This alone is a factor that media managers will have to consider in the future as they plan efficient exposure in a wide variety of target markets.

In most Western countries the competition between broadcast and print media is straightforward. In South Africa the state of emergency has effectively destroyed Press freedom but at the same time it has created new responsibilities and unique positioning for newspapers like The Star. And new opportunities for those who advertise in it.

Police try to confiscate The Star

Police attempted to seize *The Star* this week to prevent the newspaper publishing an advertisement placed by the Detainees' Parents Support Committee (DPSC).

The Star brought an urgent application in the Rand Supreme Court on Tuesday seeking an order that the advertisement as published did not contravene the emergency regulations.

Mr Justice O'Donovan granted the newspaper temporary orders ruling that the form in which an advertisement about Wednesday's annual National Detainees Day appeared was legal and restrained police from seizing copies of the newspaper. After the order was granted, four other newspapers on Wednesday published the advertisement. They were the *Sowetan*, the *Natal Mercury*, the *Eastern Province Herald*, and the *Cape Times*.

The Star brought its application as a matter of urgency before the main editions of the newspaper were published on Tuesday.

The Star stood to lose, in monetary terms alone, R500 000 in sales, advertising revenue, and newsprint costs, quite apart from other inestimable losses if the newspaper was seized, said Editor-in-chief Mr Harvey Tyson.

Earlier two security policemen arrived at the offices of *The Star* with a document ordering the seizure of any edition of Tuesday's newspaper in which the advertisement "National Detainees Day - Thursday 12th March 1987 - 9 months of emergency" placed by the DPSC appeared.

They presented Mr Tyson, with the order which was signed by the Divisional Commissioner of Police for the Witwatersrand, Major-General Mulder van Eyk.

They left to seek legal advice after it was pointed out to them that the advertisement on Page 4 of *The Star* had been passed by the newspaper's legal representatives and was materially different from the advertisement published in *City Press* last week, which resulted in police issuing a warning that it should not be published.

The application was planned after *The Star* was unable to ascertain from the police whether they would act against the newspaper.

The Commissioner of Police, General Johann Coetzee, was "unavailable".

The Star also tried to gain the information from a police colonel, but he refused to comment.

The PFP spokesman on the media, Mr Dave Dalling, attempted to con-

tact two Cabinet Ministers, Mr Adriaan Vlok, the Minister of Law and Order, and his deputy, Mr Roelf Meyer. His attempts failed.

The Star's legal representative, Mr Peter Reynolds, had earlier said the newspaper would apply for an urgent interdict "unless we get an assurance from the police that they will not unlawfully seize copies of the newspaper".

Mr Tyson said after the police visit that he believed the advertisement to be completely legal. It had been submitted to *The Star's* legal advisers before publication.

The Commissioner of Police, General Johann Coetzee, later announced that the police would oppose a Supreme Court order which ruled they could not seize copies of *The Star* which contained the Detainees' Parents Support Committee advertisement.

However, General Coetzee said police legal advisers believed the amended advertisement published by *The Star* on Tuesday had not contravened the emergency regulations.

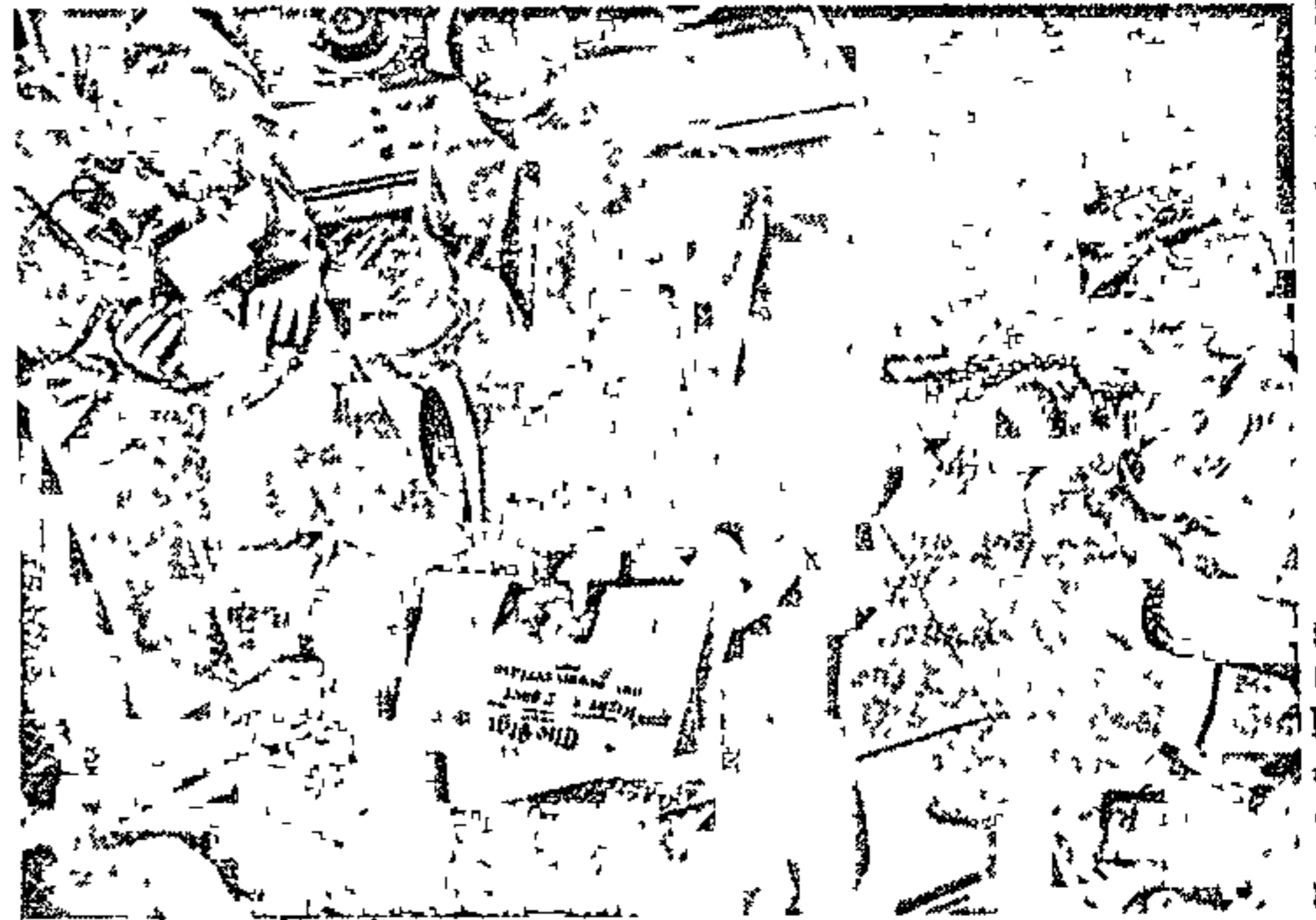
He "deplored" *The Star's* action in only informing the police of the court action at short notice.

The Editor of *The Star* said that the only deplorable action was that of the police and that the newspaper had done everything possible to prevent its happening.

The Commissioner of Police's statement said. "The Commissioner of the SA Police, General Johan Coetzee, has decided to make the following facts available:

"On 6 March 1987, the SA Police telexed a message to all editors, informing them that an advertisement under the heading 'National Detainees Day 12 March 1987' in the *City Press* dated 8 March 1987 but issued on 6 March 1987, constituted an infringement of regulation 3(1)(h) of the media regulations. This information was supplied in a spirit of co-operation and was aimed at preventing possible financial loss to the newspapers. A full statement regarding this matter has already been issued.

"On 9 March, the Security Branch received information that this particular advertisement was to be published in that day's issue of *The Star*. Security branch members then visited *The Star's* offices in order to comply with an order of seizure issued in terms of regulation 6 of the media regulations, relating to this advertisement. They were however, informed that the advertisement which *The Star* intended publishing was in fact, an amended advertisement and that the wording



Newsmen look on as the Editor of *The Star*, Mr Harvey Tyson (centre right), and senior staff members inspect the first copies of Tuesday's newspaper as it comes off the press.

thereof was different to that of the initial advertisement which appeared in *City Press*. In view of this the security branch did not execute the order of seizure and the amended advertisement was referred to police legal advisers.

"A copy of *The Star* was sent to police headquarters and arrived at 10 59 am. Members of the security branch in Johannesburg were in the meantime approached by *The Star* with a request to inform them whether they intended to seize *The Star*.

"It is standard procedure that all matters pertaining to the emergency regulations and in regard to which the SA Police require legal advice are also submitted to a panel of legal experts. It is not always possible to convene this panel at short notice. At approximately 12h00 this panel decided that the second, amended advertisement did not constitute an infringement of the media regulations."

The statement said the police then obtained a second opinion from senior counsel.

"At 13h03 on March 10 1987, Mr Jenkins, *The Star's* attorney informed Major-General van der Merwe, head of the Security Branch, that *The Star* had submitted an application to the Supreme Court and that judgement was expected at 13h15."

"At no stage prior to this telephonic conversation were the SA Police in any way informed of the court application.

"At approximately 13h15 on March 10 1987 the SA Police's legal advisers contacted *The Star's* legal adviser and informed him that it could be accepted that no issue of a newspaper containing the amended advertisement would be seized. At this stage, the court had not yet delivered judgement.

"As a result of the late notice, it was practically impossible for the SA Police's legal advisers to attend the court proceedings in Johannesburg.

"The SA Police deplore *The Star's* actions and have already instructed their legal advisers to oppose the confirmation of the provisional order."

● The Editor of *The Star*, Mr Harvey Tyson, said in response to the Police statement.

"The police were polite but dilatory in their actions. They could needlessly have caused damage amounting to tens of thousands of rands in direct costs, plus much more.

"The deplorable thing about this distressing occurrence is that police should be able to seize newspapers before any judicial test of their legality.

"We did everything required of us — and more — to help the police make up their mind. The presses had to roll (at about 50 000 copies an hour) on first deadline if we were not to suffer serious losses.

"As publishing went ahead *The Star* tried every avenue possible to get a response from the police. When none was forthcoming, we warned the most senior officer we could contact, well before noon, that if we could not get a reply we would have no option but to seek an urgent court order to prevent the police seizing what we were quite sure was a legally published newspaper.

"The judge actually adjourned the court shortly after 1pm so that our lawyers could again seek a decision from the police. We were told none was available. Then the court action continued.

"It is deplorable that we should be placed under the threat we were."

(See Pages 3 and 5)

Former MD quits top Afrikaans Press group

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WPOST

JOHANNESBURG — Mr David de Villiers, managing director of Nasionale Pers from 1969 to 1984, yesterday resigned from the newspaper group's board to give "a little advice and help" to Mrs Ester Lategan, independent candidate in Stellenbosch in the May parliamentary election

The news came to light through an exchange of letters between Mr De Villiers and the chairman of Nasionale Pers, Professor P J Cillie

It appears from the letters that Mr De Villiers informed Prof Cillie several days previously of his intention to help Mrs Lategan against the National Party candidate, Mr Piet Marais

The two men agreed that such action was irreconcilable with Mr de Villiers continued membership of the Nasionale Pers board of directors

The board, at a regular meeting from which only Mr De Villiers was absent, last night accepted his resignation. This was confirmed in a letter from Prof Cillie

Mr De Villiers in his letter said Dr Lategan had approached him for advice and other help

"This would not involve an active political career for me, which would also not interest me," Mr De Villiers wrote

"As you know I have for a long time had misgivings about whether it is in the interest of Nasionale Pers and the cause it serves, that its newspapers must remain so closely bound to a political party

"I must accept that be-

cause I feel called to satisfy the request of Mrs Lategan, I have no other honourable way than to offer you my resignation

"The reasons for my actions are deep. The standpoint of the independent candidate in Stellenbosch and her leading supporters represent for me the best in the thought and ideals of the Boland Afrikaner

"It involves a search for justice for all South Africa's people

"Now, after it has been long apparent that the ideal of justice cannot be reached via apartheid and separate development, clear, alternative policies by which the ideal can be attained are needed

"The efforts of the independent Nationalist candidates in this election is not to dethrone the National Party or discredit it"

Last night a letter from Prof Cillie was delivered to Mr De Villiers in which said "We support the National Party, not because we are its slaves, but because it is quite obviously the best, in fact, the only available instrument, for the safety, reform and the welfare of South Africa

"You say your friends' efforts in this election are not to unseat or demoralise the Government. But what are they doing other than calling out voters against such proponents of reform as Dr Chris Heunis and Mr Piet Marais?"

● Last week another top Afrikaans newspaperman, Dr W M de Klerk, resigned as editor of the Sunday newspaper Rapport — Sapa

Editor hails court decision to prevent police's planned seizure of The Star

By Jo Anne Richards

Police were prohibited by the Rand Supreme Court from seizing copies of *The Star* on Tuesday containing a Detainees' Parents Support Committee advertisement — just as the newspaper's main edition began rolling off the presses.

The temporary order declared that the advertisement did not contravene emergency regulations. Reacting to the decision, Editor in Chief of *The Star* Mr Harvey Tyson said "The Rand Supreme Court, at instant notice, has provided a check to the headlong rush into censorship and authoritarianism."

Mr Justice O'Donovan granted the order at about 2 pm on Tuesday. *The Star* brought the urgent application shortly before lunch.

Mr D Kuny SC, for *The Star*, told the court all references to the release of detainees had been removed from the advertisement before publication. "The advertisement was amended by

Check to rush into 'authoritarianism'

deleting all portions appearing to offend emergency regulations," he said.

Mr Kuny argued that the threat of being taken off the streets had not been removed. Police were still considering the matter.

Regulations state a publication may not call for the release of "a" detainee. The application arose because, having been warned by police that newspapers would be confiscated if they published an advertisement calling for release of "detainees", *The Star* felt impelled to publish an amended advertisement, even though it believed the original to

be legal.

In evidence, Mr Tyson said he took up the matter of the deleted portion of the advertisement in a front-page editorial as "we cannot believe the legislature intended the public should be forbidden to debate the issue of detention without trial".

He said two plainclothes police entered *The Star* building before the presses started rolling for the first edition and handed him a police order of seizure of copies of the newspaper.

"I said to the lieutenant that I was convinced the advertisement was legal and that certain

amendments had been made. He didn't appear convinced, but made no comment. He said he would have to take further instructions."

Mr Tyson testified to continued communication with the police throughout the morning. Two Cabinet ministers and the Commissioner of Police were unavailable. Nor could the Head of the Security Police give an assurance copies would not be seized.

The cost of one day's copies being seized would approach R500 000, he said.

Mr Tyson added "Every hour, newsprint alone costs R20 000

More than that, we believe our reputation is at stake.

"Not once in 80 years have we been stopped in reaching our readers. We believe we would lose readers if we couldn't give a daily reliable service."

Mr Paul Jenkins, an attorney with Webber Wentzel, acting for *The Star*, said he had twice spoken to the head of the Security Police, a General van der Merwe, since the action started. He was told the matter was still being considered by lawyers.

He had invited General van der Merwe to attend the hearing.

No members of the police were present in court. Mr Kuny argued that due to the action's extreme urgency, formal notice to the respondent, the Police Commissioner, had not been possible.

The Commissioner has until March 24 to show any reason the order should not be granted finally.

Sections cut from the original advertisement were handed to the court as evidence.

Widespread shock at police attempt to seize The Star

By Pat Devereaux

Shock and anger followed the police attempt to seize copies of *The Star* which contained an advertisement placed by the Detainees' Parents Support Committee.

Politicians and public spokesmen reacted strongly to the abortive move by police, thwarted when *The Star* lodged an urgent interdict in the Rand Supreme Court.

The newspaper's legal representative, Mr Peter Reynolds, said the police who arrived at *The Star* offices with the order would have been acting within their rights — had the advertisement contained matter which contravened the law.

"As it did not, the police ran the risk of acting illegally and facing a claim for damages," said Mr Reynolds.

This view is supported by the interim order which Mr Justice O'Donovan made yesterday afternoon in favour of *The Star*.

The temporary order declared the advertisement lawful and prohibited the police from seizing editions of *The Star* containing the DPSC advertisement.

"If the police had made inquiries about the advertisement before arriving at *The Star* with their order to seize the newspaper, the need for a court order may never have arisen," said Mr Reynolds.

The Star was congratulated by PFP media spokesman Mr Dave Dalling for standing up to the police and refusing to be intimidated.

Mr Dalling said "Politics in this country becomes sinister when police try to seize a newspaper purely because they think the advertisement calls for the release of detainees."

He warned the Government to stop intimidating and harassing opposition newspapers.

"If Mr P W Botha cannot get a grip on his government he should get out now," he said.

A DPSC spokesman accused the Government of being terrified of criticism on the embarrassing issue of detention of political opponents.

"It is prepared to go to any lengths to stifle such criticism," said the spokesman.

Mr Joel Mervis, official representative of the International Press Institute in South Africa, said "The seizure of newspapers is an unwarranted intrusion on Press freedom."

The Anti-Censorship Action Group called for resistance to the "total onslaught on freedom of expression" and said they deplored the seizure of any newspaper.

"The attempted seizure of the biggest daily newspaper in the country should make the public aware of the extent of censorship," said a spokeswoman.

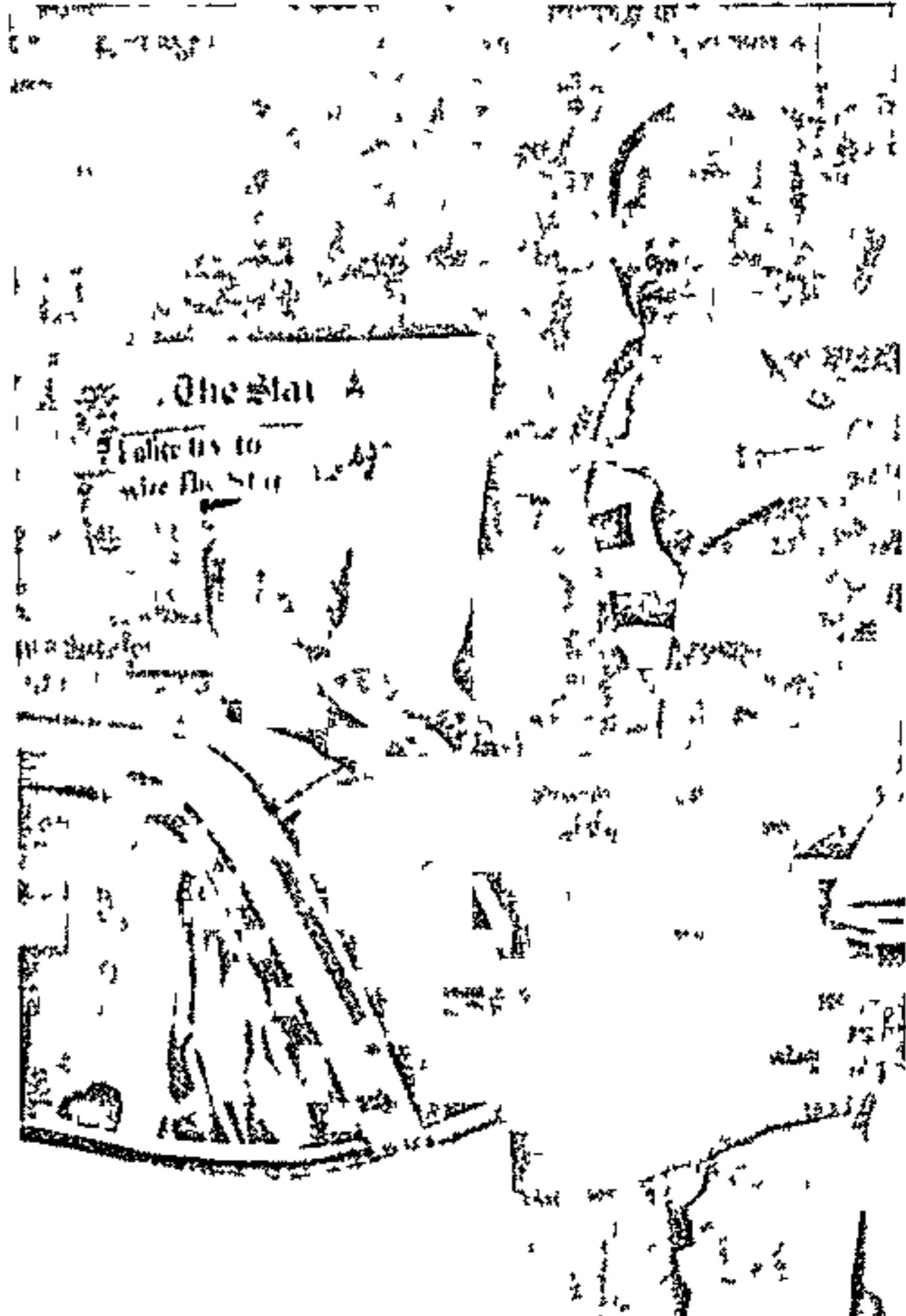
She added "If *The Star* is threatened with seizure, what source of information is respectable enough to be safe?"

Johannesburg Regional Chairman of the Conservative Party, Mr Clive Derby Lewis said "If the Government believes the DPSC is undermining the country they should ban it rather than act against *The Star*."

The director of the Legal Resources Centre, Mr Geoff Budlender, said the attempted seizure of copies of the newspaper was a graphic illustration of arbitrary power.

"The seizure of newspapers is contrary to any notion of a free Press," he said.

Callers on Tuesday night praised *The Star* for its stand. The Supreme Court gave the police until March 24 to show why the temporary order should not finally be granted.



Out on the streets with the big news after all and the lead story on Tuesday after the Rand Supreme Court decision was the police's attempted seizure of *The Star*.

Editor De Klerk too far ahead?

Comment by Afrikaans newspapers on Dr Willem de Klerk's resignation as Editor of Rapport included both a warm tribute and a harsh reflection on his professional competence.

Die Vaderland said the fact that Dr De Klerk had felt he had no option but to resign pointed to the conclusion that his mode of expressing his views "cut too deep" and that he had probably moved ahead of party thinking.

"Be that as it may, Dr De Klerk's departure is a blow to Afrikaans journalism. Not only was he an extremely productive and highly talented writer, he was in his own right an artist with words and a political prophet." History would recognise his contribution to the reforms that had taken place.

In contrast, Die Burger, while acknowledging that Dr De Klerk was "obviously a talented figure from the academic and church world", said his resignation came after a considerable period in which uncertainty existed as to his intention or desire to continue in his editorial chair or in a profession that increasingly demanded an all-round professionalism.

"Old doubts understandably grew as his newspaper's circulation declined alarmingly. The loss of readership can scarcely be dissociated from the impression that his newspaper had serious problems as regards credibility — a word to which Dr De Klerk has himself referred."

Beeld said Afrikaans newspapers had long learned to live with what was called political pressure. That an editor had now pointed to "political pressure" as one of the reasons for his resignation gave that pressure a weight it did not normally carry with Afrikaans editors.

Mr Vosloo said the Labour Party's hierarchy ought to ask themselves very seriously whether a tide had not set in against the party. A "personal observation" was that the anti-LP vote should not be underestimated.

* * *

Fears in welfare circles that the youth of Bloemfontein could be succumbing to "social evils" during their leisure hours seem to have been put to rest.

Die Volksblad says a survey conducted under the auspices of the University of the OFS showed that church activities (92,8 per cent) and sport (84,6 per cent) absorbed the leisure time of most respondents. Political activities were altogether shunned by 82,2 per cent, and only 2,9 per cent wanted to go to discos.

Reassuringly, of the 64,4 per cent that had hobbies, the largest group (41,4 per cent) went in for pottery.

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In an editorial on the defectors from the National Party, Beeld said the party would obviously be stupid to underestimate the breakaway from its ranks to an "independent left" — all the more because it was a mild symptom of an upset that had for sometime been visible in the party, especially among what might be called its intellectuals.

"There are signs that this upset could become a serious illness if it is not speedily treated."

NADERE KENNIS

A weekly review of the Afrikaans Press by JAMES McCLURG

reasonable supporters of the party

seats in rugby's holy of holies"

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* * *

The interface between rugby and politics, often concealed, seems likely to come close to the surface when the Rugby Board's new executive is elected on April 3.

What part did President Botha's TV dressing-down of the Rev Allan Hendrickse — and Mr Hendrickse's subsequent letter to him — play in the Labour Party's defeat in the Bosmont by-election? This is one of the questions posed by Johan Vosloo in a review of the by-election in Ekstra-Rapport.

Rapport says the proceedings will have a "political complexion" this year because two sitting members, Mr Boetie Malan and Mr Daan Nolte, are Conservative Party candidates in the general election.

According to Rapport, it has been pointed out that Messrs Malan and Nolte's "CP convictions" run directly counter to the Rugby Board's ban on "all forms of discrimination".

It is suggested that Dr Louis Luyt is a key figure in this situation. It is regarded as certain that he will be elected to the board and that "when the board's powers come into operation, Messrs Malan and Nolte can forget about taking their

Handwritten: Rapport

Committee of all sister organisations in h, East London and Durban

operation - East London and environs

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However, the fact that so many supporters, even including MPs, say openly that they sympathise with the aims of the independents but believe these aims can only be achieved through a channel like the NP, gives the party a golden opportunity to snatch from the dissidents' hands any initiative they may possess.

It could not be so difficult, Beeld said, to spell out further reform measures that would satisfy

Editor 'ahead of party thinking'

COMMENT by Afrikaans newspapers on Dr Willem de Klerk's resignation as editor of Rapport included both a warm tribute and a harsh reflection on his professional competence.

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IN AN editorial on the defectors from the National Party, Beeld said the party would obviously be stupid to underestimate the breakaway from its ranks to an 'independent Left' — all the more because it was a mild symptom of an upset that had for some time been visible in the party, especially among what might be called its intellectuals

'There are signs that this upset could become a serious illness if it is not speedily treated

'However, the fact that so many supporters, even including MPs, say openly that they sympathise with the aims of the independents but believe these aims can only be achieved through a channel like the NP gives the party a golden opportunity to snatch from

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It could not be so difficult, Beeld said, to spell out further reform measures that would satisfy reasonable supporters of the party

THE interface between rugby and politics, often concealed, seems likely to

Botha's TV dressing-down of the Rev Allan Hendrickse — and Mr Hendrickse's subsequent letter to him — play in the Labour Party's defeat in the Bosmont by-election? This is one of the questions posed by Johan Vosloo in a review of the by-election in Ekstra-Rapport

Mr Vosloo said the Labour Party's hierarchy

The Afrikaans Press

by James McClurg



come close to the surface when the Rugby Board's new executive is elected on April 3

Rapport says the proceedings will have a 'political complexion' this year because two sitting members, Mr Boetie Malan and Mr Daan Nolte, are Conservative Party candidates in the general election

According to Rapport it has been pointed out that Messrs Malan and Nolte's 'CP convictions' run directly counter to the Rugby Board's ban on 'all forms of discrimination'

It is suggested that Dr Louis Luyt is a key figure in this situation. It is regarded as certain that he will be elected to the board and that 'when the board's powers come into operation Messrs Malan and Nolte can forget about taking their seats in rugby's holy of holies'

WHAT part did President

ought to ask themselves very seriously whether a tide had not set in against the party. A 'personal observation' was that the anti-LP vote should not be underestimated

FEARS in welfare circles that the youth of Bloemfontein could be succumbing to 'social evils' during their leisure hours seem to have been put to rest

The Volksblad says a survey conducted under the auspices of the University of the OFS showed that church activities (92,8%) and sport (84,6%) absorbed the leisure time of most respondents. Political activities were altogether shunned by 82,2%, and only 2,9% wanted to go to discos

Reassuringly, of the 64,4% that had hobbies, the largest group (41,4%) went in for pottery

THE Media Workers Association of South Africa is taking Perskor to the National Industrial Council tomorrow over recognition.

The chairman of the Southern Transvaal region of Mwasa, Mr Sam Mabe, yesterday said although Mwasa was not a member of the Industrial Council it had taken the move as a first step in its objective to secure recognition in companies employing its members.

The dispute was declared during October after Perskor had refused to recognise Mwasa. The union claims a registered membership of more than 80 percent of the black workforce at the Johannesburg plant. It

Mwasa takes action

has other members employed by the printing company in plants on the East Rand.

Perskor management has declined to give union officials the total number of its black workers, according to Mr Mabe.

He said Perskor management undertook to resume recognition talks with Mwasa last year after a work stoppage at its Benoni plant over a worker who had been "unfairly dismissed". The worker was reinstated after talks between the union and management.

(18) SOWETAN 17/3/87
(243)

'205' subpoena to reveal sources served on The Star's reporter

SMC 18/3/87

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A reporter of The Star, Jo-Anne Richards, has been served with a subpoena in terms of Section 205 of the Criminal Code, demanding she reveal to the police her confidential sources.

She must give the names and addresses of one or more doctors whom she has quoted, or appear before a magistrate on Thursday next week to be questioned by a public prosecutor.

If Richards refuses to reveal her sources she may be summarily committed to prison for up to five years.

The subpoena raises grave implications, not merely for Richards, The Star and all journalists but for the medical profession.

The whole issue of doctor-patient confidentiality might be put to the test.

At least six doctors are involved, but many more may be faced with a similar dilemma in the coming weeks.

The "205", used by the police to obtain information, leaves a reporter the choice of breaking his word or going to jail. In this case it concerns a report published in The Star in September last year. The report was referred to the South African Police for comment, and the allegations and official refutations were published side by side.

The "205" was issued this month — six months after the published report.

Under the heading "Detainees showed signs of physical abuse",

One doctor collated the statistics from the notes of six other doctors. His findings were published, but not his name.

The full report was shown in advance to the police who said the allegations were too vague to permit investigation. The police produced statistics to show few complaints could be believed. Out of 310 thoroughly investigated cases, only two had

been referred to the Attorney-General.

The police now demand the names and addresses of the doctors and their patients so as to investigate alleged offences.

The dilemma is that the patients will not voluntarily come forward, for there is no guarantee they will not be redetained and interrogated. Apparently they fear they will be victimised. There are precedents in which detainees, rather than their custodians, are prosecuted.

The police believe there is a concerted campaign against them and that some detainees have deliberately lied. Thus some complainants have been taken in for questioning. Sometimes evidence based on the complainants' own signed confessions after they have been interrogated by the police about their complaints of assault, is gathered as a basis for a charge.

The dilemma is that if Jo-Anne Richards were to go back on her undertaking to the doctor, the doctor would probably himself be summoned to reveal confidential information about his patients.

This would raise the issue of a doctor's right to elicit information from a patient on a confidential basis.

The issue is not an academic one. If this doctor — and others — were to refuse to give information, they could be summarily sentenced to jail for a number of years. Presumably the medical profession is looking into this problem.

● To Page 3, Col 8

Reporter served with '205' subpoena

● From Page 1

SMC 18/3/87

243

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SMC 18/3/87

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243 301 STAR 18/3/87

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says doctor," Jo-Anne Richards reported that 40 released detainees complaining of injuries had been referred to a panel of doctors for examination the previous year. Doctors, who volunteered their services free, found more than half of their patients had been "severely injured"

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Cape Times

THURSDAY, MARCH 19, 1987

Mr Heunis and Cape Times

THE Cape Leader of the National Party, Mr Chris Heunis, has dropped his stated plan to disclose details of a conversation with this newspaper's Acting Editor, Mr Gordon Kling.

His remarks (reported in this newspaper yesterday) will be seen as an attempt to bring pressure to bear on the Cape Times to modify its critical stance against his candidature in the Helderberg election campaign. The Helderberg campaign is probably the key contest of the entire election and it is inevitable that Mr Heunis, as the National Party contender, and its chief constitutional architect, will be in the full glare of the critical spotlight in his fight against the independent Dr Denis Worrall. Mr Heunis might as well accept that the Cape Times is strongly opposed to his candidature and what it stands for — and that we will continue to say so with all the vigour at our command.

Mr Heunis, Dr Worrall and indeed all candidates are obviously entitled to fair play in news reporting, and to adequate, indeed generous, correction of material errors in reporting or headlining the election news. This newspaper is happy to give Mr Heunis the assurance of fair play in the forthcoming contest and, in the best traditions of the Cape Times, accepts that the Minister has been the victim of journalistic lapses in the past. It is nonsense to speak of a "vendetta" against him, however.

The Cape Times, having nothing to hide, does not perceive Mr Heunis's remarks as a threat. We are proud of our record of independent journalism and the standards we have striven to uphold in a century and more of daily publication.

Police
subpoena
journalist
19/3/87
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for sources

JOHANNESBURG — A reporter on the Johannesburg Star, Jo-Anne Richards, has been served with a subpoena in terms of Section 205 of the Criminal Code, demanding that she disclose to the police her confidential sources. She must give the names and addresses of one or more doctors whom she has quoted, or appear before a magistrate on Thursday next week to be examined by a public prosecutor if she refuses to do so.

close her sources be jailed for up to five years. Ms Richards's report under the heading "Detainees showed signs of 'physical abuse', says doctor" — appeared in The Star in September last year. The report was referred to the police for comment, and the allegations and official refutations published side-by-side.

'Severely injured'

The "205" was issued this month — nearly half a year after the published report. Richards reported that 40 released detainees complaining of injuries had been referred to a panel of doctors for examination. The previous year Doctors, who volunteered their services free, found that more than half of their patients had been "severely injured". One doctor collated the statistics from the notes of six other doctors. His findings were published, but not his name.

The full report was shown in advance to the police who said the allegations were too vague to permit investigation. The police produced statistics to show that very few complaints could be believed. Out of 310 thoroughly investigated cases, only two had been referred to the Attorney-General. The police now demand the names and addresses of the doctors

Teleletters

Cape Times
19/3/87

243 (30/10) Ca

Chapel's 'distaste' at tactics of Heunis

Staff Reporter

THE Cape Times chapel of the Southern African Society of Journalists yesterday noted "with distaste the unacceptable tactics" of the Cape leader of the National Party, Mr Chris Heunis, in attempting to intimidate the Cape Times politically.

The statement comes after Mr Heunis on Tuesday night accused the Cape Times of waging "a vendetta" against him and publicly threatened to disclose details of a discussion he had held with the deputy editor, Mr Gordon Kling.

Mr Heunis said the Cape Times had broken "undertakings" made to him and that he had told Mr Kling he would publish comments made by him on the ethical codes of his colleagues.

The SASJ statement challenged Mr Heunis to release "immediately his full transcript of the meeting between him and the deputy editor of the Cape Times, Mr Gordon Kling."

"His actions on Tuesday night smack of political blackmail — an unbecoming tactic for a Minister of the South African Cabinet. If Mr Heunis is not prepared to release his version, we can only assume his statements were malicious."

The statement concluded with a call for Mr Heunis to "unreservedly apologize to the Cape Times."

(Report by A Donaldson, 122 St George's St Cape Town.)

Concern
EPOST. 243
over 19/3/87
subpoena

JOHANNESBURG — The Southern African Society of Journalists has expressed concern over a subpoena served on a Star reporter, to get her to reveal sources of information

"The SASJ is concerned that Star reporter Jo-Anne Richards has been served with a subpoena in terms of Section 205 of the Criminal Procedure Act to get her to reveal the names of doctors who told her about alleged abuses suffered by detainees," SASJ president Miss Pat Sidley said yesterday

"We believe the subpoena's purpose is retrospectively to enforce these regulations so that no information about possible abuses may be drawn to the public's attention.

"We support Miss Richards's right to refuse to disclose her sources

"It would seem that upon this right rests not only doctor-patient confidentiality, but possibly the lives of these patients themselves," she said — Sapa.

Police swoop morning after censor meeting

By CHARLOTTE BAUER

THE precarious state of press freedom was underscored further this week when police threatened to seize the country's largest daily newspaper — the morning after a meeting on censorship had scooped at the prospect.

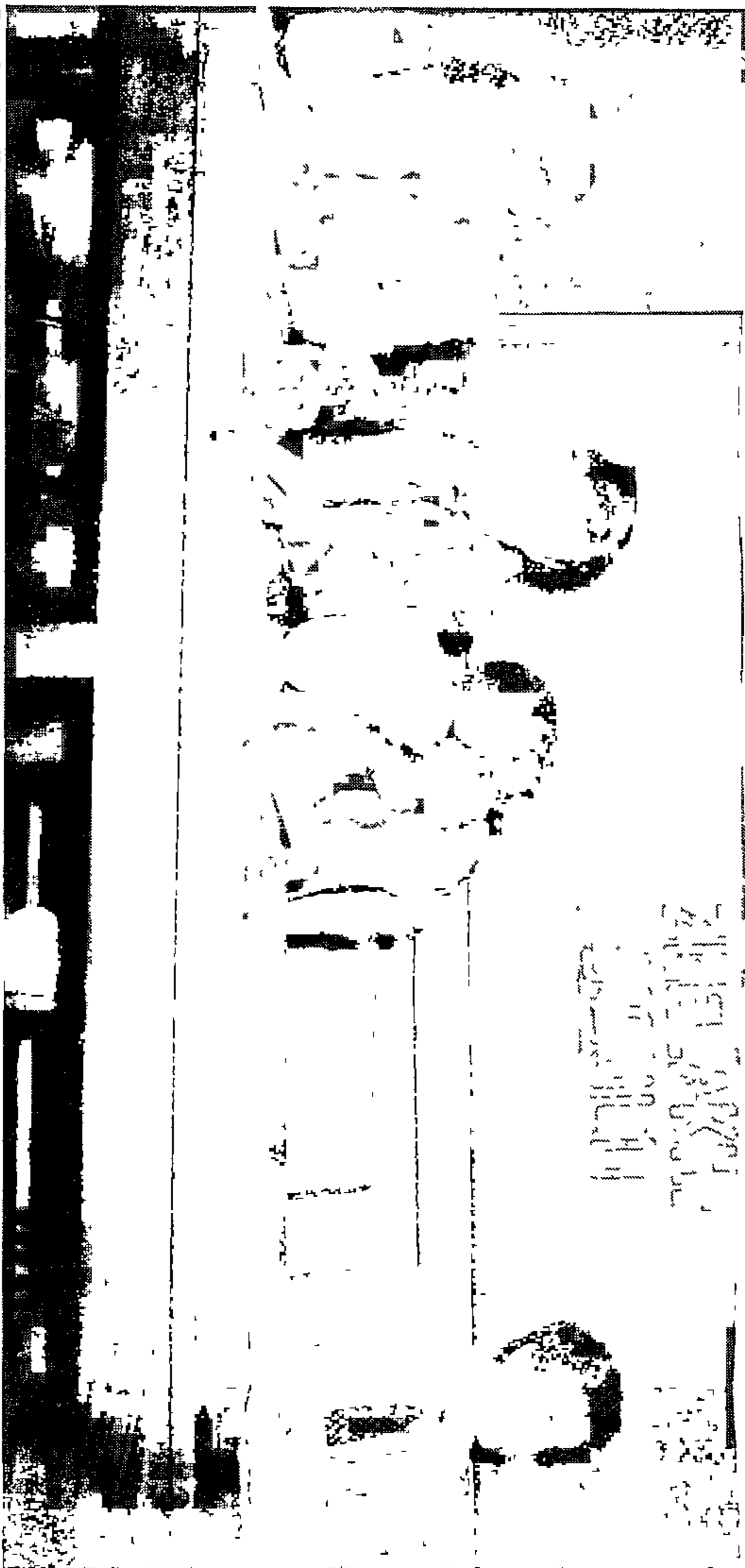
The Star's editor-in-chief Harvey Tyson, one of a panel of speakers at the Anti-Censorship Action Group (ACAG) meeting on Monday, shook his head when speakers from the floor expressed doubts that his paper would be confiscated. "I only hope you're right," he said.

On Tuesday morning two police arrived at his newspaper's offices with orders to confiscate any edition carrying a Detainees Parents' Support Committee advertisement calling for the observance of National Detainees Day.

They left after the *Star* assured them the advert had been modified and approved by their lawyers. Later that day, the newspaper brought a successful court application barring the police from seizing the newspaper.

Acag's first public meeting in Johannesburg also focussed on the dangers of newspaper self-censorship. Perhaps the most powerful reminder of the state's campaign of intimidation against the press and public was the empty chair of New Nation editor Zwelakhe Sisulu at the meeting. Sisulu, who had agreed to be part of the panel of lawyers and journalists speaking for Acag, has been in detention since December.

12-19/38 W/Mail



Detained editor Zwelakhe Sisulu was missing this week when journalists (from left) Allister Sparks, Harvey Tyson and Thami Mazwai and lawyer Geoff Budlender spoke out against censorship.

Picture SANDY SMIT, Afrapix

Harsh new Press curbs for Kenya

The Star's Africa
News Service

LUSAKA — Kenya has introduced restrictions on the foreign Press even more onerous than those in South Africa, according to reports reaching Lusaka from Nairobi

Television film crews must now obtain licences before they may operate in Kenya and even then may not shoot any film unless a government press officer is present

Television film must be processed in Kenya and submitted for official inspection before it can be sent out of the country, according to the reports

The government is also reported to be clamping down on the number of foreign journalists operating in Kenya

President Daniel Arap Moi has said the 150-strong foreign Press corps was too large and must be reduced to "more manageable proportions"

No measures have yet been announced to achieve this

19/3/87

STAR



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Hunters rest in Eisteden Avenue

Cape Times 20/3/7 243
Perskor recognizes union

JOHANNESBURG — The Media Workers Association of South Africa (Mwasa) has been granted recognition by Perskor at its Benoni branch. A union spokesman said yesterday that the breakthrough came at a National Industrial Council meeting in Johannesburg on Wednesday.

rested 218 people

Cape Times 20/3/87

South hits city streets 243

A NEW weekly newspaper, South, appeared on the city's streets yesterday. The tabloid hopes to fill the gap caused by the folding of the Cape Herald. Funded by various church groups, the company publishing the newspaper will be owned by a trust and a wide spread of community organizations.

Reports by Staff Reporters, Own Correspondents, Sapa Reuter AP and UPI

Case Files 20/3/87 (2163)
**Police oppose
ruling on paper**

Own Correspondent
JOHANNESBURG. —
The police have opposed the confirmation of the rule granted by Mr Justice B O'Donovan in the Rand Supreme Court on March 10 which prevented the Commissioner of Police from seizing copies of The Star carrying an advertisement placed by the Detainees Parents Support Committee (DPSC).
In terms of the rule issued by Mr Justice O'Donovan, the DPSC advertisement as it appeared in its amended form in The Star was not unlawful.

20/3/87
Star reporter
can apply
to extend
deadline

Police agreed today that a reporter for The Star, Jo-Anne Richards, due to appear in court next Thursday in response to a subpoena in terms of section 205 of the Criminals Procedure Act, could seek an extension to April 10 "or a date convenient to The Star"

At her appearance Richards will be asked to answer questions in a police investigation concerning alleged injury and assault of detainees. A refusal to respond to the questions could result in a jail term of as long as five years.

At least three other journalists will be brought to court before the end of the month, according to the *Weekly Mail* whose own reporter, Jo-Ann Bekker, is involved. Also due to appear are *Eastern Province Herald* Editor-in-Chief Koos Vivers and *Herald* reporter Debbie March.

They have been informed they are to be prosecuted in terms of the Police Act in relation to a story written more than two years ago by Bekker concerning unrest in the Eastern Cape town of Cradock.

Their scheduled date of appearance in the Cradock Magistrate's Court is March 31.

Other recent curtailing of the actions of journalists and newspapers includes

- The banning of the distribution of two February editions of the Catholic Church-sponsored weekly, *The New Nation*.
- The continued detention of the editor of *The New Nation*, Mr Zwelakhe Sisulu, one of several journalists still held in terms of emergency laws. Others still behind bars include Mxolisi Jackson "MJ" Fuzile of *Veritas News Agency* in the Border area and his colleague, Phila Ngqumba, Brain Sokutu, an Eastern Cape freelancer; and Clive Stuurman of the Oudstroom community paper, *Saamstaan*.
- The requirement that the student newspaper, *Saspu National*, which circulates widely in the townships and rural areas, submit all future copies to State publications control committees before publication, which effectively places a ban on the paper.

W/E ARGUS

us, March 21 1987 3

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News editor resigns

Weekend Argus Reporter

THE news editor of the *Cape Times*, Mr Wessel de Kock, has resigned over differences with the newspaper's handling of a controversy involving a Cabinet Minister, Mr Chris Heunis.

The incident was sparked earlier this week when Mr Heunis, who is the Nationalist candidate in Helderberg, threatened at an election meeting to disclose details of a conversation with the newspaper's deputy editor, Mr Gordon Kling, who is acting editor in the absence on leave of Mr Tony Heard. After discussions it was subsequently agreed that Mr Heunis would not do so.

It is understood Mr de Kock resigned because of the treatment of a front page report which was mainly about Professor Sampie Terreblanche's axing from the board of the SABC but also made reference to Mr Heunis.

Mr Tony Weaver, acting vice-president of the Western Cape branch of the Southern African Society of Journalists, said the society was concerned and believed the fundamental principle of Press freedom may have been compromised.

When approached today Mr Gordon Kling said "This is an internal matter and I'm not prepared to comment."

Cape Times 21/3/87

News courtesy of the IPLC

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BY TONY WEAVER

THE problems of reporting political events under the state of emergency were highlighted yesterday in an exchange between the Cape Times and the official government censor agency, the Interdepartmental Press Liaison Centre

The Cape Times telexed the liaison office of the Prisons Services on Thursday with a series of questions relating to more than 100 emergency detainees thought to have been on hunger strike for over a week.

The Cape Times received the following telex back from the IPLC It is reproduced here verbatim

"1) Your telex dated 19 Maart was regard to elegend hunger strike at Victor Vester Prison refers

"2) The replay of Presons Sevors is as follows:

"The report submitted by you falls within the ambit of regulasions 3 (1) of the regulations promulgated by proclamation R224 of 11 Desember 1986

Transmission went wrong

"Athorisation published is there for grantad."

A spokesman for the Prisons Services yesterday said he did not know what had gone wrong with the transmission The final paragraph, he said, should have read "Authorization can therefore not be granted for publication"

The Cape Times is therefore unable to publish further details of the hunger strike

● In a statement yesterday the Progressive Federal Party spokesman on Law and Order, Mr Tian van der Merwe, said "These detainees have not been convicted by a court of law but are in prison at the whim of the government Sixteen of these prisoners are under 18 years of age, eight are under 16 and six are over 50 years of age Is the plight of these detainees leaving Mr Vlok 'cold'?" (Mr Adriaan Vlok, Minister of Law and Order)"

(Report by T Weaver 122 St George's Street Cape Town)

sent to 21/2/87
Judge
763 327
withdraws

JOHANNESBURG — Mr Justice J L le Grange yesterday recused himself from hearing the application by The Star newspaper against the Commissioner of Police after a surprise development yesterday morning

Counsel for The Star, Mr P J Henning SC, asked the judge to recuse himself on the ground that he had gained the impression that the judge had prejudged the issue by making a finding on the credibility of evidence by the editor of The Star, Mr Harvey Tyson, before The Star's counsel had concluded argument

Mr Justice Le Grange said that if this lack of confidence "engendered similar apprehension in the minds of the applicants they may have good reason to think that justice cannot be seen to be done". — Sapa

Judge steps down in Star case

Argument in The Star's "seizure" application against the Commissioner of Police began all over again yesterday afternoon after the Rand Supreme Court judge hearing it recused himself

The matter is now being heard by the Deputy Judge President of the Transvaal, Mr Justice G Coetzee.

Mr Justice L le Grange was asked to recuse himself by Mr P J van R Henning SC, counsel for The Star, on the ground that he had prejudged the issue before the completion of Mr Henning's argument. Counsel for the Commissioner opposed the move.

The Star had applied for confirmation of a order which declared a Detainees' Parents Support Committee advertisement in the newspaper to be legal.

They had not asked for confirmation of a further section of the order which prohibited the police from seizing copies of The Star carrying the advertisement on March 10.

This section had become academic, but The Star wished the court to confirm their correctness in bringing the application to court.

The police opposed the confirmation.

Before recusing himself, Mr Justice le Grange said he had put to Mr Henning certain difficulties he had with The Star's case so they could be dealt with. He denied he had shown bias.

He had consulted the Judge President, who felt it to be his duty to continue, unless he personally felt he should recuse himself.

"I am not unmoved by the lack of confidence which Mr Henning has expressed in my approach to my judicial task, and if he engendered a similar apprehension in the minds of the applicants, they may have good reason to think justice cannot be seen to be done.

"Therefore, I shall recuse myself and another judge will hear this case," he said.

LESLEY COWLING and
JO-ANNE RICHARDS

Mr Justice le Grange said he regarded the application as a reflection on his personal ability to weigh the facts carefully and without bias.

In his application, Mr Henning said he had gained the impression that the judge had pre-judged the issue by making a finding on the credibility of evidence by the editor of The Star, Mr Harvey Tyson.

Mr Henning said he had tried unsuccessfully for 25 minutes to argue his case when the case resumed yesterday morning.

The judge appeared, from the questions he put to counsel, already to have decided the newspaper's case was not an impressive one.

"We noticed that the other side was rejoicing and thus supported our impression," he said.

Counsel for the Commissioner of Police, Mr C Visser SC, denied that the Commissioner's legal team had "rejoiced".

The hearing continues

June target for new E Cape Press group

W/E Post 2/3/87

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Business Editor

THE Eastern Cape's new newspaper publishing company is likely to be established before the end of June, its chief executive, Mr Terry Briceland, said today

It was announced yesterday that negotiations were taking place between Times Media Limited (TML) — formerly SA Associated Newspapers (SAAN) — and Daily Dispatch Holdings (DDH) to consolidate their newspaper publishing interests in the Eastern Cape

A joint statement said it was envisaged that a new company, in which TML and DDH would both hold shares, would acquire the publishing assets of the two groups in the East London and Port Elizabeth areas

These arrangements will be subject to the approval of the Competition Board and other relevant authorities. An early listing of the shares of the new company on the Johannesburg Stock Exchange is contemplated

The major titles concerned are the Daily Dispatch in East London and the Eastern Province Herald, the Evening Post and the Weekend Post in Port Elizabeth

The statement said TML would have the controlling shareholding in the new company, while the managing director of DDH, Mr Briceland, would be appointed chief executive

Mr Briceland said today it was planned that all aspects of the merger would be completed "as speedily as possible" and that the company would be established before the end of June — the financial year-end of DDH

"We are very excited about the plan and confident of its success," said Mr Briceland, who has been involved in newspaper management for 34 years

"We are very aware of the necessity to do the best for our advertisers and readers, to achieve results to satisfy our shareholders

and to encourage to the full the talents of our combined staff.

Mr Briceland said the negotiations began only a month ago, although DDH had first suggested 10 years ago that the Port Elizabeth and East London newspaper publishing interests should merge

"I am totally confident we can create a bright new company which will please everyone involved in any way," he added

The managing director of TML, Mr Stephen Mulholland, said yesterday that an autonomous Eastern Cape company would be more ably equipped to address regional needs. It would also be stronger financially

Responding to the move, the executive of the Port Elizabeth branch of the Southern African Society of Journalists (SASJ), said they trusted the move meant the continuation of all newspaper titles as well as security of jobs for all staff

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Paper faces takeover

N/M
2/3/87

Mercury Reporter

THE East London Daily Dispatch, one of only two independent daily newspapers left in South Africa, is to be taken over by one of the major newspaper groups

Times Media Limited (formerly South African Associated Newspapers) and Daily Dispatch Holdings (Pty) Ltd plan to form a new company to take over the Daily Dispatch and Port Elizabeth's Eastern Province Herald, Evening Post and Weekend Post

"These arrangements will be subject to the approval of the Competitions Board and other relevant authorities," the two companies said in a joint statement yesterday

If the proposed arrangements go ahead, Pietermaritzburg's Natal Witness will be the last independently-owned daily

The Witness's editor, Mr Richard Steyn, said yesterday "We're feeling more lonely than ever"

Newspapers merge

Milner's 13/3/81 (243) 032
Argus Bureau

PORT ELIZABETH. — The English-language newspaper industry in the Eastern Cape is to be consolidated as a result of a merger between Times Media Limited (TML) and East London-based Daily Dispatch Holdings (DDH).

The Daily Dispatch is East London's only daily newspaper, while TML, formerly Saan, controls the Eastern Province Herald, Evening Post and Weekend Post, all published in Port Elizabeth.

An announcement at the weekend said it was envisaged that a new company would be formed to control all four publications although no name for the company had been decided on.

Police ask for increased costs after judge's recusal

By Jo-Anne Richards and Lesley Cowling

The Commissioner of Police has applied for a higher grade of "punitive cost" against The Star following the newspaper's application for the recusal of a Rand Supreme Court judge last week.

Mr Justice le Grange recused himself from The Star's "seizure case" on Friday and the matter is now being heard by the Deputy Judge President, Mr Justice Coetzee.

Today, legal representatives for the Commissioner presented new affidavits to the court in support of their application for costs.

State Attorney Mr J Wagener said in papers he was shocked and surprised by the application for recusal because the judge had been put-

ting his difficulties to The Star's counsel, Mr P J van R Henning.

In a replying affidavit, attorney for The Star Mr Paul Jenkins said he did not agree that the judge was just putting his difficulties to Mr Henning.

Mr S Kentridge QC has joined Mr Henning in The Star's case.

The Star has applied for confirmation of an order which declared a Detainees Parents Support Committee (DPSC) advertisement published in The Star to be legal.

The newspaper has not asked for confirmation of a further section of the order which prohibited the police from seizing copies of The Star carrying the advertisement on March 10.

Police have opposed the confirmation.

Mr Kentridge said today the correctness of the declaration, which found the DPSC advertisement, in the form that The Star published it, to be legal, was not contested.

He said The Star's need for the interdict had fallen away. He added that the Commissioner's viewpoint seemed to be that The Star was never entitled to apply for the interdict.

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~~STAR~~

STAR 3/3/87

CAP Times 24/3/87

Police chief 'sought power to seize Star'

243

JOHANNESBURG — The Commissioner of Police was seeking legal advice on the content of an advertisement placed by the Detainees Parents Support Committee in The Star with the one intention of finding out if he had the power to seize the newspaper, Mr Sydney Kentridge, SC, told the Rand Supreme Court yesterday.

The police were empowered by emergency regulations summarily to seize any infringing publication, he told Mr Justice Coetzee.

He was arguing that The Star had on reasonable apprehension brought application for an urgent interdict against the police on March 10.

The commissioner yesterday filed for punitive costs against The Star for having applied for the interdict without adequate reason.

First printed copy

Mr Kentridge, who joined The Star's council, Mr P J van R Henning, yesterday, said there was evidence that police action was not always reasonable.

On March 10 two police officers had been in the offices of The Star. One returned to his superiors on learning that the advertisement differed from one placed the previous day in City Press.

The other waited for the first printed copy of the early edition and took it to his superiors who were seeking legal advice on its contents.

"A man who does not go to court in the face of that threat would have to have his head read," Mr Kentridge said.

If the police got advice that the advertisement was illegal they would have seized the newspapers and incurred several thousands of rands' cost to The Star.

The case proceeds today — Sapa

The Star feared that police would seize newspaper

Court given reasons for interdict plea

SAPR 24/3/87 243

By Lesley Cowling and Jo-Anne Richards

An editor who did not approach the court to prevent his newspaper being seized in the circumstances faced by The Star on March 10 "would need his head read", Mr Sydney Kentridge, QC, said in the Rand Supreme Court yesterday.

Mr Kentridge was arguing that The Star had been correct in approaching the court for an interdict against the police preventing the newspaper from being seized.

The Star has applied for confirmation of an order declaring a Detainees' Parents Support Committee (DPSC) advertisement published in the newspaper to be legal. This is not contested by the Commissioner of Police.

The newspaper has not asked for confirmation of a further section of the order prohibiting its seizure on March 10, as this has become academic.

However, the Commissioner has asked for costs, saying The Star was never entitled to the interdict and had not been threatened with seizure.

Mr Kentridge gave the court an analogy to explain the position of the editor, Mr Harvey Tyson: "The police come to Your Lordship's house with orders to summarily blow up your house."

Possible police seizure

"However, they cannot tell Your Lordship if they will blow up your house or not, until they take legal advice. Three times during the morning, they are unable to tell you if they are going to blow up your house or not."

"That's what I call a threat," said Mr Kentridge.

The Star and its Editor had been under threat of being seized without notice and without being heard — even though Mr Tyson had been sure the advert was legal.

"Mr Tyson had no doubt that if they acted against the newspaper, it would have been illegal," Mr Kentridge said.

He pointed out that Mr Tyson had been advised that even the advertisement The Star had been warned by the police not to publish was legal. But that did not protect the newspaper from a possible police seizure.

Asked by the Deputy Judge-President, Mr Justice Coetzee, if Mr Tyson did not know there were other lawyers capable of giving correct legal advice, Mr Kentridge said one only had to read the law reports to know that "time and again the police have acted in a way the courts have held to be illegal".

Mr Tyson could not assume that their legal advice would be the same as his.

"The police have enormous powers of summary seizure. Is one to say an editor is not entitled to go to court to prevent them from doing this?" he asked.

Order of confiscation

The threat to The Star had mounted steadily until the newspaper went to court. First The Star was informed that it was possible it would be prosecuted for publishing a paragraph about "National Detainees Day".

Secondly, it was told that if it published the same — or similar — advertisement as carried in the City Press, then The Star would be seized.

Thirdly, The Star was visited by police with an order of confiscation, and when told by the Editor that the amended advertisement was legal, the police left "to get further instructions".

Finally, right up to the moment of going to court, The Star was unable to get any assurance from the police that the newspaper would not be seized that day. Once the police realised the advertisement published in The Star had been amended to remove anything that might possibly contravene the emergency regulations, that should have been the end of the matter, Mr Kentridge said.

The reason they took legal advice on the amended advert was that "they wanted to stop the publication of this advertisement if

they could. They wanted to seize The Star that day if they could. "If the police thought it worth taking advice on, I submit that a reasonable editor would have a reasonable apprehension of injury."

"The great pity is that no one throughout that morning said 'There is no question of us seizing your issue.' That would have been the end of it."

Commissioner General Johann Coetzee's claim, in his affidavit, that "there was no question" of seizing The Star was, at the very least, exaggerated, Mr Kentridge submitted.

Turning to the subject of the procedure of the urgent hearing in the Supreme Court on March 10, Mr Justice Coetzee asked Mr Kentridge why Mr Paul Jenkins, legal adviser to The Star, had not contacted the police to give them notice in advance of the urgent application that day.

Returned to the court

The police were informed of the application only about 20 minutes after it had already begun, and during an adjournment in the case shortly after 1 pm on that day. At that stage Mr Jenkins informed the police at Mr Justice O'Donovan's request, and then returned to the court and gave oral evidence.

In this earlier hearing, a rule nisi was granted declaring the advertisement legal and restraining the police from seizing the edition of The Star.

Yesterday Mr Justice Coetzee said that the right to be heard was one of the most important rights of every person, and it appeared that accepted practice had not been carried out in this case.

New affidavits were filed by both parties yesterday.

During Mr Kentridge's argument yesterday, Mr Justice Coetzee asked why Mr Jenkins had not told the original judge what had transpired in a telephone conversation that day between himself and Mr P Visser, SC, legal adviser for the police.

It was argued that Mr Jenkins believed the conversation was "off the record" because it was a discussion on friendly terms between two legal men.

Mr Jenkins was told by Mr Visser that the police would be advised that the advertisement was legal.

Although Mr Jenkins believed that this meant the police would probably not seize that edition of The Star, the police legal advisers were not prepared to give any undertaking.

Yesterday the Police applied for a higher grade of "punitive cost" against The Star after the newspaper's application for the recusal of a judge last week.

Mr Justice le Grange recused himself on Friday.

The hearing continues.

Trainees didn't stand for this

A bus company flew 10 national servicemen from East London to Upington at the weekend after they left an overbooked bus.

An SADF spokesman confirmed that a contractor had overbooked for the bus and that the 10 trainees would have had to stand for the 1 000 km journey after paying a R76 fare.

A suggestion by the bus driver that they rotate with those sitting every two-and-a-half hours was refused.

The trainees left the bus and reported to the local SADF duty officer in East London. The SADF spokesman said the men were back with their units today — Sapa.

4 shot,

'Seizure case' settled

THE Star yesterday settled their "seizure case" in the Rand Supreme Court and agreed to pay costs. *2/3/82* *Sowetan*

Mr S Kentridge QC informed the court yesterday morning that *The Star* had agreed that a temporary order, which prevented the newspaper from being seized on March 10, be withdrawn with costs. This included the costs of two counsels.

Mr Justice Coetsee, Deputy Judge-President, ruled that the temporary order be discharged.

The Star had applied for confirmation of an interim order, granted by Mr Justice O'Donovan on March 10, which declared a Detainees' Parents Support Committee advertisement in *The Star* to be legal. A further section of the order prohibited the police from seizing copies of the newspaper carrying the advertisement.

Police to investigate charges against Mail

By RUTH BECKER

POLICE are investigating charges against the *Weekly Mail* for possible contraventions of the Emergency regulations

The *Weekly Mail* has been told the investigation arises from an eye-witness account of a violent clash between security forces and Metal and Allied Workers' Union (Mawu) members at a rally in Durban last year

The complaint was laid by the SA police directorate of public relations

The investigation follows last week's banning of two editions of *New Nation* weekly paper. The editions, volume two numbers six and seven, were published in February this year and are banned for distribution

New Nation staffer Gabu Tugwana expressed surprise at the move, particularly as the papers had "been on the streets" for almost a month. They intend to challenge the ban and their lawyers have asked the authorities for reasons for the banning

New Nation is the third newspaper to fall foul of the Publications Act in the last month. A single edition ban was placed on *The Namibian* last month, but later rescinded. As a member of the Newspaper Press Union (NPU), the paper is not subject to the Publications Act under which the ban was imposed

In the same week the student publication *Saspu National* was ordered to submit copy of future editions to a publications control board. They are appealing against the decision

Neither *Saspu National* nor *New Nation* are members of the NPU. Their bans have prompted speculation that the government is trying to pressurise papers to join the union, thereby subjecting them to greater control as they would be a minority within the union

In other action against journalists this week:

● Agence France Presse photographer Walter Dhladhla and freelance journalist Nana Kutumela were held by police for questioning for four hours on Tuesday. They had gone to Duduza on the East Rand to report on the upgrading of the township, but were apprehended by municipal police. Dhladhla said it was not "an unrest situation". He was nonetheless questioned about his motives for being there and taken to the security police at Dunnotar police station, where his passport and contact book were scrutinised and his car searched. His film and an expired press card were confiscated

● Jo-Anne Richards, a reporter for *The Star* newspaper, has been served with a subpoena in terms of Section 205 of the Criminal Procedure Act. The "205" demands she reveal confidential sources by giving names and addresses of one or more doctors she quoted in a report last September. She faces up to two years in prison if she refuses

Richards reported the findings of a doctor who had been part of a panel in 1985 which examined 40 released detainees who complained of injuries. The doctor's findings were a collation of his colleagues' notes. He was not named and *The Star* published the allegations alongside the official repudiation

Last week, *Weekly Mail* reporter Jo-Ann Bekker was told she is facing charges under the Police Act, along with *Eastern Province Herald* editor-in-chief Koos Viviers and *Herald* reporter Debbie March

The charge relates to a story written two years ago, when Bekker worked for the *Herald*, concerning unrest in Cradock in the Eastern Cape

They are due to appear in the Cradock magistrate's court on March 31.

Ad hearing postponed

26/3/87
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THE Munnik Commission inquiring into the financing of newspaper advertisements calling for the ANC to be unbanned did not sit yesterday and may have finished its business in the Cape.

When it closed Tuesday's hearing in Cape Town Mr H F van Zyl, who is leading evidence, said he was trying to find a witness to give evidence.

Secretary to the commission Mr J van den

Bergh said yesterday the witness had not yet been found.

The commission is probing the financing of the advertisements which appeared in several newspapers during January and was appointed by President P W Botha last month after he had linked Barclays Bank managing director Mr Chris Ball to the funding.

The commission this week heard evidence from Dr Allan Boesak, patron of the United Democratic Front and president of the World Alliance of Reformed Churches and Mr J Ettisch, manager of Barclays sub-branch at Kuils River where Dr Boesak held several personal and church accounts.

Press row over Heunis meeting

W/Mail 20 26/3/87
BY PAT SIDLEY (243)

CAPE TIMES deputy editor Gordon Kling has given undertakings to Minister of Constitutional Development Chris Heunis about election coverage, which journalists on his staff fear may have compromised them.

Kling told the *Weekly Mail* he had undertaken to "be fair" about Heunis and about political coverage in general.

But *Times* journalists now want a full transcript of the meeting between Heunis and Kling, which took place two months ago after Heunis accused the *Times* of waging a vendetta against him.

Details of the undertaking became known after an election meeting this week, at which Heunis accused Kling of "breaking" the agreement.

Heunis threatened to release a transcript of the meeting, at which he said Kling had made comments about the ethics of some of his own colleagues.

Kling and Times Media Limited (formerly Saan) managing director Stephen Mulholland have confirmed the meeting. Mulholland said

the only undertaking given was that any inaccuracies about Heunis would be corrected and given adequate prominence

Although *Times* journalists concede errors have been made about Heunis, they believe more was discussed and are fearful that individual journalists' ethics came under scrutiny.

Kling said he did tell Heunis that errors occurred more frequently as the newspaper suffered a "juniorisation" of its staff

Kling told *Weekly Mail* he did "talk about people" to some extent "but very vaguely"

"We may have talked about some people and how they have grown from what they were to what they are now"

He did not believe it appropriate for the full contents of the meeting to be disclosed "Nobody would come out of it well," he said

Heunis, he said, genuinely believed the *Times* had a vendetta against him and although "we are not fans of his" it is not a vendetta.

PRESS - 1987

APRIL - JUNE

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Pik defends clampdown on SA press

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DD
1/4/87

CAPE TOWN —The Minister of Foreign Affairs, Mr Pik Botha, said last night he would willingly make the curbs on the press even more severe if it would safeguard the security of the country and the public.

Addressing 400 people at a campaign meeting at Ysterplaat in support of the Matland candidate, the Deputy Minister of Finance, Mr Kent Durr, he said he had no apologies to offer for the security measures taken against the press.

"We placed press security measures to avoid hundreds of killings of blacks by blacks. I have no apologies to make and I will make these measures even more severe if we can safeguard the security of the country and the public of this country."

"Terrorists have the right to hold a gun to my head and blow a hole through it, to take petrol and set people alight and kick them while they are burning but we don't have the right to control the press who are feeding the blood-thirsty designs abroad."

"This government will not countenance it," he added.

Mr Kent Durr said the

PFP which had been responsible for wrecking the old United Party now wished to create "an alliance of moderates" in a vain attempt to reconstruct the UP.

"But Humpty Dumpty will not be put together again," he said.

The fact was that the alliance was not an alliance of moderates. Mr John Malcomess (the unopposed PFP MP for Port Elizabeth Central) said that Mr Oliver Tambo was a moderate.

"Will he then invite him into the alliance," Mr Durr wanted to know.

The reality was that on May 7 there would still be a National Party Government.

"We are not busy with games and we can't trivialise this political watershed."

Given South Africa's problems, did the audience want a weaker or stronger government on May 7?

After a loud positive response Mr Durr said the latter was desirable because "we stand before the most daunting challenge in our history" — Sapa.

(Report by Pierre Claassen, 801 Nedbank Centre, Strand Street, Cape Town)

ANC ad probe halted

Cape Times 11/4/87 Staff Reporter

THE Munnik Commission into the financing of the ANC advertisements has come to a standstill because a key witness is "not available", according to the secretary of the commission, Mr A van den Bergh.

Mr Van den Bergh would not disclose who was being sought to give evidence, and said the commission's position was "uncertain at this stage".

He did not know when or if the commission would sit again, saying Mr Justice George Munnik, Judge President of the Cape, was still "studying documents" to decide whether any other witnesses should be called.

Journalists appear in court

Opt. Times 1/4/87 *243*
CRADOCK. — Three Miss Jo-Ann Bekker. All
journalists made brief pleaded not guilty.
appearances in the Mag- The case was ad-
istrate's Court here yes- journed to June 8. —
terday charged with con- Sapa
travening the Police Act.

The editor-in-chief of the Eastern Province Herald, Evening Post and Weekend Post, Mr. J C Viviers, appeared with Herald reporter Miss Deborah March and former Herald reporter

Reporters barred

TWO staff members of the *Sowetan* newspaper were barred from attending the monthly meeting of the Lekoa Town Council held in Sebokeng this week.

Mr Joshua Raboroko, reporter and Mr Leonard Kumalo, were ordered out of the council meeting by councillor Edward Mofokeng, who said "Gentlemen, you are not allowed in this meeting. You will be called in later."

Both newsmen then went out and confronted the town clerk, Mr Nikolaas Louw, who said "If the council has taken that decision then I have nothing to do."

The mayor, Mr Esau Mahlatsi, ignored the pressmen when they approached him regarding the issue.

They were also refused access to the council's minutes and were told only the SABC was entitled to receive them.

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Sowetan
3/4/87

Handwritten scribble at the bottom of the page.

Prize-winning article in court

W/1/191 3-2/4/87

WEEKLY MAIL journalist Jo-Ann Bekker this week pleaded not guilty to a charge of contravening Section 27 (b) of the Police Act

By MIKE LOEWE
In Port Elizabeth

Bekker appeared briefly in the Cradock magistrate's court on Tuesday along with her former employer, the editor-in-chief of the *Eastern Province Herald, Evening Post* and *Weekend Post*, J C Viviers, and *Herald* reporter Debbie March.

The charge arises from a front-page lead article in the *Herald* on February 4, 1985, about an outbreak of violence between police and residents in Cradock's Lingelihle township

The journalists are alleged to have reported the following statements about the police, which the state holds they did not have "reasonable grounds" to believe were true:

●That police fired teargas canisters

into a church

●That policemen aboard a Hippo threw stones at a house

●That Rev R M Obose went to the police station saying teargas had been fired into his church

●That chaos broke out when teargas was fired through the kitchen door of the church manse

The case was postponed to June 8,

Bekker's reports of the conflict in Cradock in 1984 and 1985 won her the Stellenbosch Farmers' Winery award for excellence in journalism in the category of best investigative reporting under pressure of time or circumstance — East Cape News Agency.

(243)



CURBS SLAMMED

(243)
~~SECRET~~

THE Southern African Society of Journalists this week condemned Government restrictions on the free movement of journalists.

In a statement to Sapa in Johannesburg, the national council of the SASJ said:

"Recently the regional adviser for Africa of the International Federation of Journalists, Thami Mazwai, was refused a passport. The passport

of Durban journalist, Marimuthu Subramoney, was withdrawn and another Durban journalist, Sipho Khumalo, was given a passport which restricted him to travel in Southern Africa and was valid for only one week.

"The SASJ condemns these restrictions and the refusal by the Department of Home Affairs to give reasons for them."

Sowetan 3/4/87

Interference with the media

by JOHN MACLENNAN
Political Staff

^{15/6 ARKAS}
^{4/14/82}
A President called "Dada" in the inner circles.

An Afrikaners Press which is cajoled, threatened and bullied into line by a Government which will brook no dissent.

An SABC which dares do no other than echo His Master's Voice.

All this and more was disclosed in a speech to the Cape Town Press Club this week by the doyen — until his shock resignation as editor of Rapport — of Afrikaners newspaperdom, Dr Wimpie de Klerk

It was his first public utterance since his symbolic walk-out and he opened a can of worms which will provide an embarrassment to the National Party and give cause for a major rethink in the hierarchy of Afrikaners newspapers

Dr de Klerk, in fact, warned that the Government was tampering with the very foundations of democracy by interfering with the media and he specifically

named the Afrikaners Press and the SABC

This was also the first opportunity in the entire career of this highly respected political guru where he could really say what he felt about the political direction, or lack of it, in this country. Until now he has been confined by party political pressures and he has found it extremely difficult to spell out his view of the bottom line

Lambasted

In the process he also sketched the circumstances in which he and other Afrikaners editors have to work

They are lambasted by Government if they take what is seen as the "wrong" line, their directors are poisoned against them, they are denigrated and — he regards this as the most humiliating of all — they receive what he terms "red carpet" treatment

This was a clear reference to interference from the very top — by President Botha himself — and Dr de Klerk said it was impossible to have a "logical" discussion with the person involved

His political prognosis: The set-up in Parliament will be very much as it is now after the election. But the plus/minus 22 percent of so-called "Fast Nats" within the party, and they are to be found even at Cabinet level, will have to decide soon how they plan to pressure the Government into real change

He believes it will be an internal push rather than the often predicted tear in the governing party

In his view the Government will win the election convincingly and it has — in spite of what is said about it — a good record on reform

But the big question is what will happen in the NP in regard to post-election politics

In his view there is a perception that a clearer vision should be given to the cornerstones of compromise politics. People were beginning to deduce that power-sharing, negotiation and one citizenship were not the *leitmotiv* of reform

At the same time the Government was being questioned on three main core elements of its policy. They are

Dr de Klerk

● Building a new future with four racial groups as the foundation,

● The retention of the Group Areas and Population Registration Acts,

● The establishments of city states to accommodate urban blacks

These, he maintains, are questions the Government will have to address. They cannot just be wiped off the slate

In his view the independent movement would have succeeded if it could have made the Government more sensitive to what is happening to the left of the Government. In fact, he said, if the Government had provided proof of greater openness on these issues there would have been no need for the independents

It is his hope that the NP will be able to generate power for change from within in order to reposition itself in regard to tempo, style, negotiation, vision, discriminatory laws and constitutional negotiation away from racial group ideas

But the burden of the message from a man who quit through conscience and admits he has no idea what he is going to do with the rest of his life was devoted to the shackles the Government places on Afrikaners newspapers

He referred to the "authoritarian manner in which this Government handles the NP-sympathetic media, which comes down to an insult to Afrikaners political journalism"

Rules of the game, world-wide, were that there should be confrontation between governments and the Press. But in South Africa there had always been an understanding that Afrikaners newspapers should play a questioning and reconnaissance role

Complaints

But in the past two years there had been a real change. "The atmosphere between the Government and its sympathetic Press became tense"

This took the form of complaints by Government members over so-called "negative" reporting, the demand that Afrikaners newspapers should be Government mouthpieces "fyns en klaar", irritable criticism of anything which did not slavishly follow the party line, pressures on directors, "bosses" and editors to march in the NP parade, and an inordinate fussy fault-finding which led to tension

He warned that as a result the credibility of Afrikaners political journalism was now being affected and was being inhibited. Dr de Klerk blamed this on a nervousness in Government circles over the consequences of reform politics. A, B and C might have been said, but the Government wanted to punish the Afrikaners Press if it attempted to spell out the consequent D

He said all Afrikaners newspapers were required to obey a "toe the line

commandment" even though they might deny it like the three monkeys who did not see, hear or speak any evil

The Government's unhappiness with the Afrikaners Press contained a mixture of hurt and aggression. It was complex mixture which said something on the lines of "Look what we have done for the country. Why don't you accept it?"

He added "It is amazing that many political leaders in this country have absolutely no conception of what a newspaper is and what it is supposed to do"

He added "Our function is being affected by Government attitudes. We are inhibited and there are conscious efforts to reduce Afrikaners political journalism to propaganda"

"There is protest in Afrikaners media circles over the style, content, propagandistic demands which undermine its independence and credibility"

Important role

"I want to plead with the Government to temper its style and demands for Afrikaners political journalism for the sake of the important role the Afrikaners media and its credibility can play in times ahead. The Afrikaners media should still, as in the seventies, show the way for further political reform"

"The way for P W Botha's reforms was determined by Afrikaners through the Afrikaners Press. And the Afrikaners Press must also take responsibility for the way of policy changes which are inevitable in the future if we want to build a peaceful and prosperous South Africa

"As long as Afrikaners journalism understands that there is not one sole truth — such as spelled out in terms of the Messianic complex of some National Party speakers, that there is not a sole route — as provided by a Messiah for South Africa and its people

"The Afrikaners Press must keep on questioning and making reconnaissance otherwise it will be doing a disservice not only to its function and its tradition but to the political future of this country"

(Report by J MacLennan, 122 St. George's Street, Cape Town)

Top Fair Lady staffers quit

W/E ARGUS
4/10/87
By DICK USHER 243

Weekend Argus Reporter
TWO top Nasionale Pers journalists have resigned in a dispute over publication of an article about independent parliamentary candidate Dr Denis Worrall

Mrs Dene Smuts and Mrs Erica Platter, editor and assistant editor of Fair Lady, resigned yesterday because an article on Dr Worrall planned for the magazine's next issue was withdrawn on management orders

The resignations followed the departure of Dr Wimpie de Klerk, who resigned as editor of Rapport, and Mr David de Villiers who last month resigned from the board of Nasionale Pers

Mrs Smuts said the article, written by her, had already been placed in Fair Lady when she was asked if it could be read by management, who told her it could not be published

"I cannot do the job of journalist, serving the interests and needs of the enlightened Fair Lady readership if I do not have the editorial independence I have always insisted must be a condition of my editorship," she said

Mr Ton Vosloo, managing director of Nasionale Pers, said in a statement that for some time Mrs Smuts had been "presenting contentious political viewpoints without the necessary objectivity and depth of knowledge" which could have made them acceptable to the full range of the magazine's readers

It had long been the company's policy that party political controversy should be avoided in the columns of its consumer magazines. Vehicles for this had always been the group's newspapers, he said

Dr Worrall said the refusal to publish the article was "just another sign of panic within the National Party ranks and of the desperate attempts by a faithful few in Nasionale Pers to prevent an old and exhausted political order from cracking up

● A large number of the editorial staff of Fair Lady held a meeting and issued a statement in support of Dene Smuts and Erica Platter yesterday.

(Report by D Usher, 122 St. George's Street, Cape Town)

w/c-ARBUS 4/4/87

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Police to charge Tribune?

PRETORIA — Police say they are investigating the possibility of bringing criminal charges against the Sunday Tribune of Durban for an article quoting the Detainees' Parents Support Committee.

A police statement says that in a double-page news article under the heading "The price of police assaults" the police were accused of having spent more than R7-million of taxpayers' money for police "assaults, torture and alleged assaults".

"The South African Police takes the strongest exception to the article, as it is not only

biased, slanderous and completely distorted but also factually incorrect," says the statement.

"In spite of the fact that the police had told the Sunday Tribune that its information regarding, for instance, the amount of R7-million, was incorrect, it continued to publish the inaccuracies."

The statement adds: "The South African Police is investigating possible criminal charges in terms of the Police Act against both the Sunday Tribune and the Detainees' Parents Support Committee." — Sapa.

Editor says she was too objective for tastes of NP

By EVELYN HOLTZHAUSEN

MISS DENE SMUTS — the magazine editor who resigned this week because the proprietors stopped publication of an article about Dr Denis Worrall — said yesterday that she was too objective and detached for National Party tastes.

"I do not practise party political journalism," said the editor of Fair Lady, who quit her chair on Thursday.

"I want to say categorically that there was no policy which I defied or found irksome

"The irks were felt, I fear, by persons even more elevated than those on the 18th floor of the of Nasionale Pers building"

She said nobody had complained about an article she had published in the magazine about Mr Pik Botha, Minister of Foreign Affairs, "a praise song compared to the grilling I gave Denis Worrall last month"

Nor were there complaints about an article she had done on Dr Worrall in 1985, when he was South African ambassador in London

Contentious

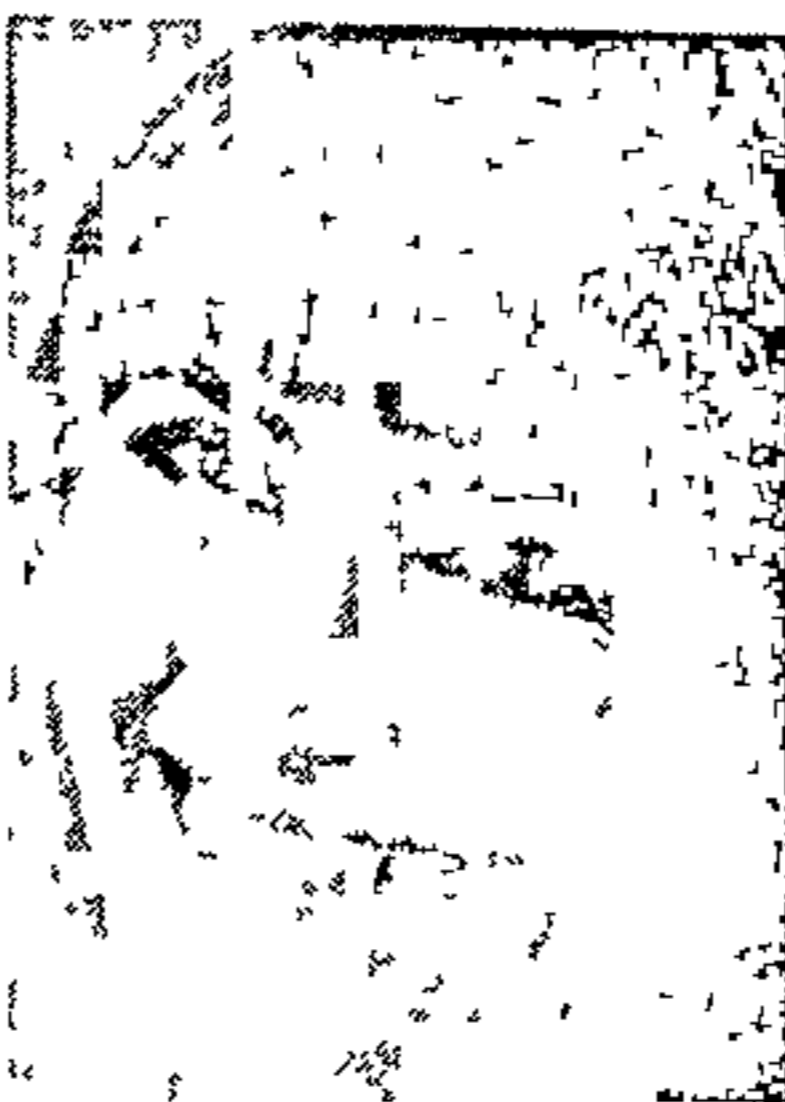
The managing director of Nasionale Pers, Mr Ton Vosloo, yesterday declined to add to a statement he had issued on Friday

Then he said that Miss Smuts had for "some time" been presenting "contentious political viewpoints without the necessary objectivity and depth of knowledge" which could have made them acceptable to the magazine's readers

He said it was the policy of Nasionale Media that party political controversy should be avoided in the columns of its consumer magazines.

"Although applied with much flexibility and understanding, this policy was found to be increasingly irksome by Miss Smuts," he said

Miss Smuts said yesterday that she had no wish to play "polemical ping-pong" in public with Mr Vosloo, but serious allegations had been



DENE SMUTS
"I defied no policy"

made about her integrity as a journalist

"I somehow find it hard to take them seriously, and at the risk of sounding immodest, I would like to be judged on my past performance as an editor and a writer"

Mrs Erica Platter, assistant editor of the magazine, also resigned on Thursday in support of her editor

Two articles sparked the showdown. One was an overview of the "New Nats" and the Independents "groping their way towards a reformist alliance", and the other an in-depth feature on Dr Worrall

Yesterday Dr Worrall described the prohibition on the articles as a "sign of panic in the National Party"

He said it was an "indication of the desperate attempts by a faithful few in Nasionale Pers to prevent an old and exhausted political order from cracking up"

Dr Wimpie de Klerk, who resigned as editor of Rapport recently, said he noted that he was not alone in his protest resignation

News by E Holtzhausen, 122 St George's Street, Cape Town)

CAPE TOWN 8/4/87

'Untrue statements' — editor charged

Court Reporter 243 (etc)

THE editor of an Oudtshoorn community newspaper who allegedly published untrue statements appeared in Wynberg Regional Court yesterday charged with contravening the Police Act

Mr Humphrey Joseph, 30, of New Extension, Bridgeton, Oudtshoorn, who is the editor of Saamstaan, pleaded not guilty

The State alleges that he published untrue statements concerning an incident in which two 11-year-old boys were shot dead by police in Bongoletu

Co-accused Mr Norman Mzukizi Mooi, 20, of Fourth Avenue, Bongoletu, Oudtshoorn, was discharged at the end of the State's case

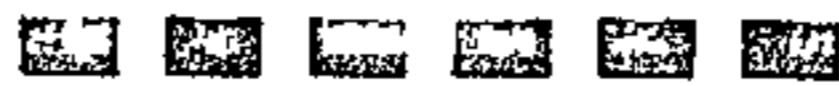
He said he saw two children approach a house empty-handed They were shot by the police He saw a policeman come out of the house with a container of petrol Later he saw it next to the body of one child. He then told Mr Joseph what he had seen

Constable Barend Cilliers said two boys approached the front door One sprinkled petrol on the carpet while the other intended striking a match. As he was about to do so, the police shot him The other boy was shot as he was running away

The police deny that they placed a container of petrol next to one of the bodies

The hearing was adjourned to May 4 in Mitchells Plain Regional Court for verdict

Mr J D Beyers was the magistrate Mr I Yuill prosecuted Mr D Potgieter, instructed by E Moosa and Associates, appeared for Mr Joseph



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FURNITURE

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Assocom urges stand against curbs on Press

5/11/69
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By Michael Chester

The Association of Chambers of Commerce (Assocom) has urged business leaders to close ranks and take "the strongest possible stand" against gags on the Press and government moves to make the State the prime source of news.

The lack of information, Assocom says, has contributed to the pullout from South Africa of a number of overseas firms

The association has also warned that the concealment of full information on the state of the nation will mean that voters at the May 6 general election will be forced to mark their ballot papers with their opinions shaped only by what they are permitted to know — and by rumour

Assocom's remarks are contained in a special report entitled "Censorship — the Economic Effects" carried in the association's latest quarterly review.

Assocom says government gags have been the influence behind some of the recent pullouts by international companies

"While many of the disinvestment withdrawals from the country have been the result of political pressures, particularly in the US, other enterprises pulled up their stakes and trekked partly

because their managements did not know what was really happening in South Africa," it says

"They were assailed by conflicting rumours which undermined confidence at a time when the economy was suffering a prolonged recession and returns on investment were not regarded as adequate for a perceived political risk"

Assocom regrets the breakdown in talks between President P W Botha and the Newspaper Press Union because it believes open-line communications are a basic ingredient of business confidence

"A free flow of information is essential to the conduct of business," the report argues

"The Government has claimed that it has been compelled to restrict the flow of 'sensitive' news to safeguard national security

"While national security must always be of overriding importance in every State, a clear conception of what constitutes a threat to national security is necessary. And, even when some aspects of perceived national security are involved, restrictions on information should be applied with more flexibility."

The report adds that "the non-reporting of events does not mean that undesirable activities have ceased, they have merely been screened from view"

(Report by M F Chester, 47 Sauer Street, Johannesburg)

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DETAINED EDITOR IS SACKED

A Western Transvaal journalist has been in detention since June 12 last year and has since been fired from his post.

Mr Mzayifani Hoffman was the editor of *Lentswe*, now a supplement of the *Klerksdorp Record*. The *Record* is owned by Perskor one of the major four newspaper groups in the South African news-paper industry.

pages and needed only one person to run it and the company had thus replaced Mr Hoffman

On the chances of Mr Hoffman being re-employed, Mr E Furter, of the *Western Transvaal Record* said Mr Hoffman's application will be considered in the light of circumstances that led to his detention and whether he is charged and convicted

The editor of *The Record* said that Mr Hoffman will have to re-apply upon his release if he wanted his job back. He said *Lentswe* had now become a one man show meaning that it has now shrunk to two

He further added that Mr Hoffman's detention was in connection with his activities outside the company and had nothing to do with his work

Media unions express concern

By SONTI MASEKO

The detention of Mr Hoffman and the subsequent loss of his job has drawn strong criticism from two trade unions, the South African Society for Journalists (SASJ) and the Media Workers Association of South Africa. (Mwasa) who both expressed their anger at the manner in which Mr Hoffman's detention has

been treated by his employers

Mrs Pat Sidley of the SASJ said that Mr Hoffman's employers have become part of the "system" that has imprisoned him without trial and that they are no better than his jailers

She added that Perskor has contributed to

the misery of Mr Hoffman's family without hearing his side of the story

Mwasa president Ms Sandra Nagfaal, said it was "unbelievable" that a company could take a stand like that against its employee

She said that Mr Hoffman is in detention and cannot defend himself

against the State and his employers, have shown that he was only good while he was around

The Perskor Head Office in Johannesburg could not comment on Mr Hoffman's detention and said he was not on their records. They therefore would not say anything on his detention

Mzayifani's father Mr Bosman Hoffman, who is employed at the Klerksdorp Hospital, is now the only family member working to support his son's wife and seven children

Mr Mzayifani matriculated at Hebron Training College in 1970. Before working as a journalist, he taught mathematics and physics at a local high school. He was a private teacher. Later he worked for the Native Affairs Department in Klerksdorp

Prison

Mr Hoffman is also a member of the Jouberton Civic Association and has two children

He is visited once in every two weeks at the Klerksdorp Central Prison where he is being kept. He joined *Lentswe* newspaper in 1984 and at the time of his detention, held the post of editor of the newspaper

Doctors in South Africa and abroad have a strong code of ethics requiring that they do not disclose confidential information entrusted to them by patients.

However, the SA Medical and Dental Council, like the British Medical Council and World Medical Assembly, directs that in a court of law "professional secrecy may be contravened only under protest after direction from the presiding judicial officer".

A previous article in The Star created the unintentional impression that the local medical body differed from the world body on this point.

The issue of confidentiality was raised since a reporter of The Star, Jo-Anne Richards,

Doctors may disclose secrets if judge orders — Medical Council

was served with a subpoena demanding she disclose the name of a source — a doctor. If she gave his name, it is probable he would receive a similar subpoena requiring the names of patients — who are released detainees. Both could face imprisonment if they refused.

The Medical Association of South Africa (Masa) abides by the Medical Council rule, which means a doctor would not be considered unethical if he gave

information, if directed to in court.

Mr A Volschenk, legal adviser to Masa, has stated that "when directed as such in a court, a doctor has no choice but to reveal information regarding his patient, and in the circumstances his actions could not be regarded as unethical".

But it is apparent, as noted in the previous article in The Star, that there is a strong body

of medical opinion which feels that in the South African situation the moral issues do not stop at whether or not a doctor will be considered unethical by revealing information in court.

In some medical quarters it is felt that in certain circumstances a doctor should maintain confidentiality, even if a court demanded information. This is particularly so when the information concerns those detained without trial, and whose situation is not monitored. Detainees have very little protection against being detained.

Should a doctor be subpoenaed to give information in court about a patient, he receives no legal protection if he decides to keep silent.

Cape Times 10/4/87
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TV man's tapes 'edited', inquest told

By HILARY VENABLES

A VIDEO filmed by ITN newsman Mr George De'Ath moments before he was fatally assaulted during fighting at the KTC squatter camp last June, was edited before police handed it back to the network, according to affidavits submitted to the Cape Town inquest court

The affidavits were quoted yesterday during an application by Mr De'Ath's family for the court to hear oral evidence on the circumstances surrounding his death

The magistrate, Mr W J Marais, turned down the application, saying he would make a finding based on written evidence only

Mr Jeremy Gauntlett, for the family, argued that the affidavits contained disputes of fact and that it could not be decided from the papers "who is a reliable witness and who is lying"

To page 3

From page 1

The evidence was contentious and required a full and open public inquiry, he said

He cited the video tapes as an example

Mr De'Ath's soundman, Mr Andile Fosi, who was also injured in the attack, suggested in his affidavit that one of the tapes taken by the police after the assault had been partly obliterated

Mr Gauntlett said that if Mr De'Ath had continued filming to the very end, it would be possible to see who was closest to him when he was attacked

"This may establish the circumstances under which the deceased died and who was responsible for his death," Mr Gauntlett said

But the entire tape consisted of a freeze-frame — an effect which could only have been obtained by an editing machine, according to Mr Fosi

A film editor employed by ITN, Mr Ian Robbie, said in his affidavit that he did not see how Mr De'Ath could have achieved this effect with his camera

"If anything calls for an inquiry, this calls for an inquiry," Mr Gauntlett said

Mr Gauntlett said he had collected 17 affidavits from a variety of people, including doctors, ministers of religion, journalists and members of the public

These people had formed "the overwhelming impression that the witdoek vigilantes were operating in complicity with the police"

Witnesses had noted the identification numbers of Casspirs present during the clashes, and had quoted ranks and names of security force members in their sworn statements, Mr Gauntlett said

There were also allegations that police and witdoeke had fired on comrades and journalists and that there was some delay before Mr De'Ath received medical treatment

The contradictions between these statements and the official version of events could not be resolved "without verbal evidence and the opportunity this affords for the cross-examination of witnesses"

For the State, Mr S Shrock argued that the inquest was not a judicial inquiry into the Crossroads unrest

After the magistrate turned down the application, Mr Gauntlett gave notice that he would apply for a Supreme Court review to set aside the ruling

Mr Gauntlett was instructed by Mr Gordon Rushton of Findlay and Tait. Mr W J Marais presided

cont Times 11/4/87

Reporter won't reveal source

203

JOHANNESBURG — A reporter of the Star, Ms. Jo Anne Richards, appeared before a magistrate yesterday, in terms of a subpoena under Section 205 of the Criminal Procedure Act, to provide information about allegations of ill treatment of detainees.

She refused once again to reveal her medical source in the face of a possible jail sentence, but submitted a sworn statement for consideration by the police.

She says she cannot disclose the name of the doctor who supplied her with the details of alleged abuses unless he unconditionally releases her from an undertaking not to reveal his identity.

After discussions with the senior public prosecutor, the State agreed to postpone the matter until April 24.

Section 205 provides for a prison sentence of up to five years for failure to supply the information demanded by the police.

The case arises out of an article in The Star on September 29 last year when Miss Richards reported on a preliminary study undertaken by a panel of six doctors who examined 47 released detainees showing signs of injury and mental disorientation.

This preliminary study was overtaken by a wider study by about 30 doctors which was referred to at the congress of the National Medical and Dental Association (Namda) last week.

Professor Selma Browde told 500 delegates that 72% of the detainees examined alleged they had been physically assaulted while in detention. Of these, 97 showed signs of injury — Sapa

Cape Times 11/4/87

SAA-Citizen 'agreement' to fly paper to city

Staff Reporter 243

SOUTH AFRICAN AIRWAYS has been freighting thousands of copies of the Citizen newspaper to the Western Cape for the past two weeks as part of an "agreement" between the airline and Afrikaans publishing house Perskor

The newspaper, an English-language mouthpiece for the National Party, is flown to Cape Town on the midnight flight every day except Monday, when it is printed by Afrikaans morning newspaper, the Burger

SAA spokesman Mr Francois van Zyl confirmed yesterday that the airline had a

business agreement with Perskor, entailing the transport of Perskor newspapers

"One aspect of the agreement concerns advertising," he said

He said the costs were worked out according to advertising rates and the cost of the freight, and said the airline was satisfied it was "getting its money's worth"

Any publication could make a similar arrangement, Mr Van Zyl said

A survey of the Citizen over the past month showed that no SAA advertising had appeared in the newspaper

The general manager, marketing, of the Perskor group, Mr Hans Wessels, confirmed yesterday that no SAA advertise-

ments were appearing in any Perskor newspaper

The Citizen's sales drive in the Western Cape has been slammed by opposition parties as an attempt by the National Party to win votes in the coming election

But the newspaper's editor, Mr Johnny Johnson, said the increase in distribution in the Western Cape was due to "public demand"

A source within the publishing industry said yesterday street sales of The Citizen were "very little, or nothing"

"The whole exercise is clearly a complete waste of time and money," he said

(Report by H Venables 122 St George's St CT)

2.43
12/14/87
C/Press

CP Correspondent

HUMPHREY Joseph, editor of the Oudtshoorn community newspaper, *Saamstaan*, has been charged under the Police Act for allegedly making untrue statements.

The State alleged that Joseph published untrue statements about an incident on June 17, 1985, in which two 11-year-old boys were shot dead by police in Bongoletu Township, Norman Mzukizi Mooi, 20, who witnessed the inci-

Oudtshoorn editor accused of 'untruths'

dent and had been charged with Joseph, was discharged.

The State agreed with evidence that the Bongoletu home of a security policeman, W/O Richard Mngoma, was petrol-bombed and police were in

the process of moving his belongings when a crowd of children started stoning the house. They also agree that two boys approached the front door and were then shot dead.

However, police deny Mooi's statement, published by Joseph, that po-

lice placed a container of petrol next to the bodies.

Constable Cilliers testified that one boy entered the house and poured petrol on the carpet and the other had a box of matches.

But Mooi testified that the boys were empty-handed.

Mooi said he saw police come out of the house carrying a container. He then left the scene for a few minutes and when he returned the container was next to the bodies.

With the chair left empty for *New Nation* editor Zwelakhe Sisulu, Alex Boraine makes his point with Percy Qoboza and David Webster in attendance at the weekly meeting.

LIGHT IN TUNNEL

NOT RAY OF HOPE

243
C/Press
12/4/87

SOUTH Africans faced news blackouts similar to the one in what was then Rhodesia shortly before independence and are not aware of what is happening in their own country

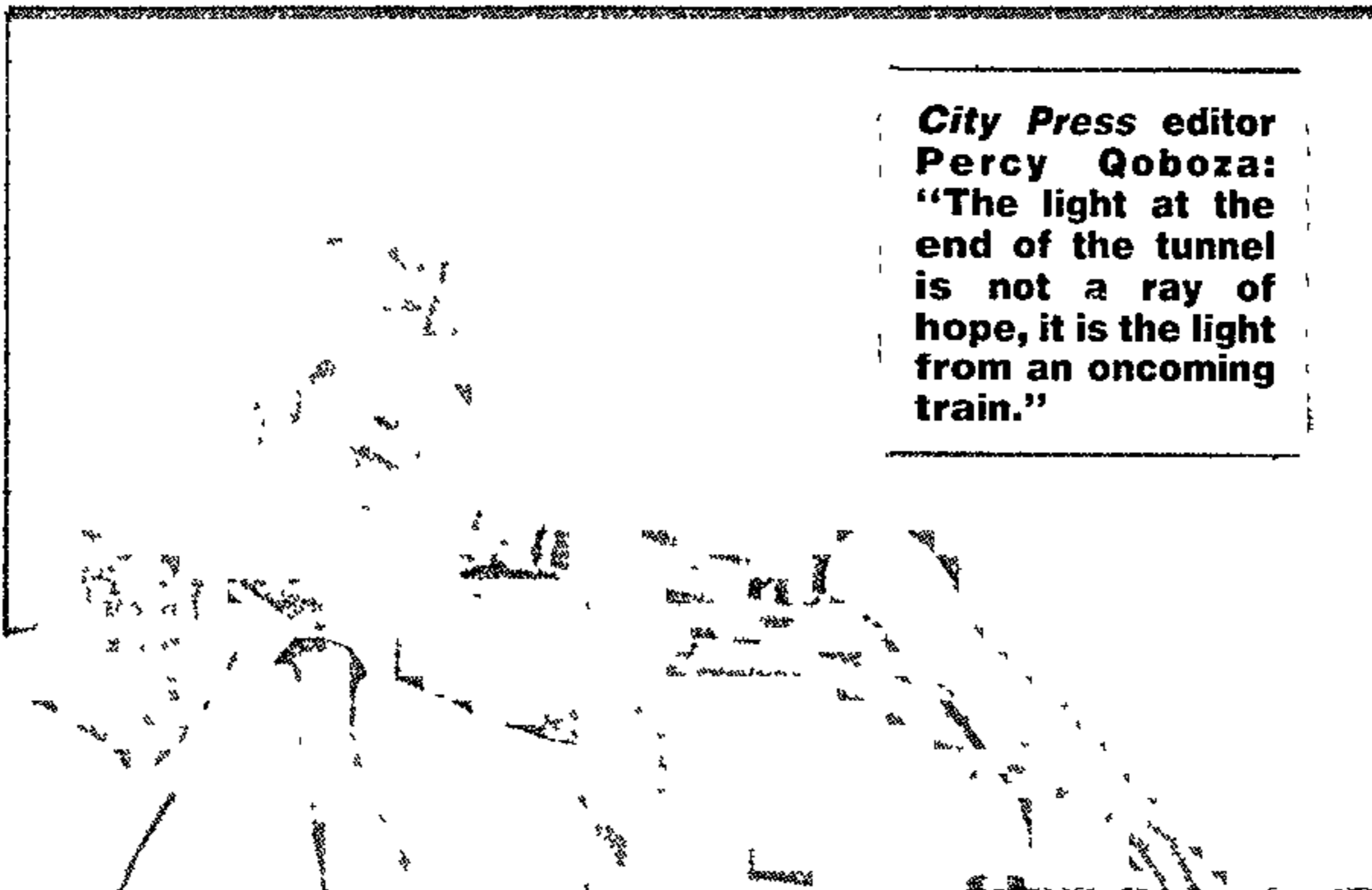
This was said by various speakers at a public meeting held at the Selbourne Hall in Johannesburg this week

The meeting was attended by over 800 people, including students, professionals, academics and activists. It was the first meeting of the series, organised for each week until the elections, by the Five Freedom Forums and the Anti-Censorship Action Group

Speakers who addressed the meeting on "The Blindfold Election," told the gathering that the emergency has invaded civil liberties to a tremendous extent and was directed at stifling apartheid opponents and retaining white power

City Press editor Percy Qoboza said the prevalent state of emergency has not helped, but served to withhold the truth from the public

"As a result, the light at the end of the tunnel is not



City Press editor Percy Qoboza:
"The light at the end of the tunnel is not a ray of hope, it is the light from an oncoming train."

Special report: SANDILE MEMELA

a ray of hope as most whites tend to wish. In fact, it is a light from an oncoming train," said Qoboza

Qoboza added that during the May 6 elections, whites had to ask themselves why blacks were not given the right to vote

"It is apparent that the government has deprived the majority of their right to vote, because they have learnt that they are far

more intelligent than the frightened lawmakers," said Qoboza

Qoboza lambasted the Press for doing what he called the "government's dirty work" by exercising self-censorship

"For the last 12 years, newspapers have tried to make the government happy. All we find in front pages today are reports that emanate directly from the Bureau of Information."

said Qoboza

He added that the State President was not informed about basic information that was common knowledge to Soweto children, or what was truly happening in the area

"The government is misinformed about the true state of affairs in the townships. Are white people going to be hoaxed by the government half-lies that they are led with?" he said.

He concluded by saying in the end the government had to negotiate with the true leaders of the people

"The first step for them to take is to board a civil train to Lusaka - and not send war planes to the area

"None of the homeland leaders, or councillors they uphold, are in a position to stop the country from being torn apart," said Qoboza

Nicholas Haysom, a prominent civil rights lawyer from the Centre for Applied Legal Studies at the University of the Witwatersrand, said the emergency has curtailed civil liberties to retain inequality and injustice

"The emergency is a political measure to repress civil liberties in an attempt to retain the status quo

"Dissenting political voices are restricted and people in the country have no idea of the extent of the atrocities committed by security forces in black townships," said Haysom

Former PFP Parliamentarian and member of the Institute for a Democratic Alternative for SA, Alex Boraine, said more Members of Parliament were losing faith in the parliamentary system as a system of change

"We are living in dark desperate days and are witnessing lights going out in the country

"The present government cannot govern peacefully, justly and rightly until it is based on the consent of the people.

"The new South Africa that most people aspire to, can only be built if more whites accept one-person, one-vote

"Whatever mandate the government wishes to get will not provide the solution to the country's problems as it does not come from all the people in the country," said Boraine

CAPE TIMES 13/4/87 (263) ~~264~~

Worrall: News blackout causing white blindness

WHITES being called on to make crucial decisions in the election were being denied vital information about the situation in black communities, Dr Denis Worrall said at the weekend.

The independent candidate in Helderberg criticized the restrictions on the South African media during an award for communication and leadership from the South African Toastmasters

Dr Worrall said whites were "denied the information which could inform them of the reality of the situation in black townships"

"One can therefore imagine how white perceptions differ from that of blacks, whose lives are still disrupted by tension"

He said solutions regarded by whites as far-reaching and drastic were seen by many blacks — even moderate blacks com-

mitted to peaceful change — as being little more than palliatives

"Where, according to blacks, surgery is required, whites are content to prescribe aspirin — whereafter they insist the disease has been cured," he said

Referring to the relationship between politics and the media, Dr Worrall said that although he had always thought he had a reasonably good relationship with journalists, he now realized that the relationship between politicians and journalists was an adversarial one

"There are times when the journalist wants something from the politician which the politician cannot give him, and there certainly will be times when any self-respecting journalist will write something which does not please the politician, however amicable the relationship

"Nonetheless, one of the tests of the strength of any democratic political culture is whether politicians and journalists

can maintain their integrity and their standards of fairness in the heat of an election

"At present both politicians and journalists are under tremendous pressure," Dr Worrall said

He said he thought history would judge the politicians, but questioned whether it was fair to pass judgment on journalists who increasingly found their integrity compromised by higher authorities whose commitment to truth and fairness was eclipsed by blind political loyalties

"With such a situation occurring in our society today, the victim is unfortunately the ordinary South African, whose future is in the balance," he said

Dr Worrall, in accepting the Toastmasters' award, paid tribute to his colleagues in the London Embassy and to all South Africa's diplomats serving abroad — Sapa
(Report by W Blumenfeld 801 Nedbank Centre Strand Street Cape Town)

Buildings were damaged.

Picture: RICHARD BELL

Newsmen arrested at Ermelo's death mine

Cape Times 13/4/87

Own Correspondent *243* *[Signature]*

JOHANNESBURG. — Three journalists assigned to the Ermelo mine disaster on Friday were arrested and had their cameras and video equipment confiscated by police.

Those arrested were Visnews cameraman Mr Rob Celliers, his sound recorder Mr Dave Copeland and Reuters photo-journalist Ms Wendy Schwegmann.

All three have been summonsed to appear in the Ermelo Magistrate's Court on May 4.

Captain P E Meyer of the Ermelo police yesterday confirmed the arrests of the three.

He said they had been summonsed to appear in court to face charges of trespassing and of taking pictures of dead bodies before a post mortem.

The police alleged the three had photographed some of the 34 people killed in Thursday's mine disaster, after they had gained entry to a mortuary.

On their release, their cameras were returned, but police refused to return the TV crew's video cassettes and other video equipment.

By yesterday the equipment had still not been returned.

PHASES OF THE MOON

Full Moon, April 14.
Last Quarter, April 21
New Moon, April 28
First Quarter, May 6.

POOL, SEA TEMPERATURES

Muizenberg: Pool 19, Sea 21
Sea Point: Pool 20, Sea 12
Newlands: 22
Long Street: 24

Coastal belt Cape Infanta to Plattenberg Bay: Fine and mild apart from morning fog patches
Coastal belt Plattenberg Bay to Port Alfred: Fine and mild

TV schedules, supplied by the

- 6.00: Good Morning Sc...
- 3.27: Programme Sched...
- 3.30: Work Study. Pro...
- 3.45: The Draw Man. I express emotions.
- 4.00: The Get Along G...
- 4.15: Pumpkin Patch.
- 4.30: Hand in Hand

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Argus sells to Inkatha

By WEEKLY MAIL REPORTER,
Durban

THREE days after management of Natal Newspapers paid for some *Ilanga* staff and their families to stay at hotels because of "vigilante" threats, the company has announced the sale of the newspaper to Inkatha. Making the formal announcement yesterday, Natal Newspapers MD Ed Booth said no alternative arrangements would be made for reporters on *Ilanga* who did not wish to carry on working for the paper under its new owners. "If they do not like it they can resign," he said.

The bi-weekly *Ilanga*, the largest vernacular paper in the country, will now be owned by a newly-formed company called *Mandla-Matla* with Inkatha directors, including Inkatha secretary general, Dr Oscar Dhlomo, as managing director.

Dhlomo said the question of

TO PAGE 2

P.T.O

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Concern over sale of *Ilanga*

THE sale of *Ilanga* by the Argus company to Inkatha was a clear indication of a liberal conspiracy to promote KwaZulu and the "bantustan concept", the acting publicity secretary of the United Democratic Front, Mr Murphy Morobe, said yesterday.

In a statement in reaction to the sale of *Ilanga*, he said "It may well be argued that it is a purely business transaction but to sell to a homeland is in effect a vote of support for the bantustan policy and all it stands for."

"Now we know that behind the thin veil of concern that companies such as Argus present,

there exists no real protest against the bantustan policy and the hardship it has caused to millions of South Africans."

He said any talk of concern about apartheid and its effects would now be seen as "mere posturing".

The move would bring into question the independence of the professional journalists who worked on the newspaper, according to the president of the South African Society of Journalists, Miss Pat Sidley

She said the SASJ was concerned about the transfer of ownership of *Ilanga* "from a company which espoused independence to a company owned by a political group — in this case Inkatha"

Interest

"We assume this is likely to bring into question the independence of the professional journalists currently working on *Ilanga*"

"The SASJ is watching developments with interest and

concern," she said. "The Media Workers' Association of South Africa expressed its "disbelief and disgust" at the decision

"What Natal newspapers have relinquished is the editorial control of the newspaper. Just what press freedom is about."

"The Argus has the right to sell its assets to any company but when the buyer becomes a company controlled by a political organisation then the sale becomes suspect and when this political organisation

is deeply involved in homeland and apartheid politics as Inkatha is, then the sale becomes sickening

Meanwhile the International Federation of Journalists yesterday expressed "disgust" at South Africa's latest regulations on detainees

Curbs

The Brussels-based group's statement said the latest rules were "designed to let political dissenters — including children — rot in prison, their fate hidden from the world"

"It appears it will now be an offence for a journalist to report that a citizen or group of citizens is agitating for the release of a person jailed without trial," said the IFJ, representing 125 000 journalists worldwide

The curbs, issued last weekend, outlaw campaigns for release of detainees

The IFJ said it joins its South African affiliates "in expressing disgust at these latest moves," which, it said, placed "journalists in daily risk of fines or imprisonment" — Sapa-Reuter

Inkatha buys newspaper

DURBAN — Chief Mangosuthu Buthelezi's Inkatha has bought Ilanga newspaper from Argus-controlled Natal Newspapers for an undisclosed amount.

Natal Newspapers MD Ed Booth and Kwazulu Education Minister Oscar Dhlomo said yesterday only the editorial section of the newspaper — which first appeared in 1906 — was involved in the deal.

The newspaper would be transferred to Mandla Matla Publishing, which was headed by Dhlomo, in a deal retrospective to April 1.

All services such as advertising control, printing of the newspaper, and its distribution, among other headings, would remain with Natal Newspapers.

Ilanga, a newspaper started by one of the country's illustrious conquerors of adversity, had ended up like many other black newspapers — under white financial and editorial control — Kwazulu Chief Minister and Ink-

hatha president Mangosuthu Buthelezi said yesterday.

"In this country of ours where black voices are muted by the hand of oppression, and where black freedom of political expression is crushed by the many bannings and acts of intimidation we want to speak for ourselves," he said.

"I do not even envisage that Ilanga can now be run without white expertise, which we blacks do not yet have.

"I am simply expressing the yearning that is in all black hearts and minds, the yearning for freedom to speak their minds the way they themselves want to speak it."

The transfer of ownership would bring into question the independence of the professional journalists who worked on the newspaper, South African Society of Journalists president Pat Sidley said in Johannesburg.

The Media Workers Association of SA expressed its "disbelief and disgust" at the decision — Sapa

At 17/10/87 Ilanga Staff Ordered off premises

Own Correspondent

DURBAN.— Editorial staff of the Ilanga newspaper, who yesterday voted overwhelmingly to stop work following the sale of the newspaper to the Inkatha-controlled company Mandla-Matla (Pty) Ltd, were last night ordered to leave the premises by the company chairman, Dr Oscar Dhlomo, who is also secretary-general of Inkatha.

Dr Dhlomo told us that if we were not prepared to work and bring out the paper on Tuesday we would have to move out to make way for people who would, said Mr Mdu Lembede, Ilanga chapel father of the Southern African Society of Journalists (SASJ).

In a statement yesterday morning, Ilanga staff said they decided by an overwhelming majority to stop working immediately in pro-

test at discovering "that we were now working for a political organization, Inkatha".

□ Sapa reports that demands by Ilanga staff, that the company reverse its decision to sell the newspaper, have been backed by the International Federation of Journalists, the Eastern Cape branch of the SASJ, the Cape Times chapel executive of the SASJ and the Association of Democratic Journalists.

Censorship 'may affect fair trading'

17/4/07
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JOHANNESBURG. — South Africa's censorship regulations could hamper fair trading on the country's stock exchange, businessmen said yesterday following a widespread strike at major companies that went unreported by local media

On Tuesday, several thousand workers staged a one-day strike at food companies in the Transvaal to protest against the detention of eight union officials, according to Mr Peter Wrighton, deputy chairman of Premier Group Holdings Ltd

But the strike, which was organized by the Food and Allied Workers' Union, was not announced by the companies and news of it leaked out only yesterday

Vital interest

Business Day did not report the strike, saying instead in a front-page article that it had been "prevented by government censorship from publishing information of vital interest to investors and shareholders"

Officials of the Johannesburg Stock Exchange (JSE) said yesterday that they were worried at delays in reporting such incidents as Tuesday's strike, because it meant that some people were privy to information that could move the price of shares, and others were not.

"I am very concerned," Mr David Ferguson, vice-chairman of the JSE, told Reuters "It means that certain people know and some do not"

Business Day said it had been advised by its lawyers that reporting the strike would violate censorship rules

Other lawyers, however, said the regulations do not prevent reporting

the strike, but it is not permitted to say how successful the strike was

Censorship has prevented full reporting of a five-week-old strike by some 15 000 public-sector transport workers which has been linked by police to a wave of firebomb attacks on trains in and around Johannesburg this week.

Mr Ferguson said there had been other occasions when potentially market-moving information had not been reported, but he did not know how often

"It could become more and more serious," he said, adding that while he did not believe that censorship had hampered stock market trading so far, it could do so

He added "It actually encourages insider trading"

Premier group's Mr Wrighton said "A lot more of this sort of thing (industrial action) takes place all the time than is reported in the press"

Critics' concern

The JSE, which includes listings of a handful of foreign companies, has been booming in recent weeks, mainly due to a surge in the price of gold

Critics of the censorship regulations have expressed concern that reporting restrictions could erode confidence in the exchange at a time when the country desperately needs new investment, particularly from abroad

Legal experts were divided on whether the strike could be reported, highlighting the uncertainty and confusion that prevails over the censorship regulations

On several occasions, Sapa has retracted reports it has issued on the strike, saying it had been told it was not lawful to publish them — Reuter

Ilanga in battle to meet deadline

CAH Trip 20/4/87
Own Correspondent

DURBAN. — Staff members from various KwaZulu government departments have been brought in to replace protesting Ilanga journalists in a bid to meet the Durban newspaper's deadline tomorrow.

Dr Oscar Dhlomo, Inkatha secretary-general and chairman of Mandla-Matla, which recently bought Ilanga from Natal Newspapers, said yesterday that most of the staffers had had some kind of past journalistic experience.

They had been working around the clock to put a newspaper together and would know only late tonight whether it would be ready in time, he said.

"I'll see if the ship sinks completely. We are still battling but our bottom line is the readers and we are trying to ensure that they are not disappointed," he said.

The entire editorial staff of Ilanga were asked to leave the premises on Thursday after they stopped work to hold discussions on their future in the light of the sale.

Their main fear is that the newspaper will merely become a mouthpiece for Inkatha views.

The newspaper advertised for staff yesterday.

A fight against time

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REPLACEMENT journalists at the newly-owned Durban Zulu-language newspaper *Ilanga* continued their fight against time yesterday, to meet today's deadline, in the absence of the paper's editorial staff who were asked to leave on Thursday.

About 21 *Ilanga* staffers were replaced by staff members from various KwaZulu government departments after they stopped work to hold discussions on their future on the paper after the sale by Natal Newspapers last week.

Shortly before lunch yesterday, Dr Oscar Dhlomo, Inkatha secretary general, who

is at the helm of the newspaper in the meantime, said things were "not that good" and had reached a "make or break" situation, but that the staff would know only by late yesterday afternoon whether the paper would be on the streets today or not.

Meanwhile, the South African Society of Journalists has reacted with strong disapproval of the sale and will make strong representations at a conciliation board meeting between the parties on Wednesday.

President of the SASJ, Miss Pat Sidley, said yesterday: "We

disapprove of the sale to a political group, done without any consultation with the staff in any way. We are in full support of the demand by *Ilanga* staff to reverse the sale."

She said the sale of a newspaper to any political party took away a journalist's individuality and made things "extremely awkward".

Protesting *Ilanga* staff were asked to leave the premises in Durban on Thursday when they stopped work to discuss their future. Their main fear is that *Ilanga* will become an Inkatha mouthpiece — Sapa

Journalist charged over BBC interview

CAPE TOWN — The state yesterday withdrew three of four Police Act charges against a Cape Times journalist, Mr Tony Weaver

The prosecutor, Mr S Shrock, told the Cape Town regional court that the state would continue the prosecution on a charge that Mr Weaver, 30, published untrue matter in an interview with the BBC relating to action by members of the South African Police

The state alleges that Mr Weaver said in the interview on March 4 last year that people had been killed in cold

blood by members of the police force who then "planted" weapons on the deceased, claiming that they were guerrillas to justify the fact that they had been shot

The shootings happened in Guguletu on March 3

Mr J Gauntlett, for Mr Weaver, said his client pleaded not guilty and placed all the elements of the charge in dispute

He said Mr Weaver had reported to the BBC feelings which he believed had been truly felt by the parents of the men who were shot

The hearing continues — Sapa.

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22/4/82

CAPE Times 22/4/87

Newsman denies BBC interview was 'untrue'

By YVETTE VAN BREDA
Court Reporter

THE DEPUTY news editor of the Cape Times, Mr Tony Weaver, had three of four charges against him — relating to the alleged printing of untrue matter — withdrawn in the Regional Court yesterday.

Mr Weaver, 30, pleaded not guilty to the fourth charge under section 27(b) of the Police Act.

Brigadier Leon Mellet, personal secretary to the Minister of Law and Order, Mr Adriaan Vlok, also attended the hearing.

The three withdrawn charges arise from a report in the Cape Times on March 12 last year following the killing of

seven alleged African National Congress guerrillas by police in Guguletu.

The remaining charge arises from an interview he had with the British Broadcasting Corporation's Africa service on March 4 last year concerning the shootout.

The State alleges that he "unlawfully published untrue matter in relation to an action by the police to wit, that certain persons killed in a shooting incident at NY1 Guguletu on March 3 had been shot by members of the police in cold blood and that the police had then 'planted' weapons on the deceased, claiming that they were guerrillas to justify the fact that they had been shot."

In a statement to the court, Mr Weaver ad-

mitted that he had been interviewed by the BBC. But he said the content did not constitute untrue matter. It had been clearly expressed at all times as the opinion of the parents and associates of two of the deceased, and not as fact.

He said the "facts which I reported were the feelings of the family. I had no reason to believe that their feelings and opinions were not genuine. I specifically stated that we have no proof that the shootings were 'set up', which was the feeling of the parents."

Mr Herman Hanekom, of the Department of Foreign Affairs, told the court he had recorded an extract of a BBC interview with Mr Weaver.

Major C A J Odendaal said on March 3 last year he received information that a police vehicle which passed a certain corner in Guguletu, between 7am and 7:30am every day, would be attacked.

He was also told that the alleged attackers would be transported in a stolen minibus. "We decided that we would put certain men in the vehicle on that morning and place other policemen in strategic positions in the area."

He described how a hand-grenade had been thrown at a patrol van, and police had retaliated with gunfire. After the shooting, near the bus he saw a black man fatally wounded and another man lying in the road "on top of his AK-47 and three magazines. Another black man was lying with a handgrenade close by and yet another with a revolver."

He denied that the "whole thing was a set up or that the weapons had been planted."

The hearing continues today.

Mr J M Lemmer was the magistrate. Mr S Shrock prosecuted. Mr J J Gauntlett, instructed by Findlay and Tait, appeared for Mr Weaver.

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CHC Times 22/4/82

Ilanga appears despite dismissals

263 #8 232

DURBAN — The Zulu newspaper Ilanga was on the streets yesterday in spite of the effective dismissal of the entire editorial staff.

The paper, which appeared in the same format as when it was published by its previous owners, Natal Newspapers, also carried a front-page employment advertisement for journalists.

The previous editorial staff were ordered out of the building last week by Inkatha secretary general Dr Oscar Dhlomo after they had refused to work for a newspaper owned "by a political organization".

Though the staff have as yet not been officially dismissed, they have been temporarily replaced by a handful of journalists from Inkatha's in-house publications, who — against expectation — managed to bring out the first edition yesterday.

The former Ilanga journalists will meet Natal Newspapers manager Mr Ed Booth today. They demand to be re-employed by Natal Newspapers.

Meanwhile, in the first editorial comment under Inkatha ownership, Ilanga said it would not become a political mouthpiece for Inkatha.

Chief Mangosuthu Buthelezi, Chief Minister of KwaZulu, told the KwaZulu Legislative Assembly that Ilanga had been returned to its rightful owners by being bought by blacks.

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Officer tells of shoot-out with seven in Guguletu

Staff Reporter

A POLICEMAN who fired at one of the seven men shot dead in Guguletu on March 3 last year saw him fall, but shot him again when the man "made a movement with his hands"

This was said in evidence by Warrant Officer John Martin Sterrenberg in the trial of Cape Times journalist Tony Weaver, who has pleaded not guilty to a charge of publishing untrue statements about the police action at Guguletu in an interview with the BBC the day after it occurred

Three other charges of contravening the Police Act were withdrawn by the State in Cape Town Regional Court yesterday

They related to a Cape Times report of the Guguletu incident, published on March 12 last year

Evidence was that Warrant Officer Sterrenberg was one of several policemen deployed at the intersection of NY1 and NY111 in Guguletu where, according to police information, a police transport vehicle was to be attacked

MACHINE-GUN CHATTER

Warrant Officer Sterrenberg said he heard a warning shout that a man was about to throw a hand-grenade

"I heard shots being fired and I saw the man fall," he said

"I heard machine-gun chatter and I saw another man running across the intersection of NY1 and NY111, firing as he ran

"He stumbled and fell to the ground still firing his weapon Then there was a lull in his firing

"I ran closer to him, taking cover behind a tree

"I peered round the tree and saw the man looking at me He still had his weapon in his hands and when he made a movement with his hands I fired three shots at him with my hand-gun"

ALLEGATIONS DENIED

He said the man had been firing a Russian-made AK-47 rifle

He denied that policemen planted weapons on the dead men to make it seem as if they were guerrillas, had shot dead a man who walked towards them with his hands in the air or had shot dead a wounded man

These assertions, made to Mr Weaver by parents of the dead men, were used in the BBC interview

The trial continues today

Mr JM Lemmer is on the Bench Mr S Shrock is prosecuting and Mr J Gauntlett, instructed by Findlay and Tait, appears for Mr Weaver

Police deny planting weapons

SOUTH
23-28/4/67
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Newspaperman Tony Weaver appeared in the Regional Court this week charged under the Police Act with publishing untrue statements in an interview with the BBC about police action in Guguletu in March last year. Three other charges under the act were withdrawn.

Several policemen giving evidence to the court denied that they had planted weapons on the seven men who were killed in the action to make it appear they were guerillas, that they had shot dead a man who walked towards them with his hands in the air, or that they had shot dead a wounded man.

The hearing is proceeding

Ilanga sale move to counter UDF

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THE sale of the Natal Zulu-language Ilanga newspaper by the Argus group's Natal newspapers to Inkatha, was a move to counter the growing influence of democratic organisations such as the UDF in the townships of Natal.

The chairman of the Natal branch of the Association of Democratic Journalists of South Africa, Mr Khaba Mkhize, said the whole deal was part of the overall scheme "to deny people the right to know".

Meanwhile, an Ilanga journalist, Mdu Lembede, who has been accused by Chief Mangosuthu Buthelezi in the Kwazulu Legislative Assembly of being a "fetch-and-carry" boy of the ANC, has challenged the chief to repeat his accusation outside the precincts of the assembly.

"If the Chief thinks I am a puppet of the ANC by just visiting Lusaka twice on behalf of Natal newspapers, then I wonder what he calls the journalists who regularly cover the KwaZulu Legislative Assembly."

23-28/1/87 SOUTH

Ilanga talks deadlock

CME Times 23/4/87

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DURBAN. — The Ilanga editorial staff crisis remained deadlocked following talks yesterday between Natal Newspapers and the South African Newspaper Press Conciliation Board.

But Mr Ed Booth, managing director of Natal Newspapers, said discussions had been "amicable".

The talks followed the unanimous decision of the 23 black journalists employed by Ilanga not to continue working for the Inkatha-controlled company that recently bought Ilanga from Natal Newspapers.

Mr Booth expressed confidence that Ilanga would appear on the streets today, despite the stay-away by its edi-

torial staff.

Ilanga's future is "absolutely safe", the managing director of the company that purchased it last week, Dr Oscar Dhlomo, said yesterday.

Dr Dhlomo said the first issue of the Zulu-language newspaper produced by the new owners on Monday "sold more copies than ever before in the history of the paper".

The Times Media Johannesburg and the Freelance and Allied chapels of the Southern African Society of Journalists have condemned the sale.

The chapels fully supported the demands by the Ilanga staff to have the sale rescinded. — Sapa

3)

'Terrorist' fired first, policeman tells court

Court Reporter

AR645 23/4/87
243 278 334

RIOT squad policeman Warrant Officer Hendrick Barnard denied in the Cape Town Regional Court that he shot a suspected terrorist when the man was on his knees or lying on the ground.

He was giving evidence in the trial of Cape Times journalist Mr Tony Weaver, who has pleaded not guilty to a charge under the Police Act of making false statements about police action in Guguletu last March to the BBC. Seven men were shot dead in the incident.

The BBC report, parts of which were read in court by the prosecutor, Mr Selwyn Shrock, quoted witnesses who believed the police planted Russian-made weapons near the bodies of the seven men to create the impression they were terrorists.

Warrant Officer Barnard said on March 3 riot police acted on information there was to be an attack on police in Guguletu.

About 7.10 am a combi arrived and Warrant Officer Barnard, armed with a shotgun and pistol, said he heard an explosion.

Major Dolf Odendaal "screamed something about a hand-grenade" and Warrant Officer Barnard "stormed" through the bush after two men from a group near the combi. One was holding a pistol and the other carried what looked like a hand-grenade.

Chasing the man with the pistol, Warrant Officer Barnard said he wanted to "take the man in" and was not planning to shoot, but as he was gaining the man turned and fired three shots.

He believed his life was in danger so he fired two shots, one of which "blew the man's face off".

He saw that the pistol fired by the dead man was a Russian-made Tokarev.

Under cross-examination by defence counsel Mr J Gauntlett, Warrant Officer Barnard denied that he fired the shot while the man was on his knees or on the ground. He said he was about six or seven metres away from the man when he fired.

(Proceeding).

Mr J M Lemmer is on the Bench. Mr Gauntlett is instructed by Findlay and Tait.

Reporter freed from promise to protect informant

Jo-Anne Richards, The Star reporter due to appear in court today to provide information concerning a source which she had undertaken to protect, has been released from her obligation by the source

She had been asked by the State to provide the names of the doctors who examined detainees after their release from detention and who had reported that the detainees had shown signs of physical and mental abuse

The doctor whom Richards interviewed has released her from her undertaking, and she has been able to disclose his name. She did so in an affidavit which she provided, she said in the document, "with the utmost reluctance"

The court hearing at which Richards was due to appear today, to provide information or go to jail, was cancelled

Instead, Richards supplied the affidavit, which was accepted by the police. In the affidavit she said she was fully in favour of a detailed police investigation into all assaults — physical and mental — on detainees and should a perpetrator be found, the law should take its course

But, she said, she viewed the police action in this particular matter with a "degree of cynicism"

She said there had been occasions in the past where the identity of sources had been disclosed to the police and these sources had subsequently been detained, questioned and threatened.

'USED TO INTIMIDATE'

"The procedure of issuing section 205 (Criminal Procedure Act) subpoenas is, in my personal belief, used to intimidate journalists and inhibit them from undertaking properly their duties in the best interests of the public right to know the true facts," she said in her affidavit

She said the reasons her source was releasing her from her undertaking were as follows

- He is interviewed on the subject (assault on detainees) in a film now being screened at the Market Theatre titled "Witness to Apartheid"
- Last year he delivered a paper on the subject at the University of the Witwatersrand medical school
- The source indicated that his identity was already known to the police and for that reason he believed it futile for Richards to be placed in jeopardy by protecting his identity unnecessarily
- The source has also written an article on the subject which had already been accepted for publication in *The Lancet* (the British medical journal) and will appear shortly

For these reasons the informant had no objection to the release of his name and address to the police

The Star article in question referred to "a doctor" and made reference to the results of examinations undertaken by six doctors who examined about 40 released detainees. The information came from a single informant and not the doctors who undertook the examinations. The names of the examining doctors were not known to Richards, she said in her affidavit

Court hears of grenade attack

Cape Times 24/4/87

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Court Reporter

A POLICEMAN yesterday told the Regional Court he had fired six shots in quick succession at an alleged ANC guerilla after the man hurled a hand-grenade at him.

Captain Johannes Kleyn was giving evidence in the trial of the Cape Times deputy news editor, Mr Tony Weaver, who is charged under Section 27 (b) of the Police Act.

Mr Weaver previously had three charges withdrawn against him. The charges arose from a report in the Cape Times following the deaths of seven alleged ANC guerillas who were killed by the police in Guguletu on March 3 last year.

The charge he now faces relates to an interview he had with the BBC concerning the deaths on March 4 last year. The State alleges that Mr Weaver unlawfully published untrue matter by saying the men had been shot in cold blood and that the police had then "planted" weapons on the deceased.

'Stopper group'

Earlier, the court heard that police had set up a counter-attack after receiving information that a police vehicle which passed a certain corner in Guguletu between 7am and 7.30am would be attacked.

Captain Kleyn said he had been a passenger in a car whose three occupants formed a "stopper group". After hearing that the police vehicle had reached the intersection, they had gone there and he had seen "four or five blacks walking slowly with their hands in their pockets".

One had flung a hand-grenade at him and he had fallen to the ground. The hand-grenade hit the car's door and exploded.

He fired six shots at the man who had thrown the hand-grenade "until I saw him fall". He said that about 10 minutes after all the shooting in the area had stopped, he had heard more shooting coming from nearby bushes.

The hearing was adjourned to May 13.

Mr J M Lemmer was the magistrate. Mr S Shrock prosecuted. Mr Gauntlett was instructed by Findlay and Tait.

to hear the news were generally impressed by the deal, which restores ownership to Zulus of a Zulu language newspaper launched in 1906

Less enthusiastic were *Ilanga* editorial staff, who charge that politics rather than commerce shaped the sale and immediately downed tools.

Another accusation was that Natal Newspapers failed to keep them informed of development, which retroactively (from April 1) left them employed by a party political organisation. Neither new chairman Oscar Dhlomo nor Inkatha chief Mangosuthu Buthelezi, in an address at last week's function, could persuade them that Inkatha would resist the temptation to influence editorial content and policy.

It is indeed a reasonable assumption that Inkatha's interest in the deal went beyond profit. Argus assures *Ilanga* is in the black. The new owners maintain this was the sole consideration and insist they will not turn *Ilanga* into a "party political rag". As a key player in the Indaba, though, KwaZulu Chief Minister Buthelezi was without an unambiguous mouthpiece in the vernacular. Ownership of *Ilanga* changes this.

In terms of the deal Natal Newspapers will continue to print, distribute, sell advertising space, and generally manage *Ilanga*. Mandla-Matla is, meanwhile, advertising for new staff, says Dhlomo.

□ All the directors of Mandla-Matla Publishing (Pty) Ltd are members of the central committee of Inkatha. Dhlomo, KwaZulu's Minister of Education and Culture, is chairman.

Fellow directors are. Senzele Mhlungu, member of the KwaZulu Legislative Assembly (KLA), board member of Barclays Bank in Durban, and managing director of Khulani Holdings; Melchizedeck Khumalo, a director of Khulani Holdings, Peter Davidson, owner of a construction company, and Mudlwamafa Nzuza, who is also a member of the KLA.

Hal Miller, executive chairman of Argus, expressed delight with the deal but cautioned it came together in a unique set of circumstances that will set no precedents for other "black" newspapers controlled by Argus. ■

ILANGA SALE

Political fall-out

All 23 editorial staff members of Durban's *Ilanga* newspaper have been ordered off the premises by Inkatha-controlled Mandla-Matla Publishing, the new owners of the Zulu language bi-weekly.

The order followed a strike by the staff, called in response to last week's announcement that Natal Newspapers had sold *Ilanga* to Mandla-Matla. This week's editions are being produced by journalists drafted from various KwaZulu government departments.

The fate of the striking journalists — who declined appeals by the new owners to continue working for *Ilanga* — is now likely to be decided at meetings scheduled this week with former employers Natal Newspapers, an Argus subsidiary.

The Argus is tight-lipped about the price its Natal division put on *Ilanga* and the fee it will collect for continuing to manage and print the 105 672-circulation newspaper on behalf of the new owners.

Advertisers and ad agencies invited to a function in Durban on Wednesday last week

ARGUS 24/4/87 (243)

Reporter freed from pledge to protect informer's identity

The Argus Correspondent

JOHANNESBURG. — Journalist Jo-Anne Richards, due to appear in court today to provide information concerning a source which she had pledged to protect, has been released from her obligation by the source.

She had been asked by the State to provide the names of the doctors who examined detainees after their release from detention and who had reported that the detainees had shown signs of physical and mental abuse.

She disclosed the doctor's name in an affidavit which she provided, she said in the docu-

ment, "with the utmost reluctance".

The court hearing at which Richards was due to appear today to provide information, or go to jail, was cancelled.

Instead the affidavit was accepted by the police.

In the affidavit she said she was fully in favour of a detailed police investigation into all assaults

But, she said, there had been occasions in the past where the identity of sources had been disclosed to the police and these sources had subsequently been detained.

Her source was releasing her from her undertaking for several reasons. He was inter-

viewed on the subject (assault on detainees) in a film being screened at the Market Theatre entitled *Witness to Apartheid*.

Last year he delivered a paper on the subject at the Witwatersrand University medical school.

The source indicated that his identity was already known to the police and for that reason believed it futile for Richards, a reporter on Johannesburg's Star, to protect his identity unnecessarily.

The source has also written an article on the subject which has already been accepted for publication in *The Lancet*, the *British Medical Journal*.

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'Shots in bushes after police action against terrorists'

Court Reporter

ABOUT 15 minutes after police action against suspected terrorists in Guguletu ended, shots were heard in nearby bushes, a riot squad policeman told the Cape Town Regional Court

Sergeant Wilhelm Bellingan was giving evidence yesterday in the trial of Cape Times journalist Mr Tony Weaver, who has pleaded not guilty to making false statements to the BBC about police action in which seven men died

The incident happened at the intersection of NY1 and NY111, Guguletu, on March 3 last year

The BBC report the following day — parts of which were read out in court — quoted witnesses who claimed Russian-made weapons had been planted on the bodies to create the impression they were terrorists

Mr Weaver told the BBC interviewer there was no proof to back this claim

Sergeant Bellingan, part of a "stopper group" on the outskirts of the scene, said as he climbed out of a car he heard an explosion

A shot was fired at the vehicle and he was hit in the face by shrapnel. He saw a man carrying an AK-47 rifle.

WOULD HAVE NOTICED

At that moment Sergeant Andre Grobbelaar shouted "Watch out, hand-grenade"

Sergeant Bellingan said he fired at the gunman with his 9 mm pistol as he feared for his life

The man fell to the ground and Sergeant Bellingan assumed he was dead

Cross-examined by Mr J Gauntlett, for Mr Weaver, Sergeant Bellingan said about 15 minutes after all the shooting at the intersection ended he heard shots being fired in some bushes across a field

He said he would have noticed if anyone had planted weapons next to the bodies

Captain Leonard Knipe of the Peninsula Murder and Robbery Squad told the court he had been summoned to the scene of the shooting.

He arrived about 7.45am to search the bodies

He did not take particular note of the dead men's weapons

The hearing was postponed to May 13.

Mr J M Lemmer was on the Bench

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The 'poor brother' who became an orphan overnight

THE Argus Company executive addressing the staff of *Ilanga* on Thursday last week was clearly startled at the strong feelings expressed by a united editorial staff.

He believed, he told them, that Argus had protected their interests by ensuring medical aid, pension, salaries and "work-siting" would remain the same.

In any event, he added, he believed the paper basically supported Inkatha — and so did its readers.

And then when the protests became voluble, he conceded he neither spoke nor read Zulu, and did not really know what line the newspaper took — if any.

If lives were not at stake, the debacle may even have been funny.

Even his admissions had missed a vital point: no self-respecting journalist striving to appear independent and credible would work for a political organisation — even if she or he supported it.

That point was driven home by the fact that even the few Inkatha supporters on the staff were not working for the new owners.

They had all stopped work in protest against finding that Argus had given them a new management — and that their new bosses were a political group active, as the staff put it, in the battle for the hearts and minds of the people. The staff contended they were still working for Natal Newspapers.

A statement from the *Ilanga* chapel of the SASJ said in part: "We are journalists, and as journalists we want to ply our trade in the accepted sense of the word 'journalist', and we feel with this deal we can no longer do our jobs properly."

"It places us in a position where we can never report objectively or practise our profession objectively. We as journalists committed to our profession feel we cannot serve the communities under the control of a political organisation, especially with the political climate the way it is in the townships, where every political movement is fiercely fighting for the hearts and minds of the masses."

Media coverage of the sale and work stoppage has tended to confirm the worst fears about the deal. Little of it has fully covered events. No critical editorial comment has been made about the issues the journalists were worried about, and the public has been given no idea of the depth of anger and the breadth of all the issues in the dispute.

Short of straight racism — a possibility not easily dismissed — the deal gives the impression of a desperate wish on the part of the deal-makers to believe the myth that Inkatha — the Zulu people — black aspirations. Amplifying those fears was the fact that the Argus executive

President of the South African Society of Journalists, PAT SIDLEY, explains why the editorial staff at *Ilanga* aren't, despite Argus Company expectations, at all thrilled at being bought by Inkatha along with the furniture.

used all three terms virtually interchangeably while talking to *Ilanga* staff.

Racism was the bogey raised by one staffer who noted that not a single white employee of Natal Newspapers (the Argus subsidiary company involved in the sale) was affected by the move. Only black staffers landed up being "owned" by Inkatha. The rest would continue to be employed by Natal Newspapers. This would have profound consequences for journalists in their own communities which, another staffer commented, could never affect white employees in the same way.

The physical appearance of the newsroom has led to a long standing feeling that the Argus company has practiced racial discrimination among its own editorial staff. Sited in an industrial area, *Ilanga* has never had the modern technology which has graced all the "white" newspapers in Natal Newspapers. Moreover, until very recently salaries were much lower than those paid to whites on other newspapers.

But by far the most serious problem is the possible risk to the lives of the editorial staff.

At last year's SASJ congress, the *Ilanga* chapel presented a harrowing and detailed account of the risks to journalists in the area. They told the congress that political groups in Natal — not confined to one group — wished to claim journalists as "theirs". This meant if something a journalist wrote identified him or her with a political grouping, a rival group might attack the journalist or his or her family and property. Black journalists in Natal (and elsewhere) had become cannon fodder in the battle for the hearts and minds of the masses.

Just a fortnight ago, at the request of the *Ilanga* chapel of the SASJ — which had asked Natal Newspapers to investigate getting them firearms licenses — the company put three journalists and their families up in a Durban hotel after they had been threatened by forces not hostile to Inkatha and the KwaZulu government.

The journalists had written an article about corruption in high places in the KwaZulu government — and *Ilanga* had printed this in the tradition of an independent newspaper.

A mere three days later, these journalists were among those startled to discover that — according to the

6 MONTHS TO PAY
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ILANGA

STUDENTS WANTED FOR HAIR PRODUCT TRAINING
PATTI'S

Ayekwa iinyenela amasu onswinyo

Kufe abawu 17 engozini yebhasi



Indodana kaChiel Dlamun igwazwe yafa

Owe-PFP uphawula ngeLANGA



The front page of the first Inkatha edition of *Ilanga*, including job offers for journalists and the entire text of a Buthelezi speech.

retrospective nature of the deal — they had been employed by Inkatha for a little over two weeks.

The new owners, who apparently bought a newspaper without editorial staff, nevertheless managed to get an edition out on time. However, according to Zulu speaking Argus employees, it looked as if it had been brought out by non-journalist employees of the KwaZulu government.

That is precisely what happened. Inkatha apparently believed it was buying a paper complete with staff, a theory backed up by its statement that it was buying a paper instead of starting one because it did not have the expertise it needed to start a paper from scratch.

The contrite Argus executive told *Ilanga* staff the company expected one or two staff members to be uncomfortable he had earlier told a press conference that those who would not work for the new company had the option of resigning.

Nevertheless on Thursday, Dr Oscar Dhlomo, managing director of the Inkatha-owned company, Mandla-Matla, which now owns *Ilanga*, was trying to talk staff into working for him.

He was adamant that Inkatha would respect independence and would not use *Ilanga* as a party mouthpiece, and was undeterred by the rhetorical question asked repeatedly by staffers: "Why then, spend so much money, buying an already independent newspaper?"

And the questions still stand: If *Ilanga* was basically Inkatha supporting, why spend all that money? And if it was not, and was going to be allowed to remain independent, why spend money on a potential enemy?

The answer shines painfully clearly to most journalists. After all, did *The Citizen* ever lose its taint from its unsavoury party political origins?

Ilanga's on the streets, but the row continues

WEEKLY MAIL REPORTER, Durban

AFTER seven hours of talks on Wednesday, the deadlock between Natal Newspapers management and the South African Society of Journalists over the sale of *Ilanga* to Inkatha is still unresolved.

The work stoppage by the *Ilanga* editorial chapel continues while Inkatha prepares to hire new staff to run the paper. However, another session between Natal Newspapers and the SASJ is planned for next week.

"There is no indication yet whether the negotiations will break down or succeed," SASJ national organiser John Allen said following Wednesday's talks, which he described as "fruitful".

Shortly after *Ilanga's* sale to Inkatha was announced, the journalists began a strike, reacting both to the announcement and to an unequivocal statement by Natal Newspaper managing director, Ed Booth, that they would not be offered work on any other NN publication.

The strike has produced a stinging attack on officials of the SASJ and *Ilanga* staffers from Inkatha president Chief Mangosuthu Buthelezi.

Most of his anger has been directed at the *Ilanga* SASJ chapel father, Mdu Lembede, whom he has labelled a "fetch and carry boy" of the ANC.

He accused Lembede of encouraging journalists to strike because he objected to the new ownership, saying Lembede was motivated by concern that the UDF could no longer use the paper for its own political ends. He added the paper's previous owners could not see the role Lembede had been playing.

"I ask what (Lembede) has done to make black journalists down tools in the City Press, which is owned by the owners of the National Party newspapers of the country."

"They were not shy to take Afrikaner money for their salaries, and now they have become super righteous, saying they do not want to take money from a black-owned newspaper."

Buthelezi said the paper had at last been returned to its "rightful owners" now that it had been bought by blacks.

The logo of Mandla-Matla, the Inkatha company now running South Africa's largest vernacular newspaper, *Ilanga* filled a large part of the first edition under its new owners.

On the front page was a story offering work to would-be journalists — a reminder of the reporters on strike because of the paper's hand-over to Inkatha by Natal Newspapers.

The paper led with a report about an accident on the South Coast in which 17 people were killed. The second story was the first part of what turned out to be the entire text of the speech made by Inkatha president, Chief Mangosuthu Buthelezi, when the sale to Inkatha was officially announced.

Inside, in an editorial in English and Zulu, the sale was welcomed as "historic" and as "marking the dawn of a new era in South Africa."

The writer says "All black hearts and minds yearn for freedom to speak their minds the way they themselves choose to."

"Thanks to Mandla-Matla and Inkatha, the dream we all cherish will now materialise."

Referring to the motives of the strikers, the editorial comments that most South African newspapers are owned by "powerful white capitalist interests." However a "Marxist-Leninist" could still work for such a paper.

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Aida Parker uses documents taken by police

END Conscriptio Campaign literature confiscated by the Security Police has resurfaced in the March issue of the right-wing Aida Parker Newsletter, according to ECC's Johannesburg president, Ian Jeffrey.

By JO-ANN BEKKER

The newsletter says it obtained the documents — including ECC executive member Gavin Evans's diary of his American tour — "through a trusted source well-connected with the ECC".

displeasure, but are part of a coordinated state campaign to discredit the campaign and to prepare the public for further anti-ECC repression".

Jeffrey argues that the 16-page newsletter devoted exclusively to linking the campaign to Soviet communism was not simply a display "of random right-wing

He said last week Minister of Defence Magnus Malan made an election speech which contained "inaccurate statements about ECC".

Jeffrey says there were only five copies of Evans's diaries report of his visit, on behalf of the ECC, to the United States last year. Four copies were accounted for, the fifth was seized by Security Police from the

home of Evans's brother, Mike, also an ECC activist, when he was detained for seven weeks last year.

Gaye Davis reports from Cape Town that ECC workers have laid charges with the police after hundreds of posters advertising yesterday's national day of concern — part of the ECC's "War is not compulsory, let's choose a just peace" campaign — were confiscated.

The ECC members had gone to hand over a large card, signed by about 450 people, reading "This is a token of concern for the death, injury and deprivation that the war has caused countless South Africans. "The ECC is committed to working constructively for a just peace."

Fake posters — some portraying a national serviceman with a gun calling for deceased servicemen to be mourned, others showing an ape-like guerrilla fighter and a baby with a tyre round its neck calling for "all

civilians killed by the African National Congress" to be mourned — were pasted over the ECC's posters throughout the Peninsula this week. And in Durban, Carmel Rickard reports that five ECC members and a photographer were held briefly at Natal Command in Durban on Thursday.

ONE TIME
25/4/87

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'Paranoia' — Dene Smuts'

Chief Reporter

IN a hard-hitting speech yesterday Ms Dene Smuts, who resigned in protest as editor of the magazine Fair Lady three weeks ago, referred to herself as "one more victim of paranoia in high places", and accused the government of "tribalizing the whole white populace"

"They genuinely think, after nearly 40 years in power, that politics is their province alone, that the rest of us have no business commenting on

it," she said before a capacity Cape Town Press Club audience

Ms Smuts said she was in complete agreement with the Nasionale Pers management that party political journalism was best left out of magazines "I wish they would leave it out of their papers too, and start writing about the place we live in, not the party"

She had never practised party political journalism, she added, but for an intelligent women's magazine to skip so-

cio-political issues, to run articles only on infant colic while black children were locked up in their thousands and while children were allegedly tortured, would be obscene

She had no illusions that Naspers management would enjoy the suppressed interview with Dr Denis Worrall, "and fully expected to be roasted after publication But I never dreamt they would go tripping over my copy in the printing works, nor would I have guessed in a month of

Sundays that they would go so far as squashing stories

"I was told my copy was propaganda Every time I was roasted for running the Tutus and the Molly Blackburns of this world I was told the articles constituted glorifiction

"I don't have to tell you I don't glorify But what kind of mind sees the simple act of running a profile as glorification? It is an assumption and an approach to journalism that is fundamentally undemocratic"

about two minutes for the PFP Mr L
the death
This gave Mr Mdou a chance to
leave the campus in a car.

□ Two 12-year-olds (though
said in his affidavit one has
released), 19 children aged
aged 14, 110 aged 15, 312 ag

2006 10/25/87
**Herald
material
seized**

PORT ELIZABETH —
Two security policemen
with a search warrant
seized material from the
Eastern Province Her-
ald yesterday dealing
with a full-page adver-
tisement on detention of
children

The advertisement
had been published
after legal advice from
two firms of lawyers that
this was permissible in
terms of the Police Com-
missioner's recently pro-
claimed restrictions

The advertisement
was in the name of the
Southern Africa Project,
Lawyers' Committee for
Civil Rights Under Law,
Washington DC

Among other news-
papers to run the adver-
tisement were the Cape
Times and the Star

2006 10/25/87
**Barclays changes
name to the First**

BARCLAYS commercial
bank is now the First
National Bank of South-
ern Africa and its eagle
emblem will be replaced
by a thorn tree silhouet-
ted against a rising sun —
with the shape of Africa
between its branches

A Barclaycard will be-
come a Firstcard but it
will still be part of the
international visa credit
card network. Bob and
Bob-T automatic teller
cards will not change
their names

Barclays Merchant
Bank will become First
National Merchant Bank and Barclays National In-
dustrial Bank will be First Industrial Bank of South-
ern Africa. But the credit finance organization, Wes-
bank, will not change its name and neither will
Persam, Barclay's personal managed assets division

The change of name and logo became necessary
after the UK parent company, Barclays PLC, sold its
final 40,4% shareholding in Barclays SA last year.

□ Banks to rationalize? See page 15



12/10/7
d of more than guests

able deposits
an attempt
pilfering.
ken, deputy
of the Maha-
el lost 20% of
season.
room service
quickly but
popular any-
it's anything
ned.
e had a guest
the curtains

"But South Africans seem to
have more respect and disci-
pline than people overseas —
there they steal TV sets and
anything not nailed down."

Mr Clive Bolton, manager of
the Marine Parade Holiday
Inn, agreed that the most popu-
lar items were those which
were monogrammed.

"People take glasses, face-
cloths and towels although
we've had the pictures stolen

from the bedrooms too."
A spokesman for the Beverly
Hills Hotel in Umhlanga Rocks
said the old towels were never
stolen but as soon as a new
batch was bought they disap-
peared.

"We can lose about 400 tow-
els and 200 facecloths in one
season. The ashtrays in the
rooms never go but in the pub-
lic areas, where they are quite
expensive and attractive, we
lose lots," she said.

State drops charges

CP Correspondent

The State has dropped three of four Police Act charges against Cape Times journalist Tony Weaver

But the Cape Town Regional Court heard this week that the State would continue the prosecution on a charge that Weaver, 30, published an article in an interview with the BBC

J. Gauntlett for Weaver, said his client pleaded not guilty and disputed all the elements of the charge

It is alleged that Weaver said in the interview on March 4 last year that people had been killed in cold blood by policemen who "planted" weapons on the dead, claiming they were guerrillas to justify shooting them. The shooting happened in Guguletu on March 3

See 1243

SACP chief challenges

BY REVELATION NTOULA

THE Commissioner of Police, General Johan Coetzee, is to be challenged in the Maritzburg Supreme Court next Tuesday in an attempt to strip him of his newly acquired powers concerning detainees.

The case, which was partly heard last week, is being brought by the Black Sash and the Detainees Parents' Support Committee.

Meanwhile, the Opposition PFP has also instituted proceedings

against Coetzee's new powers, which forbid campaigning for the release of detainees.

Announcing the PFP's Supreme Court bid to set aside the notice promulgating the ban, Ken Andrew, chairman of the party's federal executive, said the State had indicated it was going to defend the action.

The commissioner's powers have been widely criticised by political and civil rights organisations as a denial of fundamental political

rights and freedom of speech, and blocking criticism of the State's use of detention to neutralise political opponents

In terms of the ban, issued on April 10, it is illegal to participate in any campaign, project or action aimed at accomplishing the release of people detained under Section 28 of the Internal Security Act 1982 or regulation 3 of the security regulations.

Journalists condemn Manga sale

BOTH Times Media Johannesburg and the Freelance and Allied Journalists' chapels of the Southern African Society of Journalists have condemned the sale by Natal Newspapers of *Manga* to an Inkatha-based organisation, they said in a statement.

The chapels fully supported the demands by the *Manga* staff to have the sale rescinded. Both chapels said they viewed the sale of the newspaper as politically insensitive, especially in a climate where impartial journalists were forced to take sides.

"The fact that KwaZulu government officials

have already been called in to run the newspaper makes a mockery of claims that there will be no interference with editorial freedom," the statement said.

The chapels believed that the newspaper would become "nothing less than a mouthpiece of Inkatha and/or the KwaZulu government".

The sale is seen as a serious blow against press freedom, which could lead not only to an exacerbation of tensions in Natal, but would contribute to racial polarisation.

The statement called on newspaper managers to carefully consider such transactions

in future, lest they compromise whatever claims they might still have on the protection of freedom of the Press.

Manga's future was "absolutely safe", the managing director of the company which purchased it last week, Dr Oscar Dhlomo said.

Dhlomo said that the first issue of the Zulu-language newspaper produced by the new owners, "sold more copies than ever before in the history of the paper".

He added "We have had thousands of applications from black journalists who want to work for *Manga*" - Sapa

IN EMERGENCY

This newspaper has been produced under emergency regulations which amount to censorship. The restrictions effectively suppress information of public interest. No details of unrest or security force action can be published without permission. However, within the limits of these restrictions, City Press will continue to make every effort to provide objective coverage

203 24481
C. M. M. M.

Afrikaans ⁽²⁴³⁾ press ^{DD 27/4/87} under fire

PAARL — For the second year running, the Afrikaner establishment came under fire during the award ceremony when the prestigious Rapport literary prize was presented here at the weekend.

In his speech, one of the judges, the University of the Witwatersrand's Professor Ernst Lindenberg, said

"The Afrikaans newspaper public is uninformed on news of events both within and outside the country. We know too little of what happens overseas but we know even less about what is happening in the ranks of our black population.

"I know there are restrictive laws which make reporting difficult but, nevertheless, Afrikaans newspapers, more than their English counterparts, succumb too easily to these laws and do not inform their readers as they ought."

Last year poet Breyten Breytenbach caused a stir when he received the Rapport prize and attacked the Afrikaner establishment in a similar vein — DDC

NUJ ²⁴³ ~~243~~
concern at
detentions

THE National Union of Journalists has expressed concern at the continued detention of a Lebowa freelance journalist and a member of the Azanian People's Organisation, who were arrested in the homeland about a year ago.

Mr Kgalabe Kekana, who is also Northern Transvaal organiser of the Media Workers' Association of South Africa (Mwasa), and Mr Tsoaledi Thobejane, of Azapo, were detained in April last year together with journalist Makompo Kutumela and another man.

Kutumela later died in police custody

The NUJ, which has a membership of about 33 000, said in a letter addressed to Minister of Law and Order, Mr Adriaan Vlok, that it believed the two men were "prisoners of conscience."

27/4/87

AM- Times 27/4/87

Afrikaans press under fire

Own Correspondent 243

PAARL — For the second year running, the Afrikaner establishment came under fire during the award ceremony when the Rapport literary prize was presented here on Saturday

In his speech one of the judges, Wits University Professor Ernst Lindenberg, made an unprecedented attack on the Afrikaans press, saying: "The Afrikaans newspaper public is uninformed on news of events both within and

outside the country. We know too little of what happens overseas but we know even less about what is happening in the ranks of our black population

"I know there are restrictive laws which make reporting difficult but nevertheless Afrikaans newspapers more than their English counterparts succumb too easily... and do not inform their readers as they ought"

Last year Breyten Breytenbach caused a stir when he received

the prize and attacked the Afrikaner establishment in a similar vein.

This year's winner was Antjie Krogh for her anthology of poetry "Jerusalemangers". The runner up was Etienne van Heerden for his novel "Toorberg"

In her speech of thanks, Antjie Krogh remarked that she considered the prize (R15 000 and an overseas trip) to be a reward for the emotional trauma of the nominated authors while awaiting the result of the judging.



DISBELIEF was written all over Jonas Ramohlale's face after he won a brand new car at the Ohlsson's Challenge Cup final at Ellis Park Stadium on Saturday. Model Rachel Moganedi presented him with the key that won him the

car. It seems as if the 18-year-old Standard nine Tembisa pupil will need a chauffeur for some time as, you guessed it, he does not have a driver's licence.

Pic JOE MOLEFE

Court reverses detainee's ruling

THE media may now give white voters a better picture of what's happening on their doorsteps.

People may campaign for the release of detainees, and security force action in dealing with unrest is now open to public scrutiny — a vital safeguard against the excess of power — says leading Johannesburg media lawyer, Paul Jenkins

He was commenting on Friday's Natal Supreme Court ruling lifting regulations designed to clamp down almost entirely on the media's coverage of unrest and unrest-related events.

"The judgment by Mr Justice Page and Mr Justice Galgut has had a dramatic and far-reaching effect on the Government's media curbs," Mr Jenkins said.

"However, this is not the time for euphoria. There still remains severe restrictions on the free reporting of news, a situation which is particularly serious in the run-up to the white general election."

Although initially there had been confusion about when the judgment would take effect — since the State was to lodge an appeal — he and other media lawyers were satisfied that "at this very moment the media can report on unrest."

Another case in Cape Town, brought by the Progressive Federal Party and applying for the removal of restrictions on calling for the release of detainees, has been postponed to allow the PFP time to study replying affidavits.

Row over Citizen report

(243) Sowetan 28/4/87
THE attorney representing six international media groups submitted yesterday that the South African Media Council should impose a fine on the *Citizen* newspaper regarding publication of a United States writer's allegations against overseas news gathering in South Africa.

Mr William Lane also submitted before Mr Justice L van Winsen that the council should find the *Citizen* breached the Media Council's code of conduct

The complainants are CBS, Independent Television News, NBC News, ABC News, BBC TV, and Visnews

An article was published quoting a pro-South African lobbyist, David Balsiger, writing in *Scoreboard* magazine

Mr Lane claimed Mr Balsiger recounted an investigation he conducted into the honesty of the foreign media "whereas in fact, Mr Balsiger does not recount any investigation"

The article was printed

under the headline "US magazine hits at TV coverage of SA" on March 4

The first sentence said "Television camera crews, in an effort to make Americans sick at the evening dinner table, have without doubt exercised some of the sleaziest, most squalid, unethical and irresponsible media behaviour of modern times in the quest for scoops"

The hearing continues
— Sapa.

TV crews in row with Citizen

A COMPLAINT by six international television organisations against a report in The Citizen newspaper about foreign news-gathering conduct in SA, was investigated by the Media Council yesterday

The offending report, which appeared in The Citizen on March 4, cited examples of alleged "gross dishonesty by teams to get the coverage they wanted"

The allegations were originally made in an article by a David Balsiger — described by The Citizen as a pro-SA lobbyist — and published in a US magazine Scoreboard

William Lane, representing CBS News, NBC News, Independent

DIANNA GAMES

Television News (ITN), ABC News, BBC TV and Visnews, proposed the newspaper be fined for printing the allegations. He also submitted the council should find The Citizen had breached the Media Council's code of conduct.

Balsiger alleged a US TV crew paid a black family to have its shack demolished at Crossroads to imply it was government action, that news staff paid for ANC/UDF "permits" to enter no-go areas, and that a TV crew, having missed the burning of a body, paid children to

set it alight again

A Norval, appearing for The Citizen, said there were many freelance cameramen acting clandestinely for the foreign media and who had to ensure they had saleable film footage of SA

Lane said his clients comprised all but two of the foreign TV crews with bureaus in SA. The indications in the Scoreboard article were that the article from which The Citizen quoted was founded on opinion, allegation, rumour or supposition but the newspaper gave no indication of this

Hearing chairman Mr Justice Van Winsen reserved his findings

Council probes Citizen report

Own Correspondent

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JOHANNESBURG — A complaint by six international television organizations against a report in the Citizen newspaper about foreign news-gathering conduct in SA, was yesterday investigated by the Media Council.

The report, which appeared in the Citizen on March 4, cited examples of alleged "gross dishonesty by teams to get the coverage they wanted".

The allegations were originally made in an article by a David Balsiger — described by the Citizen as a pro-SA lobbyist — and published in a US magazine called "Scoreboard".

Mr William Lane, representing CBS News, NBC News, Independent Television News (ITN), ABC News, BBC TV and Visnews, proposed that the newspaper be fined for printing the allegations. He also submitted that the council should find that the Citizen had breached the Media Council's code of conduct.

No sources named

Mr Lane said the indications were that the article quoted was founded on opinion, allegation, rumour or supposition but the Citizen gave no indication of this.

Balsiger alleged that a US TV crew paid a black family to have its shack demolished at Crossroads to imply it was government action, that news staff paid for ANC/UDF "permits" to enter no-go areas, and that a TV crew, having missed the burning of a body, paid children to set it alight again.

Mr A Norval, appearing for the Citizen, said there were many freelance cameramen acting clandestinely for the foreign media. He said that as none of the crews had been identified, there was no necessity to obtain comment.

The hearing was chaired by Mr Justice L van Winsen. He reserved his findings.

The takeover from April 1 of the Natal black newspaper, *Ilanga*, by the Inkatha movement may be the forerunner of further Africanisation of the Press in South Africa. It nevertheless brings *Ilanga* full circle from Zulu founder through white ownership to Zulu hands again.

The president of Inkatha, Chief Mangosothu Buthelezi, said after the purchase of *Ilanga* from Natal Newspapers (Pty) Ltd: "In this country of ours where black voices are muted by the bond of oppression... we want to speak for ourselves", not through the filters of white editorial and management decision makers.

He could be echoing the sentiments of John Langaibalele (Mafukuzela) Dube, the founder of *Ilanga* in 1904. An outspoken critic of government policy, Dube wrote in similar vein in his newspaper to spearhead the path of black nationalism.

Dube, the son of a Zulu chief, renounced his claim to chieftainship to become a minister of religion. His pioneering spirit brought into reality the Ohlang Institute with depart-

ments for industrial education and for training of girls. It further led him to establish in 1904 a newspaper, *Ilanga Lase Natal*, aimed at the small educated black elite of the time

It soon became the most outspoken black journal in Natal, taking a radical policy line to protest against the intrusion of white dominance into their affairs. Criticism of government policy during the Bambatha Rebellion of 1906 led to Dube's arrest, but he was later released. This did not curb his crusading, supported as he was by the acknowledged leader of the educated blacks in the Cape, John Tengo Jabavu, founder and editor of the first black newspaper in South Africa, *Imvo Zabantsundu*.

These militant newspapers led to political action against the discriminatory recommendations of the Native Affairs Commission of 1903-05 which proposed division of South

Birth of a viable black Press?

The change of ownership of *Ilanga* may prove to be a catalyst, writes Dr Alan A Cooper.

Africa into white and black areas. Dube emerged as leader of the protest movement and in 1912 founded the Natal Native Congress which later affiliated with the South African National Congress.

Dube became the first president of what was to become the African National Congress and headed a delegation to London in 1914 to urge the British Government to annul the Natives Land Act passed in 1913 which embodied the segregation principles set out by the commission

The delegation surprisingly did not object to the policy of territorial segregation as such but only to the severe restrictions and hardships which would follow. It was unsuccessful

Dube's political position as head

of the ANC was challenged on his return and he resigned but continued as head of the Natal Native Congress. Reconciliation between the mainstream Congress and that in Natal was not to take place for many years and even then only partially, perhaps a pointer to the political differences of today between the ANC and Inkatha.

Other black newspapers grew out of the various socialist movements that emerged during World War 1.

The African People's Organisation advocated general strikes and economic boycotts. Trade union leader Clement Kadali was behind the *Workers' Herald* which closed down in 1929. The SA Communist Party published its newspapers until 1950 when the party was disbanded

Concern about the influence of these newspapers, including the relatively moderate *Imvo* and *Ilanga*, and the potential advertising market among blacks, brought white capital into the black newspaper field. The Bantu Press Company began to buy out and start newspapers in Southern Africa.

In 1934 it bought out the *Imvo* and *Ilanga*. By 1946 Bantu Press controlled 11 of 13 weeklies published for blacks in South Africa and Rhodesia and later those in other neighbouring countries.

By the 1950s no independent black newspaper was able to withstand Bantu Press competition except for short-lived, soon-banned political sheets. The Inkatha movement published *The Nation* and the Council of Churches, *The Voice*, until both were harassed and ceased publica-

Vosloo's promise

Until April 1 this year there was not a genuine black newspaper owned and run by blacks in South Africa. All but *Ilanga* are in the hands of the large Press corporations. Yet *Ilanga's* change of ownership may act as a catalyst.

In 1985 the Afrikaner Press giant, Nasionale Pers, bought Drum Publications which included *The City Press*, a Rand newspaper, *The Drum* and *True Love* magazines. Addressing the University of Cape Town that year, Mr Tom Vosloo, managing director of Nasionale Pers, said "It is our fullest intention to carry Drum Publications from a loss-making proposition to a profitable one and then to make available the majority of shares to blacks so that they can do their own thing."

There seems hope for a viable commercial black Press after a dismal history of the black Press in South Africa where, through economics and state action, dozens of newspapers have closed down during the past 100 years.

Stellenbosch School of Theology.

Can 7/11/87 29/4/87
New Ilanga bosses

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EB

DURBAN. — Former journalist Arthur Konig-
ramer has been appointed general manager of
Mandla-Matla, the Inkatha-backed company
which took over the Durban Zulu-language
newspaper Ilanga this month. Former Ilanga
acting editor Mr T G Mthembu has been appoint-
ed editor. Five other former Ilanga journalists
have been re-employed.

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THE KIND OF WRITING THAT WINS THE PULITZER PRIZE

—BY 1987 W

Young Lions show their

LUCAS counted out 20 rusty rivets, two at a time, into a plastic bag, and then added four old sparkplugs and a handful of ballbearings.

His two customers gave him R4 and shipped quietly out the door, after looking carefully up and down the street for police patrols.

"Good hunting," Lucas called after them, laughing. "Get a couple of soldiers for me."

As the unrest in Guguletu and the other townships around Cape Town has intensified, Lucas has become an armorer. He supplies some of the makeshift weapons youths are using against South Africa's security forces, which are among the most modern and best-equipped in Africa.

"We may not have guns yet, but we don't have to fight the Boers bare-

handed," Lucas said. "In a people's war, there are other weapons — you make them out of whatever you have, and in time you take them from the oppressor himself."

The rivets, sparkplugs, nuts, bolts and ballbearings that Lucas scavenges from scrapyards around Cape Town and sells at minimal prices are fired with tremendous force from slingshots and home-made catapults at police and army patrols. Youths try

to lure the patrols into ambushes in the backstreets of Guguletu and neighbouring Langa, Nyanga and Crossroads.

The police have recently reported a number of injuries, several of them serious, from such projectiles.

"With these," one of Lucas' customers said, holding up a 5cm rivet, "we can keep the Boers in their Buffels and Casspurs. They know that if they get out they will get these in the head or the neck or the chest. They may not be as fast as a bullet, but they can take out an eye."

To Professor Mike Hough, director of the the University of Pretoria's Institute of Strategic Studies, this sort of activity marks "an important, albeit frightening, transition" in the unrest. "We are moving from the weapons

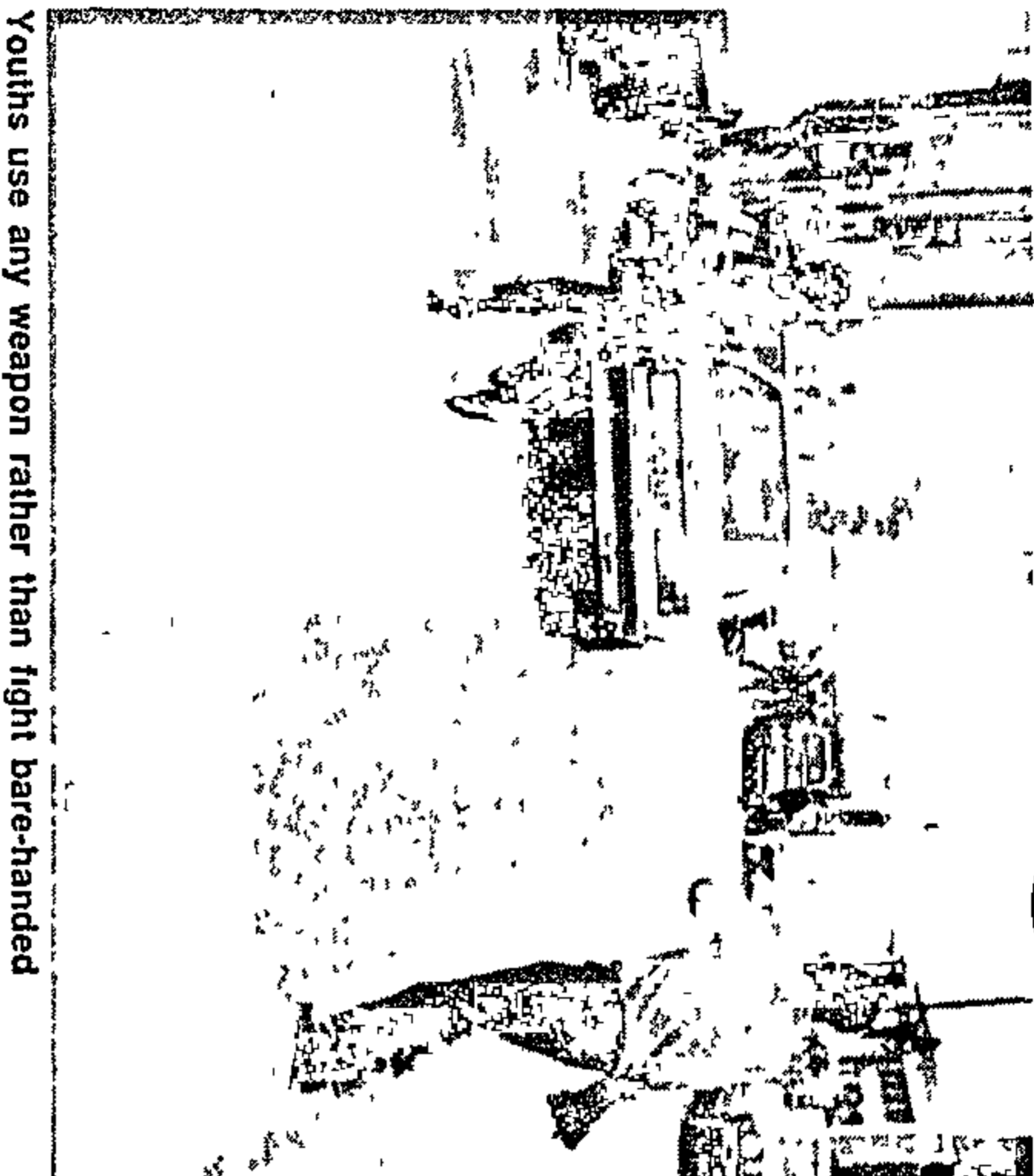
of riot, of anger expressed in spontaneous violence, to war, primitive as they are. People are deliberating themselves for combat, very low level and in ways. And in making preparations they are weapons that are more sophisticated ... This course, from the escalation of the violence, but in bringing a further escalation quite clearly, the security respond."

This development she seen, Hough said, as a step people's army, people's Congress (ANC).

"We have just begun ingenuity," said Lucas.

Guguletu armorer. "The important thing is can turn into weapons anything can be made lethal will to fight. You can't when someone goes against all their guns inside and petrol bomb in his hand will is developed and then we will be ready for when we are ready for us have them."

So far, guns have rarely by protesters. A few shot at the Crossroads squat February 1985, some Lenasia outside Job perhaps two shots in a to Port Elizabeth. Police have some guns, mostly pistol house-to-house searches in The most common weapon and bricks, found in abun the streets of almost ever Many youths reach down almost automatically when



Youths use any weapon rather than fight bare-handed

Picture: ANNA ZIEMINSKI, Afrapix

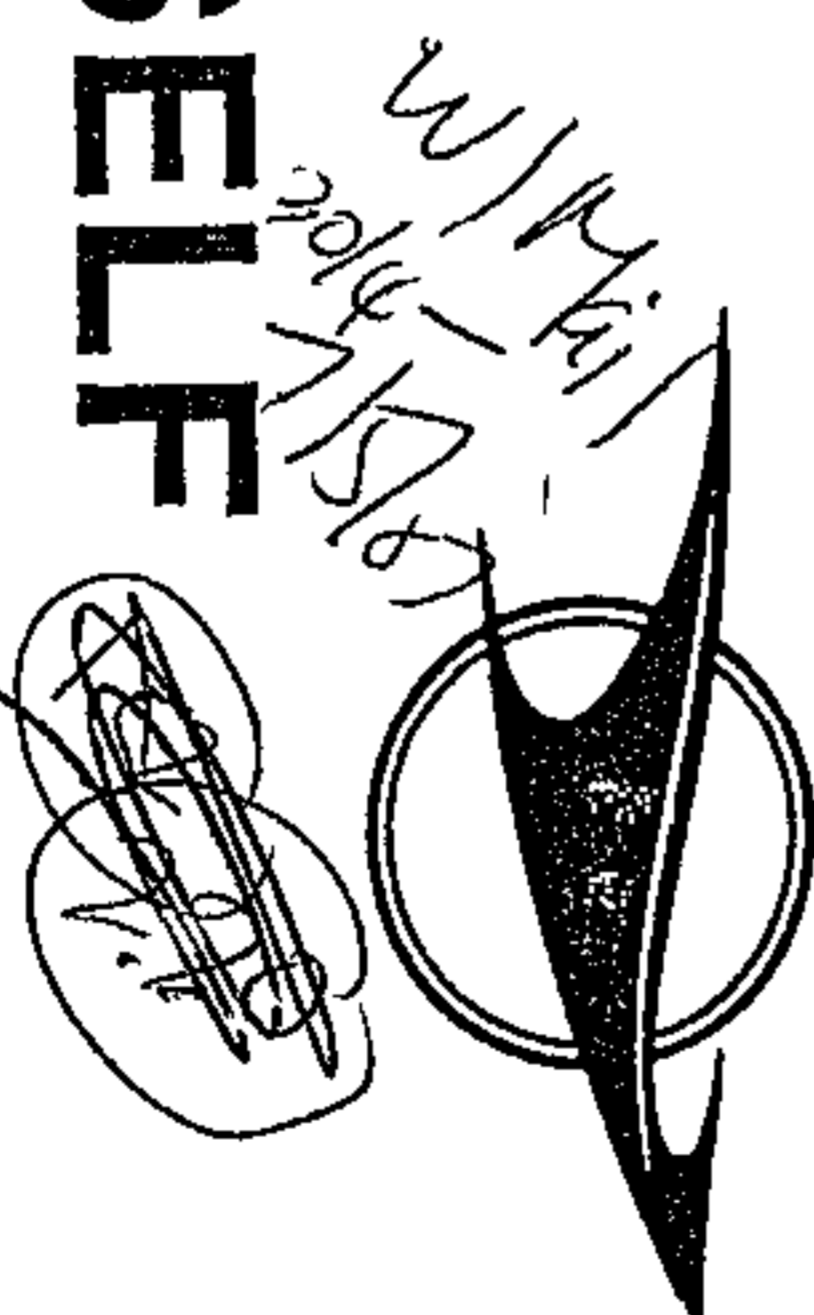
SOUTH AFRICAN TRANSPORT SERVICES JUDGE FOR YOURSELF

S.A. Transport Services strike that lasted 6 weeks

For six weeks S.A. Transport Services warned strikers that they would receive no pay for no work. S.A. Transport

During this time the instigators of the strike:

Prevented strikers from returning



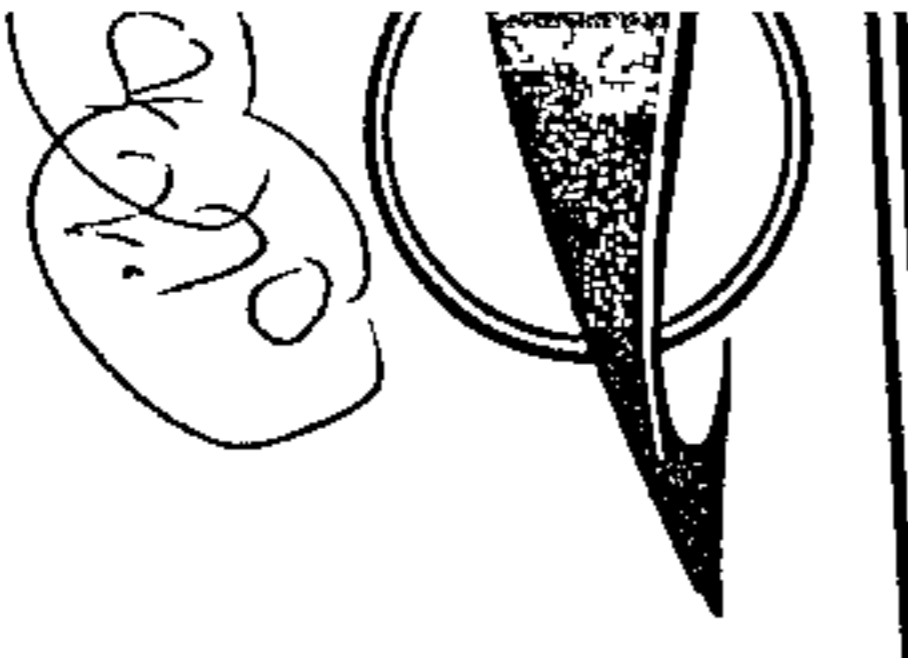
BY 1987 WINNER MICHAEL PARKS

Show

their teeth

the patrols into ambushes in the streets of Guguletu and Langa, Nyanga and Port Elizabeth. Several of them have recently reported a number of injuries, several of them serious. "One of Lucas' men said, holding up a 5cm mortar shell, "we can keep the Boers in their hands and Casspirs. They know that if you get out they will get these in the neck or the chest. They are not as fast as a bullet, but they are not as accurate as a bullet."

Professor Mike Hough, director of the University of Pretoria's Institute of Strategic Studies, thus sort of marks "an important, albeit tentative, transition" in the unrest. We are moving from the weapons



he weeks strike:

of riot, of anger expressed in spontaneous violence, to the weapons of war, primitive as they are," he said. "People are deliberately arming themselves for combat, though at a very low level and in very limited ways. And in making these preparations they are looking for weapons that are more effective, more sophisticated. . . This resulted, of course, from the escalation and spread of the violence, but in turn it will bring a further escalation because, quite clearly, the security forces will respond."

This development should also be seen, Hough said, as a step toward "the people's army, people's war concept" promoted by the African National Congress (ANC).

"We have just begun to use our ingenuity," said Lucas, 27, the Guguletu armorer.

"The important thing is not what we can turn into weapons — almost anything can be made lethal — but our will to fight. You can see that will when someone goes against a Casspir with all its armour and the Boers with all their guns inside and he has only a petrol bomb in his hand. When this will is developed and strengthened, then we will be ready for guns, and when we are ready for guns, we will have them."

So far, guns have rarely been used by protesters. A few shots were fired at the Crossroads squatter camp in February 1985, some others in Lenasia outside Johannesburg, perhaps two shots in a township near Port Elizabeth. Police have picked up some guns, mostly pistols, in their house-to-house searches in townships.

The most common weapons used in clashes with the police are still stones and bricks, found in abundance along the streets of almost every township. Many youths reach down for a rock

pulls into their street. "A well-thrown rock can be as lethal as a bullet," a senior police officer said after a week's duty in the East Rand townships. "And when 10 or 12 hit a car at once it is like machine-gun fire. . . A half-brick is perhaps the favourite weapon for size and hardness, and what they can do to the human skull is horrible."

Many townships are permanently stocked with piles of stones and bricks, said another police officer in Zwijve, outside Port Elizabeth.

"At first, I thought the kids must be piling them up in advance," he said. "But then I realised that after each incident there were more than before, because they were accumulating, much like pebbles will pile up on certain parts of the beach. I tried to get the road maintenance people to clear them away, but they said these areas were too dangerous for them to enter."

As the violence has escalated, increasing use has been made of petrol bombs, hurled not only at the armoured cars used by policemen and soldiers on patrol but at buses, private cars and delivery trucks.

The petrol bomb has also been used in attacks on government facilities, ranging from schools and post offices to administration buildings and police stations, and on the homes of black local officials, policemen and others seen as government collaborators.

In areas where the State of Emergency gives the police what amounts to martial-law authority, regulations prohibit the possession of petrol except in the tank of a motor vehicle, but clandestine siphoning of petrol is widespread. Not long ago youths in the East London township of Duncan Village forced a police car to stop and were going to siphon petrol from it when the policemen dispersed them with shotgun fire.

"The trouble we have had so far is nothing compared with what may be coming," said a merchant in Athlone. "How do I know? Simple. I just count the number of soft drink bottles going out that are not returned."

"The kids are mobilizing. Organising. The first few rounds of trouble were more or less spontaneous — nobody planned them — but what comes next will have been prepared. They are gathering cases of empty bottles, 25-litre cans of petrol, boxes of catapults and all sorts of other things. Is this anything less than preparation for a war?"

The extent of such preparations for a kind of low-level urban guerrilla warfare has been evident in recent clashes with the police in townships around Cape Town.

Materials for flammng barricades — old tyres, telephone poles, building discarded furniture, building materials — have been left at points



"The kids are mobilising" — few would go unprepared to major funerals

where an effort is made to keep the police out of the townships. Hidden in back yards or alleyways, these materials are quickly pulled out and set on fire before the police can intervene.

Tyres, collected from garages and scrapyards are also used for "necklace" killings of suspected informers. The suspect is caught, his then a tyre is placed around his shoulders and he is doused with petrol and set on fire.

Another anti-police measure is known as the "Cape clothes line". Lengths of barbed wire, usually cut from fences around government buildings, are prepared beforehand so that they can be strung quickly across the streets at the height of a man standing in an armoured car. The wire is hard to see, and it can decapitate a man in a fast-moving vehicle. Columns of armoured cars are now preceded by a vehicle with steel

uprights to snap the wire.

Defensive preparations are becoming common in advance of anti-apartheid demonstrations and funerals throughout the country.

Coloured youths have taken to wearing two or three heavy knitted caps, or the checked Arab headdress favoured by Palestinians, and extra shirts and trousers as protection against police whips. Some youths have made a sort of body armour out of old inner tubes, to ward off rubber bullets and birdshot.

Few people go to any of the major funerals without several large bandannas that can be used as protection against teargas, which is often used to disperse mourners as they leave the cemetery. The bandannas are dipped in pails of water that most householders leave along the edge of the road, originally so that funeral-goers could wash their hands after a funeral, but now to combat teargas.

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[Handwritten signature]

Nasionale 'has close ties with NP'

CHRIS CAIRNCROSS

IF OPPONENTS of the NP should succeed in driving a wedge between it and Nasionale Pers, that could be the end of the party. Alternatively, it could be argued that such an event could also lead to the end of Nasionale Pers, maintains Ton Vosloo, MD of Nasionale, reacting to the resignation of "Lang Dawid" de Villiers as a director of the group and to the

resignations of Dene Smuts, editor of Fair Lady, and other journalists earlier this month.

"Deeply ingrained conventions have been built up over the years between Nasionale Pers and the political party with which it shares important beliefs," he says.

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11/11/87

ILANGA TALKS

Natal Newspapers is still "talking, not negotiating" with 20 staff members who refused to transfer to the payroll of *Ilanga's* new owners Mandla-Matla Publishing (*Current Affairs* April 24)

A demand from the journalists that Natal Newspapers reverse its sale of the Zulu language newspaper to the Inkatha company is not being treated seriously, says MD Ed Booth. Under discussion is the possibility of either finding alternative jobs, or a retrenchment offer.

The journalists stopped work when the sale was announced, saying they would not work for a party political organisation.

Six of their colleagues, including acting editor T G Mthembu have accepted job offers from the new owners. A further six new appointments have so far been made, says Arthur Konigkramer, whose formal appointment as general manager of the newly-formed company is anticipated shortly.

Meanwhile, *Ilanga* has met its deadlines.

and said people had been singing songs when the police deployed

Police violence is criticised by SASJ

The Southern African Society of Journalists (SASJ) is gravely concerned at the behaviour of the police towards journalists over the past weeks and at the University of the Witwatersrand yesterday.

SASJ president Miss Pat Sidley was at the Wits campus yesterday when police briefly detained several journalists, confiscated film and notebooks and in at least one case handled a member of a foreign TV crew "with excessive force".

"Police have confiscated film, detained and arrested journalists at almost all scenes recording the violent behaviour of the police, claiming the emergency regulations are still in force as before the Natal judgment," said Miss Sidley in a statement last night.

"The police and Government only emphasise their disregard and disdain for the courts.

"South African TV viewers have been allowed to see only scenes showing violence of others, not the police.

"The action of police against journalists and in restricting what is seen on TV should worry most South Africans.

"The electorate ought to be able, on the eve of the election, to see what public servants — the police — are doing in their name."

(Report by C Le Grange, 47 Sauer Street, Johannesburg)

He on campus established
Newspaper double TV

... until the result is ...
... made known. — Sapa (245) DD 5/5/87

No to disinvestment

JOHANNESBURG — American shareholders of the pharmaceutical giant, Eli Lilly, have defeated a proposal calling for disinvestment from South Africa.

In a statement issued here yesterday the company said a motion calling for the disinvestment was defeated by a majority of 93,5 per cent.

The US chairman, Mr Richard Wood, said

Lilly had a moral problem with the notion that they should cut off supplies of pharmaceutical products to any human.

“Lilly also feels a deep sense of responsibility to its employees in SA and does not choose to abandon them.”

A New York government pension fund proposed the motion. — DDC

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Editor guilty of 'untrue' article

Court Reporter

THE editor of an Oudtshoorn community newspaper was yesterday convicted in Mitchells Plain Regional Court of contravening the Police Act by publishing untrue statements concerning an incident in which two 11-year-old boys were shot dead by police.

Humphrey Joseph, 30, of New Extension, Bridgeton, Oudtshoorn, the editor of Saamstaan, was fined R100 (or 25 days) suspended for three years.

The court heard that Joseph had written an article, headlined "Children Cruelly Shot", based on the account of Mr Norman Mooi, who had been a co-accused in the matter but was discharged at the end of the State's case.

The story had incorrectly stat-

ed that three — instead of two — youths had been shot dead by police guarding a house in Bongolethu Township, Oudtshoorn.

Mr Mooi said he had seen two children approach the house empty-handed and they were shot by the police. He had seen a policeman emerge from the house with a container of petrol and later saw the container next to the body of one child.

Mr Mooi went to the newspaper office and told Joseph what he had seen.

The State did not dispute evidence that before the shooting the house of Warrant Officer Richard Mngoma, a security policeman, was petrol-bombed.

Constable Barend Cilliers said the police were moving W/O Mngoma's possessions when some children had stoned the house.

Two boys approached the front

door and one sprinkled petrol on the carpet and while the other was about to strike a match, the police shot him. The other boy was shot running away.

The police denied that they placed a container of petrol next to one of the bodies. They also denied swearing and boasting about their shooting abilities.

The magistrate, Mr J D Beyers, said there was no doubt that there were untruths about police action published in the story.

Joseph must have been aware that more people had witnessed the incident and that he could have received information from them, Mr Beyers said.

Mr Denzil Potgieter, for Joseph, said his client had no ulterior motives and had been working under pressure.

Mr S C O'Brien prosecuted Mr Potgieter was instructed by E Moosa and Associates.

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Zanu axes Tekere for 'misconduct'



Mr Tekere

HARARE. — A former guerilla chieftain and longtime trusted aide of Prime Minister Mr Robert Mugabe has been fired for misconduct from his key post as ruling party chairman in one of Zimbabwe's eight provinces, newspapers reported yesterday.

Mr Edgar Tekere, 50, was the second veteran nationalist politician recently to be axed as a provincial chairman of Zanu (PF)

The party politburo on December 20 dismissed Masvingo provincial chairman Mr Eddison Zvobgo for misconduct.

Zanu administrative secretary Mr Maurice Nyagumbo said the party had gone out of its way to help Mr Tekere "mend his ways", but now concluded he could not reform. — Sapa-AP

Handwritten notes and signatures at the bottom of the page.

ARGUS 5/5/87

COURTS

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Editor contravened Police Act — R100 fine suspended

Staff Reporter

THE editor of the Oudtshoorn community newspaper Saamstaan was negligent in relying solely on the version of a single eyewitness for his story about an incident in June 1985 when police shot and killed two youths in Bongoletu township.

Humphrey Joseph, 30, was yesterday fined R100 (or 25 days), conditionally suspended for three years, by a Mitchell's Plain Regional Court magistrate after being convicted of contravening the Police Act by publishing untrue statements about police action.

It was established as common cause that Joseph wrote a report based on the account of Mr Norman Mooi, who was originally a co-accused.

The report, under the headline, "Children cruelly shot

dead", incorrectly said three — instead of two — youths were shot dead by policemen guarding a house.

Further allegations, based on Mr Mooi's account and denied by the police, were that police bragged about their marksmanship and placed a container of petrol near the dead boys.

Magistrate Mr J D Beyers said there was no doubt there were untruths about police action in the story.

"The accused says he didn't check the story with the police because they would have denied it," he added.

"The question then arises as to whether there were reasonable grounds to believe that Mr Mooi's story was true.

"The accused's action was

contrary to what could have been expected of a reasonable man in that position.

"There was a very serious accusation levelled at the police in this newspaper."

PRESSURE

Mr Beyers said Joseph must have been aware that more people saw the incident and that he could have got information from them.

"It is expected that he should have done more to convince himself that the accusations were correct. There were not enough grounds to have believed Mr Mooi."

Mr Denzil Potgieter, for Joseph, said in mitigation that Joseph was working under pressure of time.

Mr S C O'Brien prosecuted.

Women to ask PW to restore freedom of Press in SA

Weekend Post Reporter

THE State President will be asked by the National Council of Women of South Africa to remove restrictions curtailing the freedom of the Press.

This was decided in Port Elizabeth yesterday at the 51st national conference of the NCW

About 80 delegates and affiliates, representing 10 000 women, are attending the conference.

A motion calling on the

State President said that the public had a right to know what was being done in its name. Freedom of the Press was seen as part of the Western liberal democratic tradition

Another motion passed at the conference said crisis centres should be provided by the State for battered wives and their children, victims of family violence

Family violence did not only occur in slum areas

"Ignorance and hardship produced by urbanisation and industrialisation can lead to violence, nevertheless these phenomena can be found anywhere in society

The difference was that the "better" families can more easily conceal the problems than the poor ones," said Mrs S Bavery, national adviser on social matters, who proposed the resolution, giving statistics of battered wives

"Many of these women are constantly subjected to violence and cannot escape the situation due to a lack of money and alternative accommodation. Not only is such a situation traumatic for the wife, but also for the children who witness such violence"

Crisis centres would enable the woman to distance herself and her children from the abuse and to become more objective

The conference resolved to call on the Minister of Justice and Prisons to give urgent attention to the living conditions of prisoners, including detainees. Because of the vast influx of people into available prisons and police cells, they were now inadequate. Hygiene, health care, food rations and sleeping places needed urgent attention

The Minister will also be asked to take advantage of the offer of the Medical and Dental Council of SA to provide a roster of doctors willing to attend to the health care of prisoners

Delegates passed a motion asking the Minister of Justice to amend regulations to enable registered social workers to visit detainees at frequent intervals

A motion passed called on professional women journalists and broadcasters to form a committee to enhance the image of



Mrs EILY MURRAY, of Port Elizabeth, life vice-president of the National Council of Women of SA.

women through the media. The image presented of women was still a matter for concern

The Minister of National Education will be asked to urgently institute crash courses in basic subjects of reading, writing and mathematics for black children over 10 years, whose education has been disrupted by violence in their areas

Summing up the conference, the national president, Mrs Elinda Bramwell, of Johannesburg, said that delegates felt that now, more than ever, women must be determined to make their voices strongly heard in upholding human rights and justice



Nelson Mandela romped home in the mock poll.

Mandela wins poll

By Sam Mabe

Jailed ANC leader Nelson Mandela easily beat President PW Botha, who trailed in 24th place, in a mock presidential vote conducted by the *Sowetan* newspaper and published today

Results of the ballot gave Mr Botha 119 votes, way behind Mandela who got 838

The second most popular leader to be voted into Mandela's "Cabinet" was ANC president Mr Oliver Tambo with 743 votes, followed by Archbishop Desmond Tutu with 691 votes

The *Sowetan's* editor, Mr Aggrey Klaaste, said last night the ballot was announced at the same time as Mr Botha announced the date of the whites-only elections.

"All we wanted to do was to show what a post-apartheid government in South Africa would be like had all citizens of this country participated in the elections."

A total of 17 404 readers cast their votes and nominated 466 people. But about 6 000 votes were discarded because of infringement of voting rules, bringing the number of voters to 11 404.

Former PFP leader Dr Van Zyl Slabbert was the most popular white in the poll

While thousands in Johannesburg waited anxiously for the election results last night, midnight in Soweto found most people asleep

In fact, the only impact the election had on the townships was a two-day stayaway — the "only weapon of protest available to us".

Minister withdraws Aussies' work permits

2 foreign journalists told to leave SA

The Minister of Home Affairs yesterday withdrew the work permits of two Australian television journalists for their alleged biased reporting on South Africa

The Director-General of Home Affairs, Mr Gerrie van Zyl, said in a statement that Richard Carleton and Jennifer Ainge of the Australian Broadcasting Corporation, had been requested to leave South Africa by midnight last night

Mr van Zyl said the move was "on account of reports containing gross untruths about South Africa"

The Director-General of the SABC, Mr Riaan Eksteen, said in a statement yesterday that since 1976 the SABC "has regularly made its facilities available on a commercial basis to foreign TV stations for recording and feeding their programmes"

"The SABC took no issue on these programmes simply because opinions were based on fact

"However, this morning in this particular instance, Mr Carleton, an Australian TV journalist, exceeded totally the limits of freedom of expression. His own report was riddled with blatant untruths."

'Spreading venom and distortions'

Mr Eksteen said Mr Carleton made the following statements in the introductory part of his programme

- The choice they're being offered The Right, the far Right and the extreme Right
- In Soweto it is immensely violent with police and army shooting almost at random
- Soweto is a sealed off township and there, police and army, answerable to no one, are roaming at will.
- But because of special characteristics of the electoral system the result will not be known for 24 hours

In his closing comments, Mr Carleton allegedly made the following remark

"Still on that black leader rotting in Pollsmoor prison ..."

Mr Eksteen said the SABC also made its studio and satellite feed facilities available to Mr Carleton on a commercial basis

"However, when these facilities are used as was done by Mr Carleton to vent his spleen on South Africa and to spread venom and distortions, no commercial transaction which was concluded in good faith, can be sustained. Certainly no one can expect such a blatant misuse of facilities to be tolerated," Mr Eksteen said — Sapa

Handwritten text in a South African script, possibly Zulu or Xhosa, located to the right of the main headline.

The Star's Foreign News Service

MELBOURNE — The expulsion from South Africa of Australia's best-known TV journalist, Richard Carleton, was the leading item in most radio news services this morning.

Bulletins headlined his removal from Johannesburg and broadcast excerpts from his phoned description of his detainment by security officials.

Carleton is one of Australia's most experienced TV reporters and his news comment programme, the Carleton-Walsh Report, enjoys high ratings.

Today's newspapers reported that the SABC had banned last night's programme because they claimed Carleton had been "telling lies" in his introduction which officials monitored before it was due to go to air

Carleton's introduction claimed the South African media was "censored in the same way the Soviet Union does it" and that the South African Police and Army were acting "as a law unto themselves".

Man killed by 'anti-Azapo mob'

By Mudini Maivua

A Soweto man whose family is identified with the Azanian People's Organisation (Azapo) and Azanian Students' Movement (Azasm) has been murdered by youths alleged to be political opponents of black consciousness

Mr Sandile Leeuw (22) of Phiri, Soweto, was a cousin of Miss Thenjiwe Leeuw, secretary of the Azanian Students' Movement

His family said he was shot, hacked with pangas, stabbed with a garden fork and burnt with three tyres around him.

The attack took place in a street in Dlamini 2 on Monday. The murder came six weeks after two attacks on Miss Leeuw's family in which their home was fired at.

Said Miss Leeuw "This is a continuation of an

intimidation campaign against black consciousness adherents. It is a follow-up to what happened to me"

Mr Bucs Leeuw, Thenjiwe's father, said Sandile was confronted by three men on his way to visit them in Dlamini 1

One man had a gun and when he saw Sandile he whistled and another two men emerged from a nearby house

Said Mr Leeuw "He was shot at, hacked with pangas and stabbed with garden forks. They put three tyres around him and set him alight

"The actual killing was done by a mob belonging to an organisation opposed to Azapo"

The deceased's father, Mr Max Leeuw, said he had been to the mortuary where he found tyre wires still around his son's waist

He said Sandile had no political affiliations.

Carle Tants 7/5/87

'Biased' Aussies must leave SA

243 750

PRETORIA — The Minister of Home Affairs yesterday withdrew the work permits of two Australian television journalists for their alleged biased reporting on South Africa

The Director-General of Home Affairs, Mr Gerrie van Zyl, said in a statement that Mr Richard Carleton and Miss Jennifer Ainge of the Australian Broadcasting Corporation had been requested to leave SA before midnight last night

The move was "on account of reports containing gross untruths about SA which they wanted to send to Australia"

The Director-General of the SABC, Mr Riaan Eksteen, said in a statement yesterday that since 1976 the SABC "has regularly made its facilities available on a commercial basis to foreign TV stations for recording and feeding their programmes"

"Many of these programmes have been very critical of facets of SA society

"The SABC took no issue on these programmes simply because opinions were based on fact

"However, this morning in this particular instance, Mr Carleton, an Australian TV journalist, exceeded totally the limits of freedom of expression. His own report was riddled with blatant untruths through which he tried to create a false image of SA and its people"

Mr Eksteen said the SABC had made its studio and satellite feed facilities available to Mr Carleton on a commercial basis

Mr Carleton had used these facilities to "vent his spleen on SA", and "no one can expect such a blatant misuse of facilities to be tolerated" — Sapa

'Student scabs' anger Mwasa

ALLIED publishing company workers have been angered by claims that students employed to deliver newspapers during the May Day stayaway were paid R8 an hour.

"For a 16-hour working day the white scab workers earned as much as the normal two weeks pay for news vendors and one week's pay for professional drivers," a spokesperson for the Media Workers' Association of South Africa said

Workers were also angry to hear that the students were given food while on the job, while "permanent employers never get food, even though they work up to 17 hours on Saturdays".

Mwasa accused Allied management of undermining the negotiations currently under way over the annual pay package.

"We also want the Argus and Times Media Services to justify the low wages paid to Allied workers, some with 30 years' service, who earn considerably less than a starting labourer at the Argus."

Mr John Rayner, Provincial manager of Allied Publishing, said he had received a copy of Mwasa's statement but had no comment.

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ARGUS 7/5/87 (243)

Top scholarship for Argus reporter

Staff Reporter

THE ARGUS Education Reporter, Dennis Cruywagen, has been awarded this year's Black Journalism scholarship — worth R15 000 — to attend a 10-week study course in London

The scholarship, sponsored by Thomson Publications, covers a course in advanced journalism at London's Thomson Foundation



Mr Cruywagen, 31, has been with The Argus since 1986 after previously having worked for City Press, the Cape Times and Die Burger

Thomson chief executive Mr Joe Brady said his company's sponsorship showed its commitment to a "corporate social responsibility".

Dennis Cruywagen

The sponsorship was continuing in spite of Thomson International's withdrawal from South Africa

Presenting the award, Thomson South Africa's chairman, Mr Dennis Etheridge, said South African journalists faced many difficulties

"In few countries are things made more difficult by legal and other restrictions," he said

"This applies particularly to black journalists"

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Mwasa in dispute over scab labour

Cher Tuis 8/5/87 Staff Reporter 243

THE Media Workers' Association of South Africa (Mwasa) this week expressed "shock" over the employment of student scab workers on May Day, when Mwasa vendors opted not to work.

In a statement, a Mwasa spokesman said members were shocked to hear on Monday that "white scab workers from the University of Cape Town" were paid the equivalent of two weeks pay for a vendor, and a week's pay for a driver, for one day's work.

Mr J A Rayner, provincial manager for Allied Publishing, said he had no comment to make.

The Mwasa spokesman also said that meals were provided for these replacement workers.

"The thought of giving an allowance for food was never considered for any permanent employee, even those who work up to 17 hours on Saturdays on a permanent basis," the spokesman said.

According to Mwasa representatives, the workers "deplored in the strongest terms the actions of management, as the company has standard rates for casual workers which amount to substantially less than what was paid to scab workers."

A Mwasa spokesman said yesterday the union had requested an urgent meeting on the matter with the joint owners of Allied, but this request had been turned down.

Mwasa and Allied are currently going into mediation over wage talks. The spokesman said the union remained committed to negotiation in good faith.

Govt expels labour editor

11/5/87
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JOHANNESBURG — The British editor of the SA Labour Bulletin, an academic journal for the study of labour relations in South Africa, has been told to leave the country within 30 days

Dr Jon Lewis, who holds a Phd from Cambridge University, was told last week by the Department of Home Affairs that he had been refused permanent residence and had 30 days in which to leave the country.

The letter rejecting the application also stipulated that he would lose the right of British citizens to enter the country freely and would have to apply for a visa in future

Dr Lewis, employed as the journal's editor for the past three years, is married to a South African and the couple expect their first child in June

"Under his direction the Bulletin has been managed in a professional way. The journal is widely read by employers, trade unionists, academics and government bodies.

"The South African Labour Bulletin is widely acknowledged for its role in providing a forum for analysis and debate on

labour relations in South Africa," said a statement issued this morning by Professor Eddie Webster, Dr Doug Hindson and Dr Johan Maree, members of the journal's editorial board

"We are deeply concerned by the action of the Department of Home Affairs. We intend appealing to the Minister to withdraw this letter and to grant Dr Lewis permission to remain in South Africa"

● Dr Lewis, 33, was born in the Welsh town of Llanelli and studied as an undergraduate at Leeds and Watford universities in Britain

He obtained a first class honours degree in history from the University of Cambridge in 1975 and first visited South Africa as a Phd student in 1976

In 1983 he was awarded a Phd for his research and this was later published by Cambridge University Press as a book entitled *Industrialisation and Trade Union Organisation in South Africa 1924-1955*

The statement said Dr Lewis was uniquely qualified to edit the journal — Sapa

Govt orders British editor of journal to leave S Africa

JOHANNESBURG — The British editor of the South African Labour Bulletin, a journal for the study of labour relations, has been told to leave the country within 30 days.

Dr Jon Lewis, who holds a PhD from Cambridge University, was told last week by the Department of Home Affairs that he had been refused permanent residence and had 30 days in which to leave the country.

Dr Lewis, the journal's editor for the past three years, is married to a South African and the couple expect their first child in June.

A statement issued yesterday morning by Professor Eddie Webster, Dr Doug Hindson and Dr Johan Maree, members of the journal's editorial board, said: "Under his (Dr Lewis) direction the Bulletin has been managed in a professional way. The journal is widely read by employers, trade unionists, academics and government bodies. The South African Labour Bulletin is widely acknowledged for its role in providing a forum for analysis and debate on labour relations in South Africa.

"We are deeply concerned by the

action of the Department of Home Affairs. We intend appealing to the Minister to withdraw this letter and to grant Dr Lewis permission to remain in South Africa."

According to the statement, Dr Lewis recently applied for permanent residence after having been granted temporary permits in the past. The letter rejecting the application also stipulated that he would lose the right of British citizens to enter the country freely and would have to apply for a visa in future.

"We appeal to the Minister of Home Affairs to consider Dr Lewis' personal circumstances. In June his wife expects their first child. Separation under these circumstances would, according to medical advice, place his wife under harmful stress."

It said Dr Lewis was uniquely qualified to edit the journal which has "played a constructive and crucial role in allowing open debate on the central issue of labour relations".

"His departure will be an irreplaceable loss to the unfolding of the industrial relations system in South Africa," the statement said — Sapa

~~(243)~~ (243) DD 12/5/87

Major: Witness said he saw man surrender

Court Reporter

A POLICEMAN told the Regional Court yesterday that a witness who said he had seen one of seven alleged ANC guerillas being gunned down by police, had told him the man had raised his hands in surrender shortly before being shot.

The investigating officer in the matter, Major Stephanus Brits, of the murder and robbery squad was giving evidence in the trial of the Cape Times deputy news editor, Mr Tony Weaver, who is charged under Section 27 (b) of the Police Act.

The charge arises from an interview he had with the BBC Africa Service on March 4 last year concerning the shootout in Guguletu the day before. The State alleges Mr Weaver unlawfully published untrue matter by allegedly claiming that the men had been shot in cold blood.

Bodies lying in road

Maj Brits said yesterday that he arrived at the scene at 8.03am and had seen bodies lying in the road.

He entered the Dairybelle building and inquired at all the rooms overlooking the scene. A Dairybelle employee, Mr General Sibaca, who was "a bit shocked", told him that he had seen a man raise his hands and that the police then shot the man.

Under cross-examination by Mr J Gauntlett, counsel for Mr Weaver, Maj Brits said "I thought this story strange because it was not what I would expect from police. I would regard such behaviour as abnormal and it would shock me."

Constable Thapelo Mbelo, who was driving a police minibus at the scene of the shootout, said he saw five men "either holding their clothes in front of them or walking with their hands in their pockets" at the intersection of NY1 and NY111.

He drove around the block and then saw one of the men running and firing an AK-47.

He stopped the minibus and climbed out. A man stepped in front of him, lifted his lumberjacket and attempted to pull out a weapon. Const Mbelo then fired five times, killing the man.

Cross-examined by Mr Gauntlett, Const Mbelo said the man had not pulled out a weapon "at any stage". He denied seeing the man lift his hands.

He also denied seeing other police shooting the man after he was on the ground. Const Mbelo admitted overlooking the wording in his statement to Maj Brits, which recorded him saying the man had "pulled the weapon out of his pants".

The hearing continues today.

Mr J M Lemmer was the magistrate. Mr S Shrock prosecuted. Mr Gauntlett was instructed by Findlay and Tait.

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US award for Sisulu

CAMBRIDGE, Massachusetts — Jailed SA newspaper editor Mr Zwelakhe Sisulu was named the winner of the 1987 Louis M Lyons journalism award from Harvard University, which cited his "courage and dedication in providing SA blacks with an alternative voice amidst harsh efforts by the SA government to quell a dissenting press." Sisulu has been detained since December last year.

NEWS 14/5/87

Constable describes shooting 'terrorist'

Court Reporter

JL3
A POLICE constable told Cape Town Regional Court that during action against suspected terrorists he jumped from a decoy vehicle and as soon as his feet hit the ground he fired at a man he assumed was pulling a pistol from his belt

Constable Thapelo Johannes Mbelo was giving evidence yesterday in the trial of Cape Times journalist Tony Weaver, who has pleaded not guilty to a charge of making false statements to the BBC about police action against alleged terrorists in Guguletu on March 3 last year

Under cross-examination by Mr J Gauntlett, for Mr Weaver, Constable Mbelo said he did not see the man pull the weapon from his belt

He said "As I jumped from the combi I saw a man looking at me and reaching for his belt. I fired a volley of five shots and as I reached the back wheel he fell to the ground"

Mr Gauntlett You began shooting immediately your feet hit the ground?

SIGNAL

Constable Mbelo That is so
Mr Gauntlett At no stage had the man succeeded in getting the weapon from his belt?

Constable Mbelo Correct

Mr Gauntlett There is evidence a man was trying to signal surrender by raising his hands in the air

Constable Mbelo I did not see this

Mr Gauntlett The incident happened very quickly, not so? A person can make a mistake and misinterpret a movement?

Constable Mbelo Yes

The constable denied he started shooting instinctively and that the man was trying to surrender

Mr Gauntlett asked him why he said in a signed statement to the investigating officer, Major Fanie Brits, soon after the incident that the man pulled a weapon from his belt

Constable Mbelo replied that his Afrikaans was not very good and when he read the statement over he missed that mistake

The hearing continues

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Outcry after newsmen told to leave

LONDON — The British Broadcasting Corporation (BBC) and Independent Television News (ITN) gave notice here yesterday that they would appeal against the expulsion of their correspondents from South Africa.

This follows the South African Government's decision not to renew the work permits of two journalists when they expire at the end of this month.

Mr Michael Buerk, 41, a Briton, has been the BBC's television correspondent in Johannesburg since 1983. Mr Peter Sharpe, 40, an Australian, has been reporting for ITN in South Africa since 1984.

The Director-General of Home Affairs, Mr Gerrie van Zyl, said no reasons for the decision would be given.

A BBC spokesman said the decision "will in effect prevent British television from on-the-spot reporting of one of today's most important world stories".

South African officials voiced their anger last month when the two stations screened film of violent demonstrations at the University of Cape Town.

The two newsmen were reprimanded by officials, who asserted the film violated a ban on reporting action by security forces, but South African lawyers said the ban was no longer valid following a successful Supreme Court appeal against press restrictions.

ITN said it was seeking legal advice in South Africa and had asked the Foreign Office here to make immediate representations on its behalf in the country.

The number of correspondents ordered out of South Africa since the state of emergency was imposed last June has now risen to nine.

The chairman of the World Correspondents' Association, Mr Andrew Torchia, said the South African Government had resumed an attack on press freedom unparalleled in recent times.

"There is every sign that the government intends simply to end independent coverage of the South African social conflict because it believes that secrecy will help it win," he said.

In Johannesburg, the Black Sash said it was appalled at the crack-down on freedom of speech.

The latest expulsions would further damage the country's already tarnished image abroad, the organisation said — Sapa

Jailed SA editor is Harvard award winner

JOHANNESBURG — The jailed editor of the New Nation, Mr Zweekhe Sisulu, has been named winner of the 1987 Louis M Lyons journalism award from Harvard University

The award was announced by the chairman of the Louis Lyons Awards Committee, Mr Al May

Mr May said "Zweekhe Sisulu is an activist and a leader in a struggle. His weapons are ideas and the printed word against an opponent who answers with force

"It is in honour of that journalistic tradition

and Mr Sisulu's courage that we bestow this award

"Freedom of the press has yet to flourish elsewhere in Africa," said Mr May, "but in South Africa there is a government that claims a democratic Western tradition and then makes a mockery of it by putting editors in jail"

Mr Sisulu, 37, is the son of a jailed ANC leader, Walter Sisulu, and the president of the United Democratic Front, Mrs Albertina Sisulu

Reacting to the news, the editor of the Concord Monitor, Mr Mike

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Pride, said the committee "recognised Mr Sisulu's courage and dedication in providing South African blacks with an alternative voice amidst harsh efforts by the SA government to quell a dissenting press"

"As far as I can tell, Mr Sisulu's only 'crime' has been to speak his mind," he said

Mr Pride, together with other American and South African journalists, nominated Mr Sisulu for the prize, which carries an honorarium worth about R2 000

Mr Sisulu becomes the third South African

to win the award. The assistant editor of the Sowetan, Mr Joe Thloloe, won the award in 1982 and a former editor of the defunct Rand Daily Mail, Mr Allister Sparks, who is now a correspondent for overseas publications won it in 1985

Mr Pride praised the New Nation, for "vibrant, aggressive reportage and a desire to be a voice for justice and reason in South Africa. This is a logical extension of Mr Sisulu's previous efforts as a reporter, an editor and a leading organiser of black journalists"

He said Mr Sisulu's earlier "endeavours led to better conditions for black journalists, but the cost to Mr Sisulu was banning and imprisonment" — Sapa

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Funds investigation into embattled paper

OUTDSHOORN'S grassroots community newspaper, *Saamstaan*, has been publishing for three years — despite the refusal of local concerns to print it, repeated raids on its offices, the detention of staffers and other harassment. Now it faces a new threat: it is one of several organisations under investigation for possible contravention of the fundraising act.

This week the newspaper was paid a visit by an inspector from the Department of National Health and Population Development, who arrived with a letter stating he had ministerial authorisation to investigate the newspaper's affairs.

"He wanted to know where we got our money from and wanted to see our books," *Saamstaan's* full-time organiser, Derek Jackson, told the *Weekly Mail*. "I gave him the names of the two Roman Catholic church organisations in the Netherlands who sponsor us and told him we weren't so sophisticated as to have a book-keeping system. He said he would be back.

"We don't know what will happen if they act against *Saamstaan*, but you can be sure of one thing: we will continue to publish," Jackson said.

The newspaper's history is short, but studded with a series of run-ins with the state, of which the visit by the man from the ministry is only the latest.

It was started in 1983 with the help of Cape Town journalists Rashid Seria and Mansoor Jaffer, who had earlier successfully launched the Western Cape community newspaper, *Grassroots*.

After extensive consultation with organisations operating in the region, the staff produced a pilot edition — a single tabloid sheet, printed in Afrikaans and called *Suidkaap Nuus*.

"There was overwhelming support for it, so it was decided to go ahead," Jackson said. The name *Saamstaan*

By GAYE DAVIS,
Cape Town

— Afrikaans for "stand together" — was chosen at a meeting of community representatives in Mossel Bay in late January, 1984. That year, six editions appeared, dealing with community opposition to the tri-cameral elections, housing and other grievances and non-racial sport, issues rarely if ever covered by the commercial newspapers in the region and destined to attract much attention from the state.

In December 1984, Jackson and staffer Humphrey Joseph were among 25 people charged with attending an illegal gathering. They were finally acquitted in November 1985.

Also in 1985 *Saamstaan's* offices in Oudtshoorn's coloured township, Bridgeton, were damaged by fire on three separate occasions. That September, Jackson, Joseph and treasurer Louis Noemdoe were all detained under section 29 of the Internal Security Act. Joseph and Noemdoe were charged with subversion; they were acquitted in February 1986.

The day after his acquittal, Joseph was re-arrested and charged with contravening the Police Act. The case was concluded earlier this month. Joseph was found guilty and fined R100 (or 25 days) suspended for three years. The court heard he had written an article, headlined "Children Cruelly Shot", which had stated incorrectly that three — instead of two — youths had been shot by police in Oudtshoorn's Bongoletu Township.

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Weekly Mail wins top press award

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THE *Weekly Mail* and *New Nation* were last night jointly awarded the Pringle Press Award for 1987.

The annual Southern African Society of Journalists' award is granted in recognition of a contribution to press freedom. It is the only South African award of its kind.

The citation states that the intimidation of the press and the victimisation of journalists in the past year has placed journalists of the alternative media "particularly at risk".

"The editors of the *Weekly Mail* and *New Nation* symbolise the commitment and courage of the journalists of the alternative press," it states.

New Nation editor Zwelakhe Sisulu has been in detention since December 12.

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Weekly Mail wins award

●From PAGE 1

At the presentation ceremony in Durban last night, *Weekly Mail* co-editor Anton Harber accepted the award on behalf of himself and co-editor Irwin Manoim. Of Sisulu's detention he said "it is difficult to think of a form of censorship more brutal than detention".

While detentions, press restrictions and the State of Emergency were cause for sorrow, Harber said the growth of the independent press was cause to celebrate.

"I am honoured to accept this award tonight. I accept it on behalf of that extraordinary group of newspaper people that has worked day and night for little more than a love of journalism and a dedication to fighting censorship," he said.

Cape Times men testify

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Court Reporter

CAPE TIMES reporter Mr Chris Bateman yesterday said that police would have committed murder if it were true that they had shot dead an alleged ANC guerrilla who had his hands raised, and "finished off" another who was wounded on the ground.

Mr Bateman was giving evidence in the Regional Court in the trial of a colleague, Mr Tony Weaver, deputy news editor at the Cape Times, who is charged under Section 27 (b) of the Police Act.

Mr Weaver previously had three charges withdrawn against him arising from a report in the Cape Times following the killing of seven alleged ANC guerrillas, who died in a gun battle with police in Guguletu on March 3 last year.

The remaining charge arises from an interview he had with the BBC Africa Service on March 4 last year concerning the shootout.

The State alleges that Mr Weaver unlawfully published untrue matter by claiming that some of the men had been shot in cold blood and that the police had then "planted" weapons on the deceased, claiming that they were guerrillas to justify the fact that they had been shot.

Earlier the court heard that, after receiving information that a certain vehicle which regularly drove past a certain corner in Guguletu was to be attacked, the police had put some men in the vehicle.

Mr Chris Bateman

strategic positions surrounding the area where the expected attack would take place and were told that the suspects would be travelling in a stolen minibus.

Yesterday Mr Bateman agreed with the prosecutor, Mr S Shrook, that if three eyewitnesses' accounts that police had shot the men in cold blood were true, then the police had committed murder.

Mr Bateman said he had gone to the scene of the shooting and after police had finished their investigations and lifted the cordon surrounding the area, he had entered the Dairybelle boarding hostel which housed rooms overlooking the scene.

He had found a Mr Vumozonke Bowers, who took him to a ground-floor room and said that from there he had seen police shooting a man in the head as he lay on the ground.

He had gone upstairs and found a bullet hole in a window and a bullet

Mr Tony Weaver

mark in the wall.

Mr Bateman then interviewed Mr Cecil Msuthu, who said he had seen a man with his hands raised in the air whom the police had shot once in the head and other shots at his legs.

He had then spoken to Mr General Sibaca, who said police had grabbed a man, taken a pistol from his belt and then kned him in the stomach before hitting him to the ground.

Mr Sibaca told Mr Bateman that police in the distance had shouted "shoot him" and then three shots were fired at the man.

Mr Bateman had gone to the Bishop Lavis police station where he spoke to policemen involved in the shootout and then phoned the police liaison officer, Lt Attie Laubscher, who denied the allegations.

The report appeared on the front page of the Cape Times on March 4 on the same day that Mr Bateman returned to the scene with PFP MP Mr Trian van der Merwe and an attorney,

Mr B Manca, to obtain statements from the witnesses.

Mr Bateman said he had no reason to believe that the three were unreliable witnesses. He assumed that Mr Sibaca and Mr Msuthu were referring to the same incident, but conceded that another person "could have raised his hands".

Both Mr Sibaca and Mr Msuthu said a man had raised his hands and police had removed a gun from his person.

Mr Weaver told the court that he was nominated for the Louis Lyons award for Consciousness and Integrity in Journalism and had been offered a position as a visiting fellow at the Journalism Exchange Programme at Oxford University.

He said Mr Julian Borgeers of the BBC had telephoned him on March 3 for details of the shootout. He had given Mr Borgeers the police version.

Mr Weaver explained that he had not relayed Mr Bateman's report to Mr Borgeers as the report had not been cleared for publication. The following day Mr Weaver had been assigned to interview families of the deceased.

After a "township contact" had informed him that he could speak to the families of two of the dead men he and a colleague, Mr Andre Koopman, had gone to Guguletu and done so.

He said he believed that the families were genuinely bereaved. They told him the dead men were not interested in politics and were not ANC members.

One of the mothers said the first she heard of her son's death was when she saw him dead on television.

On his return to the office Mr Borgeers contacted him for an update and later he was interviewed live on the BBC. He had related the feelings of the family members to Mr Borgeers and the versions of the witnesses.

He said his personal beliefs formed no part of the interview or any of his news reports. He said it was the opinion of one of the mothers that the police had planted the weapon on her son.

She believed her son was not an ANC guerrilla and the gun "could only have been planted on him".

He said he had stressed the emotional state of the family in the interview and said there was no proof that what they said was true.

He said he had found that when ANC members were killed the parents were proud and did not try to hide the fact that their sons were ANC members.

The hearing continues today.

Mr J M Lemmer was the magistrate Mr J Gaunlet, instructed by Fundlay, and Tait, appeared for Mr Weaver.

SA kicks out TV reporters

From IAN HOBBS

LONDON — The British Embassy in Pretoria was ordered yesterday to confront the South African government at a "very high level" over the expulsion of television correspondents Mr Michael Buerk and Mr Peter Sharpe.

The order is believed to have been given by the Foreign Secretary, Sir Geoffrey Howe, to reflect the British government's concern

Seven reporters, including CBS and New York Times staffers, have been ordered out since the state of emergency last June 12

Sapa reports that SA authorities were infuriated by the BBC and ITN broadcasting film of demonstrations at the University of Cape Town. Officials said the film violated a ban on reporting security-force actions. But lawyers said the ban was no longer valid after a successful Supreme Court appeal.

UPI reported that a third foreign journalist, US freelance reporter Mr Steve Mufson, already under orders to leave, may lose an appeal to stay in SA, according to officials. Mr Mufson is correspondent for the US Business Week magazine.

"A decision has been taken but it has not yet been conveyed to him," the Director of Home Affairs, Mr Gerrie van Zyl, told UPI.

The BBC and ITN were last night both consulting lawyers in London and SA pending appeals.

Mr Buerk has reported from SA since 1983. He said: "I've stepped through a number of minefields

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11.56 Transmission Ends

From page 1

over the past four years. It seems one has just exploded in my face." He must leave SA by May 24.

He was voted Journalist of the Year by the Royal Television Society in 1985 for his coverage of the Ethiopian famine.

The secretary-general of Britain's National Union of Journalists, Mr Harry Conroy, said Mr Buerk and Mr Sharpe were respected by the public and fellow professionals world-wide for the integrity of their reporting in South Africa.

"South Africa no longer even has the pretence of a free press and the NUJ will protest strongly against this latest act," he said.

The editor of BBC TV news, Mr Ron Neil, said: "It is deeply regrettable that the South African authorities wish to expel the two men."

"It will prevent UK TV from properly reporting one of today's most important world stories."

Minister of Home Affairs Mr Stoffel Botha's refusal to renew their work permits, without giving any explanation, was prominently reported on radio and TV and in newspapers in Britain last night.

Mr Graham Leach, the BBC radio correspondent in SA, said that had the two men been charged with breaching SA's state of emergency regulations they could have fought appeals in court.

Mr Leach said that because they had not been charged with any breach there could be "no legal procedure in relation to these expulsions."

□ The chairman of the Foreign Correspondents' Association, Mr Andrew Torchia, said the government had resumed an attack on press freedom in SA unparalleled in recent times anywhere in the world.

□ The Southern Africa Society of Journalists, at the opening of its Durban congress, unanimously condemned the expulsion, which it said would result in a further erosion of the quality and credibility of information disseminated in and out of SA.

JOHANNESBURG. — The government believes the foreign press corps — particularly television news crews — is part of the "total onslaught" being waged against Pretoria.

In the latest salvo of its counter-offensive, the government yesterday denied temporary work permit renewals to and ordered two British television newsmen, Michael Buerk of BBC and Peter Sharp of ITN, to leave South Africa within 10 days.

Since the state of emergency was declared by President P W Botha on June 12 last year, eight other reporters from the United States, West Germany, Australia and Israel have been expelled or denied visas and work permits.

Shortly before the state of emergency was declared, the Minister of Home Affairs, Mr Stoffel

CAPK Times 15/5/84
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Govt expels two newsmen

Botha, spelled out the government position: "If the image on overseas television screens is one of absolute anarchy based on incorrect facts, then we are fighting a losing battle."

He said: "I don't summarily kick out foreign journalists", but warned that he would not hesitate to expel any reporter who "misbehaves".

The government has a world-wide system, based in embassies and consulates, to monitor overseas coverage of South Africa, which they feel is biased and part of what President Botha calls "the total onslaught" against white rule

The Minister of Foreign Affairs, Mr Pik Botha, following the imposition of sanctions last October by the US, complained that Americans received a "distorted" picture through the media.

"It was an emotion-laden, steamroller current," he said.

Under the state of emergency, television crews and reporters were barred from covering unrest in black townships and any action involving security forces.

On April 24, the Supreme Court in Maritzburg ruled that some of the emergency curbs exceeded the authority of the government and con-

stituted "an unreasonable attack on freedom of the press"

Four days later, violence erupted on the campus of the University of Cape Town. Buerk and Sharp filmed the action and transmitted the videotapes to Britain where they were given prominence on evening news bulletins.

Police claim that such coverage violated the media curbs because the April 24 decision was being appealed. Media attorneys took the opposite approach: That the curbs were invalid till the appeal was heard or another court ruled otherwise.

A spokesman for Home Affairs declined to comment on the refusal to renew the work permits of Buerk and Sharp. "We do not advance reasons for decisions of this nature from the minister," he said. — UPI

UK plea to SA on expulsion of TV newsmen

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THE British Ambassador, Sir Patrick Moberly, has been instructed to try to meet the South African Minister of Home Affairs, Mr Stoffel Botha, in an effort to reverse a decision to refuse two top British television journalists permission to stay in the country

The decision to send the men packing appears to have been taken at the highest level and is reported to be "firm"

In London, South Africa is being widely condemned over the "expulsion" of Independent Television News and BBC television correspondents Peter Sharpe and Michael Buerk.

Meanwhile an American journalist who writes for Business Week magazine has become the third foreign reporter in two days to be ordered to leave South Africa

DRAWN CURTAIN

Mr Steve Mufson, 28, said he received a telephone call from the Department of Home Affairs telling him that his application for renewal of his work permit had been rejected

The moves are considered to be part of a major clampdown on foreign media as the Government draws the curtain on the outside world

Mr Sharpe must leave the country by May 22 and Mr Buerk by May 24.

ITN's editor is to meet the South African Ambassador in London today to try to reverse the Government's move to expel Mr Sharpe next Friday

Mr Sharpe, 40, has been in South Africa for seven years and his two children were born here.

The network's lawyers are preparing an appeal against the decision

Mr Buerk, 41, said being expelled from South Africa was "a trifle arbitrary"

UNIVERSITIES

The Government has given no reasons for not renewing the journalists' work permits, but it may be because it is annoyed by coverage of the recent violence at the University of Cape Town and at the University of the Witwatersrand

Mr Sharpe said he had "a strong impression the Government was unhappy with ITN's coverage of the UCT demonstration"

"The decision to broadcast was not taken lightly. We ran the pictures because they were of interest on the day. They were used as part of a balanced report on South African reaction to the Zambian incident, including Progressive Federal Party and National Party response"

No official reasons were given for the three expulsions, which brought to eight the number of resident foreign correspondents ordered to leave South Africa in the past year — The Argus Political Staff, The Argus Foreign Service and Sapa-AP

Newsman quizzed over report on police action

Court Reporter

WITNESSES' accounts of police action against alleged terrorists published by the Cape Times in March last year were extremely serious and, if believed, would amount to murder, the Cape Town Regional Court heard.

Mr Selwyn Shrock, for the State, was cross-examining Cape Times journalist Mr Chris Bateman about three witnesses' accounts of police action in Guguletu in which seven alleged terrorists were shot dead.

Mr Bateman's report published on March 4 was the basis for a report by colleague Mr Tony Weaver to the BBC.

Mr Weaver has pleaded not guilty to a charge of making false statements about police action to the BBC.

Cordoned off

Mr Bateman said police cordoned off the intersection of NY1 and NY111 and reporters and photographers were kept away.

He went to a hostel and met three men who saw the incident.

Two of them said they had seen police shoot a man with his hands in the air.

The third said he saw police grab another man and take a pistol from his belt. An order to shoot was given and the man was shot.

Mr Shrock said that these allegations against the police were very serious and if they were to be believed they constituted murder.

Mr Bateman agreed and said that was for the court to decide.

Mr Shrock: This report was published on the front page of the Cape Times and enjoyed enormous prominence. You are obviously aware that there are people in the townships who would like to place South Africa and the police in a poor light and would make false allegations against police.

Mr Bateman: I suppose there are people who would do that.

Mr Shrock: Did you question these witnesses about their attitude in that regard?

Mr Bateman: No, your worship.

Mr Shrock: Don't you think you should have?

Mr Bateman: Perhaps, your worship.

Mr Bateman, who speaks Zulu and understands Xhosa, said he had made careful inquiries and felt he had reasonable grounds to believe that the three witnesses' accounts were unbiased.

Police version

Earlier, Mr Weaver testified that on the day of the shooting he gave BBC News only the police version of the action because although Mr Bateman's report had arrived, it had not yet been verified.

After the witnesses' story appeared in the Cape Times he added the details for which he was being charged.

He went to Guguletu with a colleague and interviewed the mothers of three of the dead men.

They said their sons were not freedom fighters or members of the ANC and they felt weapons were placed on their bodies to "set them up".

He gave this story to the BBC with the warning that "obviously there is no proof of this".

(Proceeding)

ALAN DUNN

WASHINGTON — The United States is appealing "at the highest levels" to have the South African Government's decision to expel an American journalist reversed.

The US State Department, noting with alarm what it saw as the lessening of South Africa's commitment to a free Press, said yesterday it was "greatly disturbed" at the refusal to renew the visa of *Business Week* freelance correspondent Mike Mufson

"The American embassy in South Africa has appealed at the highest level the decision to effectively expel Mr Mufson," a US official said "We will continue to do so. We have not yet been given a reason why the visa renewal was refused."

The US also noted with alarm the Government's refusal, made known on Thursday, to renew the work permits of the BBC's Michael Buerk and Independent Television News reporter Peter Sharp

In Cape Town, British Ambassador Sir Patrick Moberly met Home Affairs Minister Mr Stoffel Botha yesterday in an attempt to get the Government to reverse its decision to expel Buerk and Sharp

An embassy spokesman said a final decision was expected from Mr Botha early next week

He said Sir Patrick had been instructed by the Foreign Office in London to meet the South African Government "at a high level" to discuss the decision.

In Pretoria, the Department of Home Affairs denied it was conducting a "crackdown" on foreign journalists.

Asked whether it was likely the trend of refusing foreign correspondents' work permit extensions would continue, a spokesman said "No."

Eight foreign correspondents have been ordered to leave South Africa over the past year

Tharu Mazwai, an International Federation of Journalists executive member, said yesterday the pending expulsions of the two British television correspondents was a foretaste of an intensification of a government crackdown on the freedom of the Press

The Foreign Correspondents' Associations (FCA) said the Government had resumed an attack on Press freedom in South Africa that was unparalleled in recent times, anywhere in the world

FCA chairman Mr Andrew Torchia condemned the Government's move "to end independent coverage of the South African social conflict, while until now it has professed to support Press freedom"

He said Sharp and Buerk, widely experienced and professional reporters, had acted within South African law

The Black Sash said it was "appalled at the further attack on the freedom of speech", saying the move would further damage the country's already tarnished image abroad.

Pat Sidley, South African Society of Journalists president, said in Durban yesterday that South African officials abroad had been spreading "blatant lies" about some local journalists in attempts to dissuade overseas publications from using their stories

"South African diplomatic and embassy staff have visited overseas publications to inform them that some of their freelance writers are not officially accredited in South Africa and in some cases have even told blatant lies about those journalists to add weight to their attempts to have them dropped from the publications concerned," she told the society's congress

Fears for Press

as newsmen told to go

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S.M.

Four's bid to see Sizulu thwarted

16/5/87. (243) S.M.C.

Four associates of detained editor Zwelakhe Sisulu tried unsuccessfully yesterday to give him flowers, a copy of his newspaper, the *New Nation*, and a congratulatory card on winning the Louis M Lyons Award for Conscience and Integrity in Journalism this week by Harvard University's Nieman Foundation for Journalism.

Joe Thloloe, Sue Sparks, Ameen Akhalwaya and Thami Mazwai — were told by police at Sandton, where Sisulu is being held, that they would have to apply to see a Brigadier Erasmus at John Vorster Square to discuss the matter. They were, however, allowed to leave money for Sisulu but found at John Vorster Square that Brigadier Erasmus was not available.

The four people said that journalists in many parts of the world — particularly Western Europe and the US — were deeply concerned about Sisulu's detention since December under the emergency regulations.

This is Sisulu's third spell in detention. He was also banned for three years after leading a strike by members of the Media Workers' Association of SA in 1980.

He is the son of Walter Sisulu, serving a life sentence for ANC activities, and Mrs Albertina Sisulu, president of the United Democratic Front. — Sapa.

Star journalists detained

Three employees of The Sunday Star newspaper were detained under the emergency regulations in kwaNdebele this week, the Commissioner of Police, Brigadier Hertzog Lerm, said yesterday. About 70 political activists had been detained under the regulations since May 6, he said.

Brigadier Lerm rejected reports that there was a major resurgence in unrest in kwaNdebele since its legislative assembly opted for independence last week.

There had been isolated incidents, he said, but these had been criminal acts, and criminal dossiers had been opened.

Brigadier Lerm said the detained activists had been outsiders from Mamelodi and Witbank, who had gone to kwaNdebele to incite locals to commit acts of civil disobedience.

The detained newsmen are Sunday Star reporter Mr Jon Qwelane, photographer Mr Herbert Mabuza and driver Mr Sam Mathe. — Sapa.

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SASJ 16/5/87 told of envoys' lies

DURBAN — South African officials abroad have been spreading "blatant lies" about some South African journalists in attempts to dissuade overseas publications from using their stories, the 1987 congress of the Southern African Society of Journalists (SASJ) heard yesterday

The president of the SASJ, Miss Pat Sidley, said the controversial Steyn Commission's recommendations on a register of journalists had unofficially come into effect.

What this meant was that some journalists were unable to gain access to official functions and reports and thus could not write balanced news

"South African diplomatic and embassy staff have visited overseas publications to inform them that some of their freelance writers are not officially accredited in South Africa," Miss Sidley said.

She added that the number of freelance journalists had increased dramatically over recent years for economic and political reasons

Miss Sidley also warned of a looming threat to the SA Media Council which, together with the Newspaper Press Union, had been approached by the government to "police" emergency reports — Sapa

AD 16/5/82

Moberly in bid to stop expulsion

CAPE TOWN — The British Ambassador, Sir Patrick Moberly, yesterday met the Minister of Home Affairs, Mr Stoffel Botha, in a bid to get the government to reverse its decision to expel two British television correspondents.

Sir Patrick had been instructed by the Foreign Office in London to meet the South African Government "at a high level" to discuss the decision not to renew the work permits of Mr Michael Buerk and Mr Peter Sharpe when they expire later this month.

Sir Patrick met Mr Botha for just under half-an-hour, an embassy spokesman said

"We noted the fact that there had already been strong criticism in Britain of the press restrictions here, of which these two correspondents appear to have been victims, and we noted that we believe them to have been acting in good faith after they had taken legal advice on their reports.

"We urged him to reconsider the decision, and he said he would give serious consideration to what the ambassador had said but emphasised that his decision still stood," the spokesman said

The embassy is waiting for Mr Botha's final word on the matter. — Sapa

Bus driver describes shootings

APR 7/1975
16/5/8-1
Court Reporter

AT THE scene where several alleged ANC guerrillas were shot dead by police, a man wearing what appeared to be a police uniform shot another in the head "at point-blank range in front of the very eyes" of a busload of disabled school children, the Regional Court heard yesterday.

The bus driver, Mr Ronald Benting, was giving evidence in the trial of Mr Tony Weaver, deputy news editor of the Cape Times, who is charged under Section 27 (b) of the Police Act with making false statements to the BBC in connection with the shootout in Guguletu on March 3.

Mr Benting, who is a bus driver for the Astra school in Wittebome, said he had approached the intersection on his rounds and saw a number of "policemen standing around" and a stationary minibus in the road.

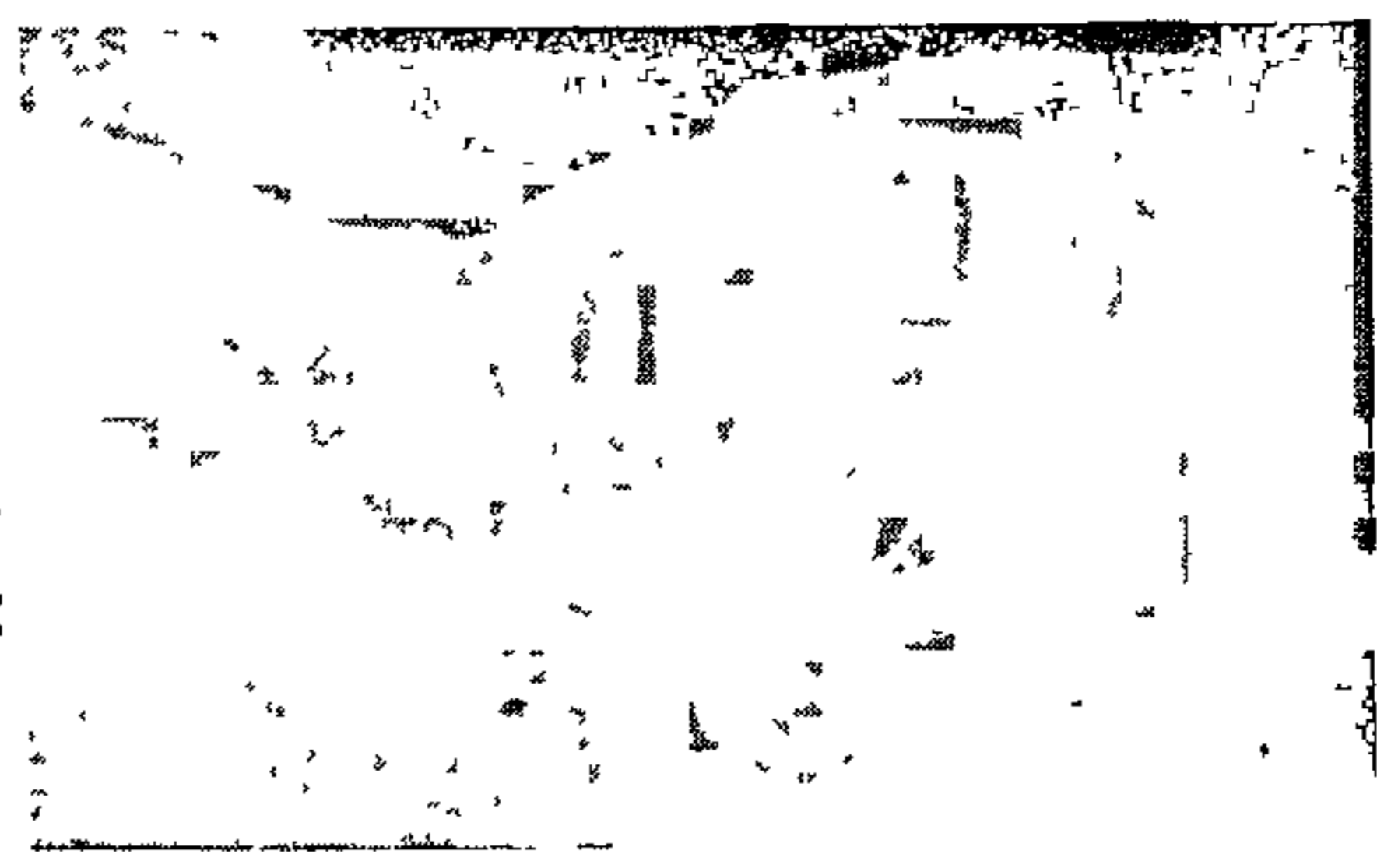
A man was lying in the road and Mr Benting stopped the bus. A "white man wearing something like that (pointing at the court orderly's uniform) approached the man on the ground and shot him at point blank range."

"He put the gun close to his head and shot twice. I saw blood come out of his head and run onto his cheek. I saw no movement from the man."

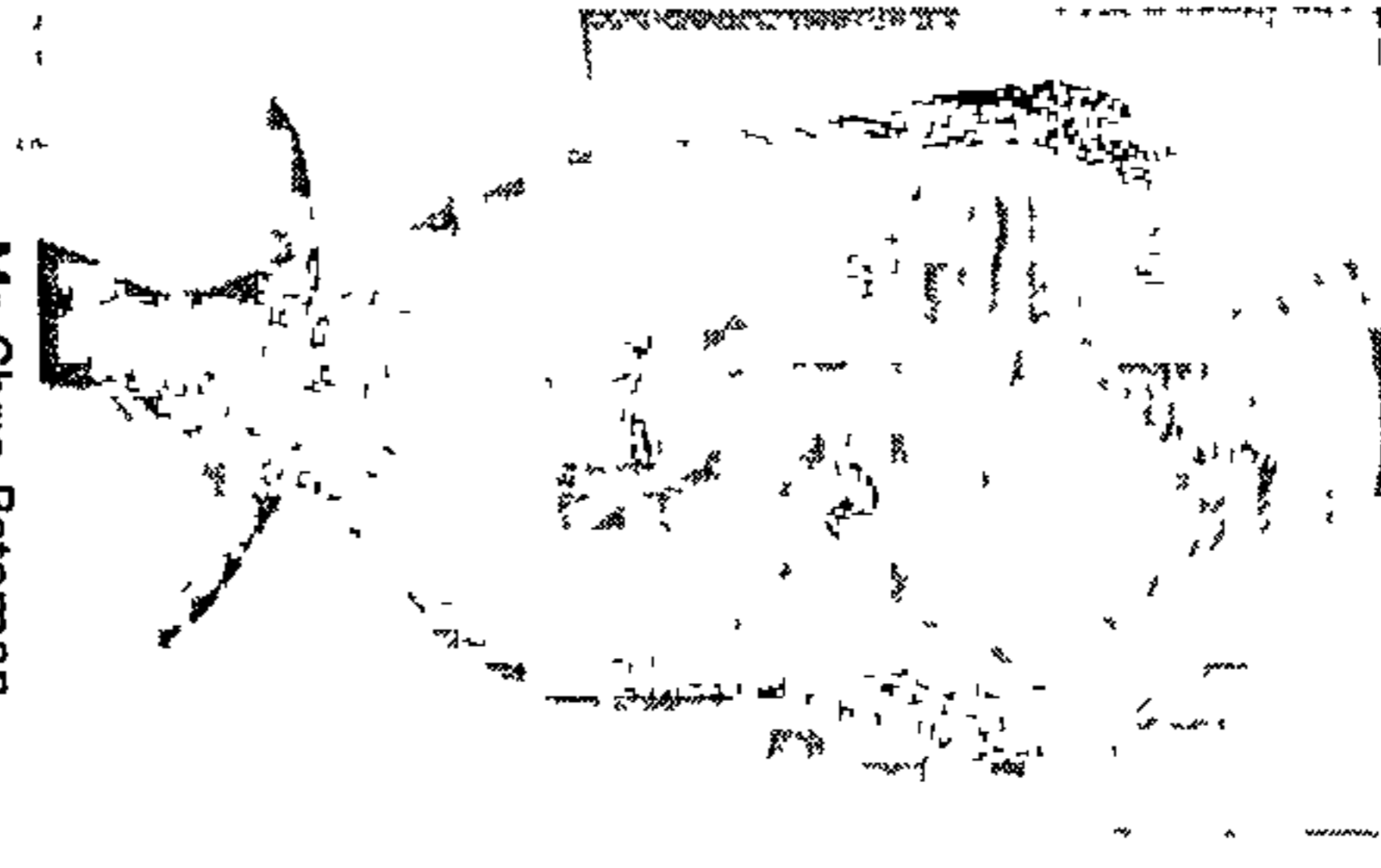
"The man who shot then came up to the bus and asked me what I was doing there with a busload of children. I did not answer him, the man had a gun in his hand. I just turned around and left."



Mr Tony Weaver



Mr Tian van der Merwe



Mr Chris Bateman

He said he had told the principal of the school of the incident and had later spoken to Mr Tian van der Merwe, MP for Green Point, and an attorney, Mr Gordon Rush-ton.

Mr Benting said he had not been keen to give evidence and had no reason to say untrue things about the police.

A 15-year-old pupil with a "learning disability" at the Astra school gave evidence. He said he was in the bus and, as it stopped, he saw a "black man lift his hands in the air and then they shot him. He fell."

He indicated on a photograph that the man had been shot on the corner of NY1 and NY111. A policeman had then come to tell Mr Benting that he must "turn around", he said.

Under cross-examination by the prosecutor Mr S Shrock, he said he did not know the difference between the truth and lies. He said he had not seen a man on the ground in front of the bus.

The 15-year-old said he could not read a newspaper and no one had told him a man had been shot. Mrs Patricia Smith, a house-mother at the school who had also

been on the bus, said that as they approached the intersection she had "seen some activity and heard shooting".

The bus had come to a halt on a bridge just before the intersection and she had seen a man lying in the road. She said a "white man had fired downwards at the man with a short gun."

Mrs Smith said she had only been concerned about the children, but that about 10 minutes later she had been in a "terrible state" of shock. "One of the children was also very upset by the incident," she said. Mr Van der Merwe, who had

practised as an advocate, said he had gone to the Dairabelle hostel overlooking the scene to collect information from witnesses of the shootout. Mr Rushton and Mr Chris Bateman, a Cape Times reporter, had accompanied him.

He had gone as a member of the Progressive Federal Party's unrest monitoring committee group and to act as a commissioner of oaths.

He said there was a "question of a person lying on the ground who was shot at and also that a man with hands raised in the air had been shot".

Mr Van der Merwe said he had no reason to disbelieve the witnesses they had spoken to. He had later spoken to Mrs Smith and Mr Benting, he said.

Earlier Mr Bateman said he had gone to the scene of the shooting and interviewed Mr Vumozonke Bowers who said he had seen police shooting a man in the head as he lay on the ground.

Mr Bateman then interviewed Mr Cecil Msutu, who said he had seen a man with his hands raised in the air. The police had shot this man once in the head and had fired other shots at his legs.

He had then spoken to Mr General Sibaca, who said police had grabbed a man, taken a pistol from his belt and kned him in the stomach before hitting him to the ground. Three shots were then fired at the man Mr Bateman had spoken to all the men in Zulu.

The hearing was adjourned to June 22.

Mr J M Lemmer was the magistrate. Mr J Gauntlett, instructed by Findlay and Tart, appeared for Mr Weaver.

CAPE Times 16/5/87

No bouquet for Sisulu

JOHANNESBURG — Four associates of detained editor Mr Zwelakhe Sisulu tried unsuccessfully yesterday morning to present him with an arrangement of chrysanthemums, a copy of his newspaper, the New Nation, and a card congratulating him on a Niemann Foundation award.

He was awarded the Louis M Lyons Award for Conscience and Integrity in Journalism by Harvard University's Niemann Foundation for Journalism this week.

The four journalists — Mr Joe Thloloe, Mrs Sue Sparks, Mr Ameen Akhalwaya and Mr Thami Mazwai — were told by police at Sandton, where Mr Sisulu is being held, that they would have to make an appointment to see a Brigadier Erasmus at John Vorster Square to discuss the matter.

They were allowed to leave some money for Mr Sisulu.

When they contacted John Vorster Square they were told Brig Erasmus was not available.

The award to Mr Sisulu, a Niemann Fellow at Harvard in 1985, was announced in Cambridge, Massachusetts. He is the third South African winner of the award in the past six years.

Mr Thloloe, who has been detained, banned and jailed in the past 10 years, won the award in 1982. Mr Allister Sparks, correspondent for several influential publications abroad, won it in 1985.

Mr Thloloe and Mrs Sue Sparks, representing her husband who is abroad, tried to see Mr Sisulu as co-winners of the award. Mr Akhalwaya, also a Niemann Fellow, represented other Niemann Fellows in SA and abroad. — Sapa

race"

Third newsman expelled from SA

CAPL TWP 10/5/87 (245)

PRETORIA — The Department of Home Affairs yesterday denied it was conducting a crackdown on foreign journalists

It was commenting on the effective expulsion of three newsmen from South Africa over the past two days

Asked whether it was likely that the trend of refusing foreign correspondents work permit extensions would continue, a spokesman said "No"

Eight foreign correspondents have been ordered to leave South Africa over the past year

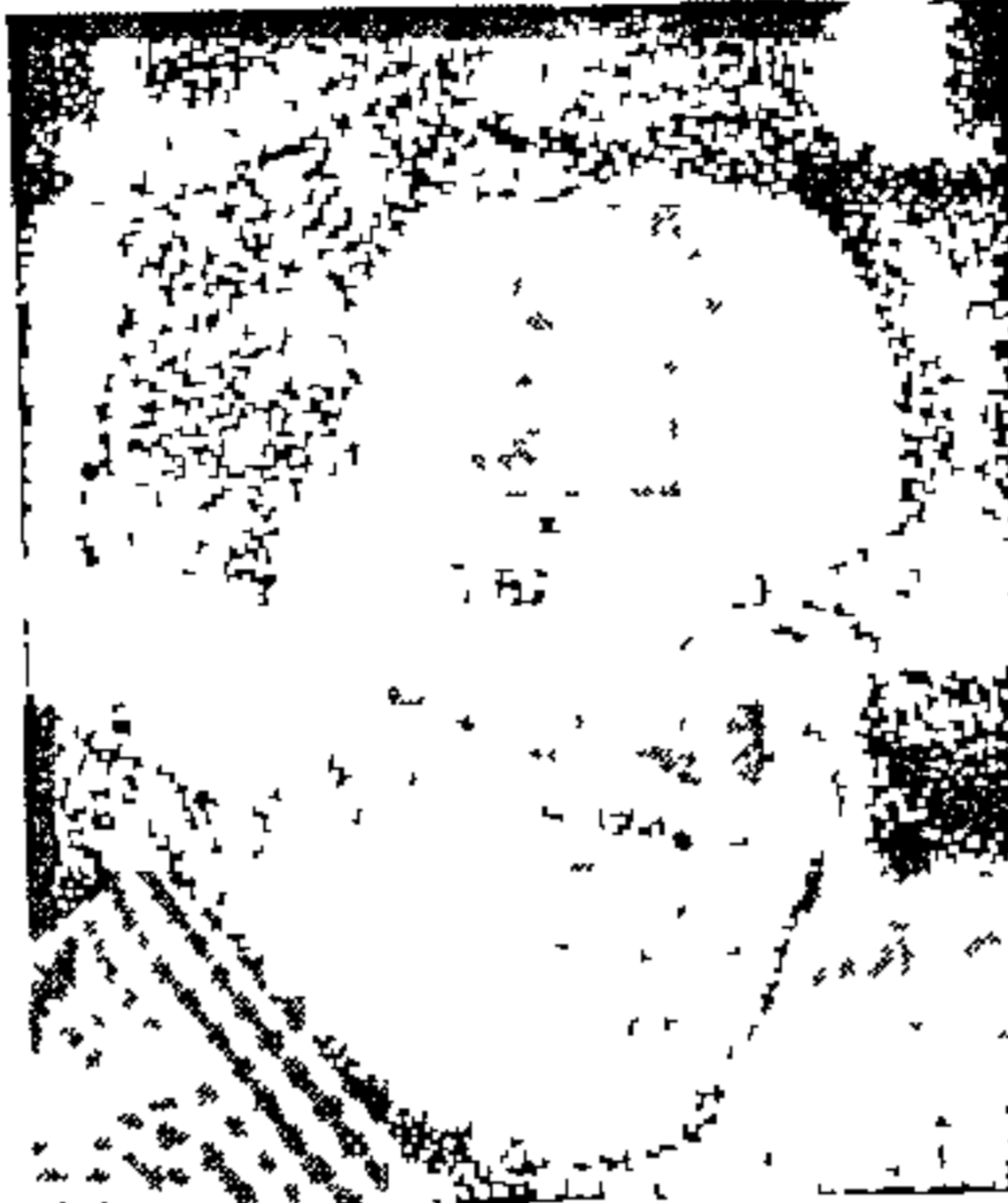
The latest newsman to be evicted is Mr Steve Mufson, 28, from the United States He was told yesterday that his application for a work permit renewal had been refused

On Thursday two British reporters, Mr Peter Sharp of Independent Television News and Mr Michael Buerk of BBC-TV, were told the same

No reasons were given

The US yesterday condemned Mr Mufson's expulsion

"The US is dedicated to the ideal of a free press," an embassy



EXPELLED... Mr Michael Buerk (left) and Mr Peter Sharp

spokesman said in a statement "Historically, South Africa has upheld those same principles It is with growing alarm that we witness the lessening of South Africa's commitment to them"

Friends of Mr Mufson, who was not himself available for comment, said he was told in a phone call from the Department of Home Affairs to leave the country by Tuesday

Mr Mufson, a freelance correspondent for Business Week in America and Elseviers Magazine in the Netherlands, was told earlier this month that his temporary work permit would not be renewed

Friends said he was told yesterday that his appeal had been turned down in a final decision by the Minister of Home Affairs, Mr Stoffel Botha — Sapa and UPI

UK ambassador in bid to sway SA govt

THE British Ambassador, Sir Patrick Moberly, yesterday met the Minister of Home Affairs, Mr Stoffel Botha, in a bid to get the government to reverse its decision to expel two British television correspondents

An embassy spokesman said a final decision was expected from Mr Botha early next week

He said Sir Patrick had been instructed by the Foreign Office in London to meet the SA government "at a high level" to discuss the decision not to renew the work permits of Mr Michael Buerk of BBC-TV and Mr Peter Sharp of ITN when they expire later this month.

The spokesman said: "We noted the fact that there had already been strong criticism in Britain of the press restrictions here, of which these two correspondents appear to have been victims, and (we noted) that we believe them to have been acting in good faith after they had taken legal advice on their reports" — Sapa

CAPL TWP 10/5/87

CAN. Times 1/5/87 (203) (1/5/87)

Newsmen detained in KwaNdebele swoop

PRETORIA. — Three employees of the Sunday Star newspaper were detained under the emergency regulations in KwaNdebele this week, the Commissioner of Police, Brigadier Hertzog Lerm, said yesterday.

A total of about 70 political activists had been detained under the regulations since May 6, he said.

Brig Lerm rejected reports that there had been a major resurgence in unrest in KwaNdebele since its Legislative Assembly opted for independence last week.

The detained newsmen are Sunday Star reporter Mr Jon Qwelane, photographer Mr Herbert Mabuza and driver Mr Sam Mathe.

Responding to charges that former members of the pro-independence vigilante group Imbokhotho had joined the police force, Brig Lerm said anyone without a criminal record was entitled to apply to join the police.

Three platoons of "kitskonstabels" trained at Koeberg recently had joined the KwaNdebele police. — Sapa

Capit Times 16/5/87 (263)

'Lies to discredit' freelance journalists

DURBAN — South African officials abroad have spread "blatant lies" about some local journalists to dissuade overseas publications from using their stories, the 1987 Congress of the Southern African Society of Journalists (SASJ) heard here yesterday

In an address to congress, SASJ president Ms Pat Sidley said the controversial Steyn Commission recommendations for a register of journalists had unofficially come into effect, and some SA journalists were being refused accreditation

The journalists were unable to gain access to official functions and reports and were denied the information necessary to write balanced news

"SA diplomatic and embassy staff have visited overseas publications to inform them that some of their freelance writers are not officially accredited in SA — and in some cases have even told blatant lies about those journalists to add weight to their attempts to have them dropped from the publications concerned," Ms Sidley said — Sapa

Foreign pressmen

SEVERAL foreign correspondents fear their work permits will not be renewed following the South African Government's action against two British and one American journalist.

American journalist Steve Mufson of Business Week and Britons Michael Buerk of the BBC and Peter Sharpe of Independent Television News have all been told their visas and work permits will not be renewed.

Many other foreign correspondents have applications for visas and work permits pending and now fear they will be unsuccessful

by PETER FABRICIUS,
Political Staff

The American Embassy yesterday protested to the South African Government over its refusal to renew Mr Mufson's visa. He will have to leave the country by next week.

No reasons were given for the refusal and Mr Mufson said he did not know why the decision was taken.

The British Ambassador, Sir Patrick Moberly, and South Africa's Minister of Home Affairs, Mr Stoffel Botha, met yesterday and Sir Patrick asked Mr Botha to reverse the decision to expel the television journalists.

The Government's action against the three journalists appears to her-

ald a general crackdown on foreign correspondents

The British journalists must leave the country before the end of the month.

The South African Government denied it was expelling the two men, claiming only their work permits had not been renewed.

It is understood the action against the two was taken because they shot film of unrest on the University of Cape Town campus after the Natal Supreme Court overturned the emergency regulations forbidding this.

There was some confusion at the time over whether or not the regula-

fear more expulsions

w/c ARKAS 10/5/77 243

tions still applied, pending a Government appeal against the court's decision.

A spokesman for the British Embassy said Mr Botha promised to give serious consideration to Sir Patrick's request that the two men be allowed to stay.

He would reply early next week.

w/c ARGUS 16/5/87 (243) (100) (21)

Crippled boy saw police shoot man'

by GILL TURNBULL
Court Reporter

A HANDICAPPED youth told Cape Town Regional Court that while travelling to school by bus he saw a policeman shoot a man who had his hands in the air

The youth, 15, was giving evidence for the defence in the trial of Cape Times journalist Tony Weaver, who has pleaded not guilty to a charge under the Police Act of making false statements to the BBC regarding police actions in Guguletu on March 3 in which seven alleged terrorists were killed

The youth said he was sitting in the front seat of a school bus which was carrying 29 other handicapped children when the bus stopped near the intersection of NY 1 and NY 111

Saw man shot

He was looking out of the righthand-side window and saw a man with his arms "in the air" standing near a telegraph pole. The man was shot and fell to the ground

The youth, who gave evidence from a wheelchair, said he could not remember the race of the man who fired the weapon

Earlier bus driver Mr Ronald Abraham Bening said he was returning from St Joseph's School for the handicapped about 7.25am

He reached an intersection and stopped because there was a black man in a blue tracksuit lying face downward in the road

Nearby was a white combi and many policemen

He saw a white policeman issue an order. The others then ran towards the bushes and the policeman approached the man lying in the road and shot him twice in the head

Miss Pat Smith, house-mother to handicapped children, said she was in the bus and saw a white man shoot a black man lying in the road.

Mr J M Lemmer was on the Bench, Mr Selwyn Shrock appeared for the State and Mr Weaver is represented by Mr J Gauntlett, instructed by Findlay and Tait

Ferry for sale

THE HAGUE — The Herald of Free Enterprise, which capsized in March, killing more than 180 people, is on sale for repair or scrap — Sapa-Reuter

US award for Sisulu

JAILED. South African newspaper editor Zwelakhe Sisulu has won a R2'000 journalism award from Harvard University for his "conscience and integrity".

Sisulu, editor of the Johannesburg-based newspaper *New Nation*, was awarded the 1987 Louis M Lyons Award because of his "courage and dedication in providing South African blacks with an alternative voice amid harsh efforts by the South African government to quell a dissenting press", Harvard officials said.

Sisulu has been detained without trial under the emergency regulations since December 12, 1986.

The award will be presented this autumn. - Sapa.

Interdict to stop assaults

Sunday Times Reporter

THE family of a detainee held under Section 29 of the Internal Security Act, who was recently seen dressed in a torn nightie and with facial injuries in a Government mortuary in Durban, was granted an interim interdict in Durban's Supreme Court this week restraining the police from assaulting her

Mr Justice Galgut ordered the Minister of Law and Order and Commissioner of Police to show cause by June 9 why they should not be interdicted from assaulting Mrs Tryphina Jokweni

The last time her family received news of her was after a Durban lawyer and family acquaintance, Mr Kwenza Mlaba, visited the Government mortuary in Durban on April 28

In an affidavit before the court, Mr Mlaba said Mrs Jokweni was dressed in a torn nightie, her face was swollen and one of her ankles was chained

She appeared very distressed and hurriedly told me she had been assaulted and feared further assaults, Mr Mlaba said

Mrs Jokweni was detained after three alleged ANC terrorists were killed by police at her Umlazi home last month

PRESS CURBS UNDER FIRE

Sunday Times Reporter

THE Southern African Society of Journalists has attacked Press curbs under the state of emergency and pressures on the Media Council

An SASJ spokesman said the congress noted with great concern the continued enforcement of the state of emergency and statutory Press curbs, which "made a mockery of the principle of Press freedom"

It also slammed the seizing and closure of publications and the detention, prosecutions and harassment of individual journalists

Attacks

The congress criticised the attacks on correspondents of the foreign media, including the expulsion, detention withdrawal of work permits and the seizure of film and other material

The SASJ warned against suggestions that the Government was to open a register of journalists and deplored what it described as pressures being put on the Media Council to change its methods of operation

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17/5/77



WORLD NEWS

function from normal cruise fare

Detained editor 243 gets top awards 244

Sunday Times Reporter

THE editor of New Nation newspaper Ml Zwelakhe Sisulu who is in detention received two top awards this week

- In the United States he was named the recipient of the Louis M Lyons Award for conscience and integrity in journalism by Harvard University's Nieman Foundation for journalism
- Back home he was awarded the 1987 SASJ Pringle Award for Press Freedom — with the editors of the Weekly Mail Ml Anton Harber and Mr Irwin Manoin

Mr Sisulu's detention under the emergency regulations since last December has sparked local and international protests

Banned

He was detained twice previously and was banned after leading a strike in 1980 by members of the Media Workers Association of SA (Mwasa), of which he was president

Mr Sisulu is the third South African journalist to win the Louis Lyons Award in the past six years

Mr Joe Thlooe, now assistant editor of the Sowetan and former co-leader of Mwasa, became the first non-American to win the award in 1982

In 1985, Allister Sparks, foreign correspondent for several leading newspapers and a former editor of the Rand Daily Mail, was the recipient

Mr Sisulu, 37, is the son of jailed ANC leader Walter Sisulu and United Democratic Front president Mrs Albertina Sisulu

SASJ slams press curbs, censorship

DURBAN — The Southern Africa Society of Journalists (SASJ) has attacked press curbs under the state of emergency, pressure on the Media Council to make it a state censorship machinery and the circumstances surrounding the sale of the Ilanga newspaper.

A spokesman said the SASJ's 1987 congress here had noted with great concern the continued enforcement of the state of emergency and statutory press curbs which "made a mockery of the principle of press freedom"

"The seizing and closure of publications and the detention, prosecutions and harassment of individual journalists is a repulsive extension of these curbs and this congress calls for an immediate end to these actions

"At the same time, congress urges newspapers to treat with extreme caution the 'offic-

ial' version of incidents and exploit the few remaining free channels vigorously and to the maximum

"In the light of increasing comments by government officials with regard to registration of journalists, congress totally rejects any such scheme," the spokesman said.

Meanwhile, the director-general for Foreign Affairs, Mr Neil van Heerden, yesterday rejected allegations reportedly made by the SASJ's president, Miss Pat Sidley, that South African officials abroad had attempted to influence overseas publications not to use material filed by South African journalists.

Mr Van Heerden said his department was not concerned with the placing of material by local journalists in foreign publications but it did, "when appropriate", take steps to correct false or biased reports

— Sapa

Newsmen to appear

242
Sowetan
12/5/87

THREE *Sunday Star* employees are due to appear in the Kwaggafontein, Magistrate's Court charged with entering KwaNdebele without permission.

They are reporter, Jon Qwelane, photographer, Herbert Mabuza and driver, Sam Mathe

They were arrested last Thursday while on an assignment in KwaNdebele, while covering the unrest that broke out in the area two weeks ago following the announcement by the KwaNdebele Legislative Assembly that it had accepted independence

They were released on Saturday on R500 bail each

243 SPAN 18/5/87

US 'disturbed' over erosion of Press freedom More foreign newsmen fear expulsion from SA

Political Staff

CAPE TOWN — Several foreign correspondents fear their work permits will not be renewed after the South African Government's action against two British journalists and one from America.

The American journalist, Mr Steve Mufson of *Business Week*, and Britons Mr Michael Buerk of the BBC and Mr Peter Sharp of Independent Television News, learnt last week that their visas and work permits would not be renewed.

Many other foreign correspondents have applications pending for visas and work permits and now fear that they also will be turned down by the Government.

The American embassy yesterday protested to the South African Government over its refusal to renew Mr Mufson's visa.

Mr Mufson will have to leave the country this week.

No reasons were given for the refusal and Mr Mufson said he knew no reason why the decision had been taken. This follows a meeting yesterday between the British ambassador, Sir Patrick Moberly, and Minister of Home Affairs Mr Stoffel Botha, when Sir Patrick asked him to reverse the decision to expel two top British television journalists.

The Government's actions against the three journalists appears to herald a general crackdown on foreign correspondents

The British journalists must leave the country before the end of the month

The Government has denied it was expelling the two men, claiming only that their work permits had not been renewed.

It is understood the action against the two men was taken because they shot film of unrest on the University of Cape Town campus after the Natal Supreme Court had turned down the emergency regulations forbidding this

There was some confusion at the time over whether or not the regulations still applied, pending a Government appeal against the court's decision.

A spokesman for the British embassy said yesterday that Mr Botha had promised to give serious consideration to Sir Patrick's request that the two men be allowed to stay on

SA unwelcome at eisteddfod

The Star Bureau

LONDON — Anti-apartheid campaigners and Welsh language activists are opposing plans to welcome South Africans attending the national eisteddfod at Porthmadog, Gwynedd, in August

Earlier this year, the eisteddfod's ruling council voted against a proposal to exclude people with Welsh connections living in South Africa from the colourful "Wales and the World" ceremony at the annual cultural

marathon

There was a storm of protest last year when a Welshman from Johannesburg triumphantly waved the South African flag in front of the crowd

Now, according to Britain's *Observer* newspaper, the Welsh Language Society and the Anti-Apartheid Movement are calling for the connection to be severed. They have accused the eisteddfod of insulting the South Africa's black, coloured and Indian communities

Mr Heunis's department

He thanked Mr Heunis "for his enthusiastic leadership in managing the reform process which has already achieved so much"

Student found unconscious was attacked - police

PAARL — A nineteen-year-old student from the Huguenot College at Wellington was found unconscious in the TV room of the college's boarding house on Saturday morning

Political articles

He would reply to the request early this week.

Mr Mufson said he mainly wrote economic stories for *Business Week*, but had done a few political articles for other publications

In a statement the US embassy said, "The United States is greatly disturbed by the refusal of the South African Government to reissue the visa of the American journalist Steve Mufson"

"The US embassy appealed against the decision at the highest level, urging the South African Government to reconsider Mr Mufson's case

"We will continue to do so. We have not been given a reason why his visa renewal was refused

"As we have stated many times before, the US is dedicated to the ideals of a free Press, open access to legitimate news, the right of a nation's citizens to be informed about events at home and in the world, and the free flow of information across international boundaries

"Historically South Africa has upheld these same principles. It is with growing concern that we witness the lessening of South Africa's commitment to them"

CML Times 18/5/87 243

Telegraph accuses SA over expulsions

Own Correspondent

LONDON — It is a grim moment for any society when it concludes that its own policies are most appropriately conducted in darkness

This was the view expressed by the conservative British newspaper the Daily Telegraph in a leading article criticizing the expulsion orders on representatives of the two most prominent British broadcasting organizations by Pretoria

The Telegraph says "The SA government's decision to refuse new work permits to the correspondents of both the BBC and ITN in Johannesburg represents a further tightening of the screws of press freedom"

This is strong language from the Telegraph, which has been one of the more sympathetic UK newspapers in its attitude towards the South African government.

Pretoria was losing touch with the values and customs of the West, taking up the less admirable ones of its own continent, the Telegraph said

243 19/5/87

Citizen article 'was unethically published'

The Citizen has been ordered by the SA Media Council to print a report noting that it unethically published an article alleging foreign television networks were misrepresenting news events in South Africa

The decision of the council was reached after complaints about the article had been lodged by agencies.

The reprimand concerns a story published in

The Citizen's March 4 edition which summarised an article from an American publication, *Scoreboard*, accusing foreign agencies of misrepresenting South African news.

REPORT

The newspaper was ordered to publish in its latest edition a report outlining judgment on how it breached the council's

code of conduct under the heading "Media Council reprimands *The Citizen*".

The Citizen's main failing was that it had failed to approach foreign agencies for comment before publishing the article containing allegations that "gravely prejudiced" the networks, said the report

"It was not disputed that *The Citizen* was within its rights in reproducing the article and that it contains a correct reflection of what appears in *Scoreboard* in so far as the respondent chose to quote from the article," the report said.

"What was in dispute was whether the code required some action on the part of the respondent either to make it clear in the article it did not vouchsafe the truth of the allegation made in the article or give the networks an opportunity to comment on or refute its contents" — Sapa

Fears of change

CAPE TOWN.— A full council meeting of the South African Media Council (SAMC) will be held here today, amid fears that it will introduce changes to its constitution and procedures that could "align it with those forces suppressing the free flow of news".

The Southern African Society of Journalists, at its annual congress at the weekend, said it deplored the "continuing pressure" placed on the council to introduce these changes.

It commended those editors, managers and members of the council who have resisted government pressure to turn the SAMC into an instrument of state censorship.

"Congress urges the council to resist the temptation ... to make gestures towards the Government by changing existing council procedures." — Sapa.

24/2/82

19/8/82

Foreign journalists lose SA permits?

PRETORIA. — The government yesterday refused to extend the stay of two British journalists, Mr Peter Sharp and Mr Michael Buerk, who are due to leave South Africa later this week.

The Minister of Home Affairs and Communications, Mr Stoffel Botha, said he was not prepared to deviate from his original decision not to extend the validity of the work permits of the two men.

Yesterday, a representative of the British Ambassador, Sir Patrick Moberly, had a meeting with Mr Botha, where Sir Patrick asked Mr Botha to reverse his decision.

A spokesman for the British Embassy said yesterday that Mr Botha had promised to give serious consideration to Sir Patrick's request.

The government has denied it was expelling the two men, claiming only that their work permits had not been renewed.

An American journalist, Mr Steve Mufson of Business Week, also learnt last week his visa and work permit would not be renewed.

He will have to leave the country this week.

The American Embassy yesterday protested to the South African Government over its refusal to renew Mr Mufson's visa.

The London Foreign Office also took a strong line when it was learned that the South African Government had not changed their mind about expelling the British journalists.

In a statement, the Foreign Office said: "We are deeply concerned by the South African Government's unwarranted action against Mr Buerk and Mr Sharpe."

The editor of BBC TV news, Mr Ron Neil, said: "I am sad that the South African authorities could not see their way to reconsider their decision."

"I hope that, as soon as possible, they will look favourably on granting a work permit to the two men" — Sapa

Cape Times
19/5/87 (243)

Press freedom day call

Staff Reporter

THE South African Students' Press Union (Saspu) has called for today, May 19, to be established as an annual Press Freedom Day.

The call was endorsed by the Southern African Society of Journalists at its annual congress in Durban at the weekend.

Saspu said it believed that current restrictions on the flow of information were encouraging the polarization of South African society.

South Africa was gripped by a political crisis, the peaceful solution to which was Saspu's goal.

□ At its congress, the SASJ resolved to affiliate itself as a corporate member of the Anti-Censorship Action Group.

□ Saspu will be observing the day at a lunch time meeting to be held today in the Jameson Hall at UCT. Speakers are Mr Rashied Seria, editor of South, and Mr Tony Weaver, Western Cape vice-president of the SASJ.

(243) ~~243~~

Homeland drops charges against 3 Star newsmen

The Argus Correspondent

JOHANNESBURG. — Charges against three employees of the Star, detained in Kwandebele for allegedly being there illegally, have been withdrawn after negotiations between the newspaper and the homeland's police commissioner, Brigadier H C Lerm.

Sunday Star reporter Mr Jon Qwelane, photographer Mr Herbert Mabuza and driver Mr Sam Mathe were detained at 2am on Wednesday last week at a bus stop. They were released on Saturday night on R500 bail each.

The deputy editor of the Star, Mr Rex Gibson, said today: "The three were on a routine assignment and had committed no offence whatsoever."

K SKIPS



Priest sues SABC, newspaper

some fun
20/5/87

THE detained secretary-general of the South African Catholic Bishops' Conference, Father Smangaliso Mkhathshwa, is to claim a total of R50 000 from the South African Broadcasting Corporation and a Johannesburg morning newspaper.

His legal representative, Mr Brian Curran, confirmed summons has been served on the SABC claiming R30 000 and the *Citizen* claiming R20 000.

The claim arises from alleged wrongful broadcasts and publications with the intent to defame

SA PRESS ASSOCIATION

Father Mkhathshwa

Father Mkhathshwa's claims follow radio and television news broadcasts and a report in the *Citizen* during May last year dealing with his arrest on a charge of unlawful possession of arms and ammunition.

On May 16 1986 the SABC broadcast a report, in a radio news

bulletin, that Father Mkhathshwa had been arrested for unlawful possession of arms and ammunition.

Cache

On May 18 of the same year a television news report stated that arms and ammunition cache had been found in Kru-

gersdorp with details of foreign arms and ammunitions which are generally associated with forces hostile to South Africa.

Directly afterwards it was reported that Father Mkhathshwa had been arrested on a charge of illegal possession of arms and ammunition.

Father Mkhathshwa issued summons against

Mr Meyer Johnson, editor of the *Citizen* and the *Citizen* for an alleged wrongful report with the intent to defame him. The article was about his arrest in connection with a charge of illegal possession of arms and ammunition.

Father Mkhathshwa (47), of the Soshanguve parish, was detained on June 14 last year, immediately after the launch of the state of emergency. He is being held in Pretoria Central Prison. Five Supreme Court applications have been made in an attempt to secure his release, but all have been unsuccessful.

Media Council rejects proposals for amendments

243
5/15/87
20/5/87

CAPE TOWN — All proposals for amendments to the constitution of the Media Council were yesterday defeated at the seventh meeting of the South African Media Council in Cape Town.

Mr Ton Vosloo, managing director of Nasionale Koerante, proposed a number of amendments but was strongly opposed by most other media representatives.

Mr Harvey Tyson, editor of The Star, seconded by Mr Ed Linington, editor of Sapa, proposed that no changes be made and that amendments "should ideally take place in a political climate less charged than it is at present."

Mr Tyson said he and his colleagues were worried about the state of the Press, but that the time was inappropriate to discuss amendments. He said should they be accepted, the council could lose the support of the majority of the working Press.

He said amendments

implemented now would appear to appease the Government.

The State President Mr P W Botha had said the Press should put its house in order — if the council acted now, it would be seen as acting on government instruction. This could damage the credibility of the Media Council.

He said there was not a single good reason to adopt any of the amendments at this stage, as they would not affect the normal running of the Media Council.

NO GOOD REASON

Mr Linington, convener of the Conference of Editors, pointed out that the editors felt that no amendments should get their support at present.

Mr Vosloo pointed out that the amendments were not intended to make the Media Council the handy-man (hand-langer) of the Government, but that they would enable the council to act

better and faster, and as intermediary in certain circumstances between Press and Government to ensure the free flow of information.

Mrs Jane Raphael, editor of *Cosmopolitan*, said at least two proposed amendments were "major" and if accepted would be "the beginning of the death rattle of the council."

In a show of hands the chairman's casting vote (13-12) decided that the amendments would be put to the vote.

A proposal that the constitution could be amended by a simple majority of members present at a meeting, instead of by a two-thirds majority of the members of council, was defeated.

Two other proposals were then put to the vote but failed to raise the two-thirds majority.

Mr Vosloo and Professor SA Strauss of Unisa, then withdrew their other proposed amendments — Sapa

Journalist warns on SA Press freedom

CAPE TOWN — If Press freedom was not maintained after apartheid then the struggle for democracy would have been in vain, Western Cape vice-president and joint acting president of the Southern African Society of Journalists, Tony Weaver, said yesterday.

He was addressing a meeting at the University of Cape Town to launch the Student Press Union's call for a national Press freedom day.

"Immediately after the (May 6 House of Assembly) election the Archbishop of Cape Town, Desmond Tutu, said the country had entered a new dark age. I think Press freedom in this country has entered a dark age," Mr Weaver said.

That there should be a call for such a day was "a sad reflection on South African society."

"Freedom of the Press is one of the pillars of any democratic society."

Recalling the detentions, harassment and statutory Acts that have hindered and repressed foreign and local journalists in the past year, Mr Weaver said the "pepping up" of Press restrictions — called for by State President Mr Botha on December 11 — had ended coverage of alternative South African politics.

"It's no wonder the Foreign Correspondents' Association has called them the most sweeping Press restrictions in the world" — Sapa

Editors support Press day

Newspaper editors and journalists have supported a call by the Students' Press Union for an annual Press freedom day.

The union said it should be devoted to an examination of how Press freedom in South Africa had been undermined. A statement said:

"As people and organisations involved with media and the Press, we believe South Africans have the right to be properly informed about circumstances and trends in our country.

"Without a free Press there is little chance of reconciliation."

The call was supported by Mr Harvey Tyson, editor of The Star, Mr Aggrey Klaaste, acting editor of *Sotho*, journalists on *New Nation*, whose editor is detained, the staff of the *Weekly Mail*, *The Natal Witness*, a number of student newspapers, the Society of Journalists and the Media Workers' Association.

The statement said crucial public information was controlled by the Bureau for Information and the SAIBC misrepresented news information about black political organisations and aspirations was being distorted.

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Cape Times 20/5/87 (327) (243) (74)
Press charges dropped

JOHANNESBURG. — Charges were withdrawn against three employees of The Star detained in KwaNdebele, after negotiations between The Star and the homeland's police commissioner, Brigadier H C Lerm. Sunday Star reporter Mr Jon Qwelane, photographer Mr Herbert Mabuza and driver Mr Sam Mathe were detained at 2am on Wednesday last week at a bus stop. They were going to do a feature on people living in KwaNdebele who travel to work in Pretoria each day.

Reports by Staff Reporters, Sapa-Reuter-AP and UPI.

Tight security for SA envoy

From IAN HOBBS

LONDON. — Tradition was broken amid a huge display of security yesterday when Mr Rae Killen, the new South African ambassador to London, presented his credentials to Queen Elizabeth.

Three hours before the ceremony, Mr Killen was summoned to the Foreign Office to receive a protest over the expulsion of two British journalists.

The usually colourful ceremony involves the new ambassador driving by royal coach from his embassy to Buckingham Palace.

Because of the permanent anti-apartheid picket outside the South African Embassy in Trafalgar Square, and the danger of a violent protest, the procession started from guarded courtyards in nearby St James's Palace.

Four coach-loads of uniformed police with plainclothes back-up

lined the 600-metre route to Buckingham Palace, while traffic was blocked off.

It is understood that the heavy security and break with tradition was introduced on the advice of Scotland Yard.

Police had told embassy officials they had received information about a major protest operation.

When Mr Killen appeared at the Foreign Office, the British government made a strong official protest over the expulsion from South Africa of Mr Michael Buerk and Mr Peter Sharpe, the BBC and ITN correspondents, and called on South Africa to reconsider its action.

The Foreign Office used unusually strong language publicly to warn the State President, Mr P W Botha, that the issue had deeply angered the Conservative government and would not help rela-

tions.

Political sources said Mr Killen, who arrived in London at short notice last month to replace Dr Denis Worrall, was given a "thorough carpeting" at the Foreign Office.

Foreign Office permanent Under-Secretary Sir Patrick Wright told Mr Killen that the South African government was being asked "yet again" to reconsider the decision to expel the two journalists.

Mr Killen was told that the expulsion of Mr Buerk and Mr Sharpe "would have a seriously damaging impact on opinion in Britain and elsewhere in the West".

Sir Patrick added that the expulsions "called into question South Africa's claim to share Western values including freedom of speech".

□ Pictures — Page 3

4/16 7:15 20/8/87
Council ²⁰³
decides to
approach
government

THE Media Council has decided to approach the government to discuss its relationship with the council.

This resolution was adopted at the seventh meeting of the council yesterday.

Before voting on the resolution, the chairman of the council, Mr L de V Van Winsen, said it could not be claimed that the relationship between the council and government "has been a fruitful one".

"In the two major areas of activities, ie the disciplining of the press and in the endeavour of the council to promote the free flow of information of public importance, it found itself at cross-purposes with the government."

Mr Van Winsen said it was disputed whether or not an assurance was given by the Media Council that it would see to it that the press would "put its house in order".

Representations were made to the government on January 28, 1986 and memoranda were submitted and requests for interviews were made, but the council was still waiting for a response, he said.

However, the resolution was put to the vote and 14 representatives voted in favour of talking to the government, while six voted against the proposal — Sapa

Cape Times 20/5/77

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Post-apartheid press freedom urged

Staff Reporter

IF press freedom was not maintained in a post-apartheid society, then the struggles of many South Africans for democracy would have been in vain, the acting president of the Southern African Society of Journalists, Mr Tony Weaver, said yesterday.

Mr Weaver, the Western Cape vice-president of the SASJ, was addressing a lunch-time meeting at the University of Cape Town's Jameson Hall to launch the South African Student Press Union's call for an annual National Press Freedom Day.

"Immediately after the (May 6) election, the Archbishop of Cape Town, Desmond Tutu, said the country had entered a new dark age. I think press freedom in this country has entered a dark age," Mr Weaver said.

That there should even be a call for a National Press Freedom Day was a "sad reflection" on South African society.

"Freedom of the press is one of the essential pillars upholding any democratic society."

The editor of the weekly newspaper South, Mr Rashied Seria, told the meeting of the need for and rise of the alternative press — and the State's response.

In particular, he cited the example of Mr Zwelakhe Sisulu, editor of the New Nation, who has been in detention for some 160 days.

He said his own newspaper, South, had come into existence because the commercial press had failed to "fill a news vacuum" in the Western Cape.

No changes to Media constitution

Cape Town 20/5/87 243

ALL proposals for amendments to the constitution of the Media Council were defeated at the seventh meeting of the South African Media Council in Cape Town yesterday.

Mr Ton Vosloo, managing director of Nasionale Koerante, proposed a number of amendments, but was strongly opposed by most of the other media representatives.

Mr Harvey Tyson, editor of the Star, seconded by Mr Ed Linington, editor of Sapa, proposed that no amendments be made at present and that amendments "should ideally take place in a political climate less charged than it is at present".

Mr Tyson said he and his colleagues were worried by the state of the press at present and that the time was inappropriate to discuss amendments. He said should the amendments be accepted the council could lose the support of the majority of the working press.

He said the amendments would appear to appease the government. The State President had said the press

should put its house in order and should the council act it would be interpreted as if the council had acted on government instruction. This perception would damage the credibility of the Media Council. He said there was not a single good reason to adopt any of the amendments at this stage as it would not affect the normal running of the Media Council.

Mr Linington, convener of the Conference of Editors, said that the editors felt that no amendments should be supported by them at present.

Mr Vosloo said the amendments were not intended to make the Media Council the handyman (handlanger) of the government, but that it could act better and faster and act as intermediary in certain circumstances between press and government to ensure the free flow of information.

Mrs Jane Raphaely, editor of Cosmopolitan, said at least two proposed amendments were "major amendments" and if accepted would be "the beginning of the death rattle of the council".

In a show of hands the chairman's casting vote (13-12) decided that the amendments would be put to the vote.

A proposal that the constitution could be amended by a simple majority of members present at a meeting, instead of by a two-thirds majority of the members of council, was defeated.

Two other proposals were then put to the vote but failed to raise the two-thirds majority and Mr Vosloo and Prof S A Strauss then withdrew their other proposed amendments — Sapa



Mr Vosloo



Mr Tyson

'Witch-hunt danger' in monitoring Press

AKG 20/5/87

Staff Reporter

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THE Media Council has rejected a suggestion that it take the initiative in monitoring the Press for infringements of its code of conduct

The idea was discussed at a meeting of the council yesterday after it was raised in the report of the chairman, Mr Justice L de V van Winsen

Mr Harvey Tyson, editor of The Star, said if there was a trend in the Press of failing to maintain standards the council could act, but to set itself up as a witch-hunt would be dangerous.

Mr Justice van Winsen said criticism was sometimes heard about the failure of the council to keep an eye on newspapers for transgressions of the code

In terms of Section 1.9 of its constitution, the council is empowered to "inquire into and report on specific matters of public importance concerning the good conduct and repute of the media"

A strong bloc of council members pointed to the practical difficulties of the council monitoring specific infringements, although it was felt that it would be possible to monitor general transgressions

Mr Justice van Winsen said the motivation was that the protection of freedom was by adherence to standards.

The council decided that existing provisions of the constitution were adequate to regulate the media and that the "19 committee" should be disbanded

243
APONG TB/12
24/12

Newsman may have expected blasts'

JOHANNESBURG — Police are investigating the possibility that some of the 11 photographers taken in for questioning after yesterday's blasts at the Johannesburg Magistrate's Court were tipped off about the bombs before they went off, according to a spokesman.

The photographers, mostly foreign media representatives but including one from The Citizen, were taking photographs after the blast from the roof of a building opposite the Magistrate's Court. Police spotted them, rushed up to the roof and took them to John Vorster Square.

Police said the group had later been released
— Sapa

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W/Mail 15-21/5/87
7/5/87

Photographer wants his spools back

By CARMEL RICKARD

DURBAN freelance press photographer, Billy Paddock, launched a Supreme Court application this week to get back 13 spools of film from the police

The film was confiscated after he photographed two student protests last week.

In court papers, Paddock, who works for Reuters, said that on Wednesday he took pictures as about 60 protesters held a placard demonstration. When police arrived and arrested 40 people he was also told to get in to the van.

Later he was ordered to hand over his film, one spool of black-and-white and one of colour, and was then told to go.

The following day he photographed a march by hundreds of students along a road around the edge of the University of Natal, Durban, campus. The students were protesting against the police action the previous day.

Police sjambokked students and arrested 18, provoking strong condemnation by university officials.

He was then arrested and 11 rolls of film confiscated, including nine spools of unexposed film taken from his camera bag.

Paddock, who was held overnight with the students and released on R250 bail, said the police were not entitled to take his film, but they had ignored a letter by his attorneys demanding that it be returned.

This week it was agreed by both parties that the unexposed film would be returned immediately, but the issue of what is to happen to the rest will be argued next week.

Paddock's application — which is being sponsored by the South African Society of Journalists — could become a test case as it is likely to decide whether a recent Natal Supreme Court judgement is effective. This judgement declared invalid several emergency regulations, including the bar on photographing or reporting on police action.

held in custody.

Camp Tuis 22/5/87

Appeal dismissed

BLOEMFONTEIN. — The Appeal Court here has dismissed the appeals of the two Sebokeng men convicted of culpable homicide for the death of three-week-old Blair Gordon, who died when his mother's car was stoned in Sebokeng on October 12, 1984. Themba Alfred Lata and Piet Mntambo were convicted by Mr Acting Justice W J Human in the Transvaal Supreme Court on June 7, 1985.

Inkatha claim dismissed

DURBAN. — A R20 000 damages claim made by the secretary-general of Inkatha, Dr Oscar Dhlomo, against Natal Newspapers after a report published in the Sunday Tribune last year was dismissed yesterday in the Supreme Court here. Inkatha was ordered to pay legal costs. Dr Dhlomo said a story headlined, "Two killed as violence flares — Inkatha clash with conference delegates" was understood by readers to be defamatory to Inkatha.

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WPM 22-28/87

Tough press proposals shot down — for now

GAYE DAVIS, Cape Town

PROPOSALS to change the scope and operations of the Media Council — carrying far-reaching implications for the press in general and alternative newspapers in particular — were shot down this week.

But if it was a victory for those who opposed the move, it was a hollow one.

For what prevented the proposals being written into the constitution was that the necessary two-third majority vote by all 30 members of the council couldn't be reached.

The proposals to alter the constitution of the Media Council, which came from Nasionale Pers MD Ton Vosloo and Unisa professor of criminal and procedural law SAS Strauss, would have enabled the council to:

- Act as an intermediary between the press and government "to ensure the free flow of information".
- Investigate and report on the conduct of individual newspapers (which were not members of the council), as well as radio and TV.
- Investigate reporting which transgressed the council's code of conduct and "censure, reprimand or caution anyone found guilty of infringing it".
- Consider whether the "overall impression" of a series of reports on an issue was not "one-sided, misleading or false", even though the indi-

vidual reports were not.

Votes on the first of Vosloo's proposals, that the council act as a go-between, went 13-12 in favour but the amendment was rejected for want of a two-thirds majority. Saying it was "pointless" to continue, Vosloo withdrew the other proposals.

John Allen, national organiser of the South African Society of Journalists, commented "For 25 years, newspaper management's response to government pressures has been to feed the crocodile by making concessions, little by little. But recently, a number of editors and managers have been warning that there are probably no more concessions to be made."

"In a normally functioning, Western democracy, some of the changes suggested could be viewed as an attempt to make the council more responsive to individual members of the public. In a South Africa under a State of Emergency the changes that were proposed can be seen only as a mechanism which would increase the potential for the council to be used as an instrument to harass journalists and newspapers and turn them into timid practitioners of self-censorship."

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WJW 9/1 22-28/87

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A journalist's on trial. But 's the police under scrutiny

W/M 11 22-28/87
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By GAYE DAVIS

DEPUTY news editor of the *Cape Times* Tony Weaver, who appeared in the Cape Town Regional Court this week accused of publishing untrue information, may be joined in the dock by the people who brought the charges against him

If the allegations of three witnesses — that some of the men who died in a bloody Guguletu gun-battle with police last year were shot in cold blood — then the police "have actually committed murder", said state prosecutor Selwyn Schrock.

The state alleges that Weaver contravened Section 27 (B) of the Police Act by falsely stating in a BBC interview that some of the men were shot in cold blood and that police planted Russian-made weapons on their bodies

The weapons were planted, Weaver reported, so police could claim the men were African National Congress guerrillas.

Weaver has pleaded not guilty. He earlier had three similar charges against him, relating to *Cape Times* reports on the same incident, withdrawn

In terms of the Act, the onus is on him to prove he had "reasonable grounds" to believe the statements

Schrock made his comment while examining Weaver's colleague, Chris Bateman, a Zulu speaker who understands Xhosa and whose interviews with three men who claimed seeing the shootings formed part of Weaver's BBC interview

Bateman described arriving at the scene soon after the incident and interviewing three residents of a hostel overlooking the scene at an intersection

One witness said he saw police shoot a man in the head as he lay on the ground. Another said he had seen police shoot a man whose hands were raised in the air. A third witness said he saw police grab a man, take a pistol from his belt and knee him in the stomach before knocking him to the ground. Police in the distance had then shouted "Shoot him" after which three shots were fired at the man.

"The allegations made by these men are most serious," Schrock said. "In fact, if they are to be believed, the police have actually committed murder." Bateman agreed.

He also accepted Schrock's contention that there were sections of the black population "extremely ill-disposed towards the police", who would "want to reflect the police in a bad light".

Earlier, the court heard policemen describe how they set up an ambush after receiving information that a police transport vehicle, which crossed the intersection between 7 and 7.30 each morning, was to be attacked by people in a stolen mini-bus.

Major Dolf Odendaal told how a hand-grenade was thrown at a patrol van, drawing police fire in retaliation. After the shooting he saw one black man who had been fatally wounded, and another lying on the road on top of an AK47 and three magazines. A third lay nearby with a hand-grenade and yet another with a revolver.

He denied the incident was set up and that weapons had been planted

In their evidence, police officers described firing at armed men. One hurled a hand-grenade at a patrol van, another "reached for his belt" as if to draw a weapon, a third ran across the intersection firing an AK47, was felled and then "made a movement with his hands". Another man was running with an AK47. A fifth man shot at a police officer pursuing him, leading the policeman to fear for his life and fire two shots, one which "blew the man's face off".

Weaver has told the court that when a BBC reporter telephoned him on the day of the shooting he gave the police version of the incident as Bateman's contradictory witnesses' reports had yet to be checked.

However, he related this information in an update interview the next day as the *Cape Times* had deemed it fit to publish.

243 press

Editor fined for shaky story

THE editor of an Oudtshoorn community newspaper was this week convicted in the Mitchells Plain Regional Court of contravening the Police Act by publishing untrue statements concerning an incident in which two 11-year-old boys were shot dead by police

Humphrey Joseph, 30, of New Extension Bridgeton, Oudtshoorn, the editor of Saamstaan, was fined R100 (or 25 days), suspended for three years

The court heard that Joseph had written an article headlined "Children cruelly shot" based on the account of Norman Mooi, who had been a co-accused in the matter, but was discharged at the end of the State's case

Mooi said he had seen two children approach the house empty-handed and were shot by the police. He had seen a policeman emerge from the house with a container of petrol and later saw the container next to the body of one child

Mooi went to the newspaper office and told Joseph what he had seen. Constable Barend Cilliers said the police were moving WO Mngoma's possessions when some children had stoned the house

Two boys approached the front door and one sprinkled petrol on the carpet and while the other was about to strike a match, the police shot him. The other boy was shot running away

The police denied they had placed a container of petrol next to one of the bodies

The Magistrate, JD Beyers, said there was no doubt that there were untruths about police action published in the story - Sapa

Reporters tell of beatings in homeland cell

CALL TIMES 25/5/87 (258) (243)

JOHANNESBURG — A magistrate, a senior civil servant and three journalists from the Sunday Star were crowded into a cell at a KwaNdebele police station where they saw police assaulting other detainees with pick handles, according to a front-page report in the Sunday Star yesterday

The Star said its reporters saw at least seven detainees being assaulted by policemen

The report said victims were made to cling to metal bars while a policeman, wielding a pick handle with both hands, hit them across their buttocks

The three journalists have signed affidavits about the events and these have been handed to the office of the Commissioner of Police for KwaNdebele

A spokesman for the commissioner said the allegations would be investigated

"The KwaNdebele police appreciate the fact that the Sunday Star has brought these allegations to their attention

"We will investigate the allegations in full and if there is any truth in them, appropriate steps

will be taken," the spokesman said

During their three nights in the police station the journalists frequently heard screams and crying coming from the direction of the charge office

Some of the detainees could hardly walk after they had been assaulted in the charge office but they had to stand in the cell because it was built to hold only a third of their number

Mr Johannes Masombuka and another man were brought into the charge office early one morning and were draped over the table and beaten

The journalists were arrested, and locked up at Kwaggafontein in KwaNdebele about 160km north of Johannesburg

Senior police officers — the acting station commander, a lieutenant and a sergeant — were allegedly present during the assaults. They did not stop the beatings or restrain their subordinates, the report said

The reporters saw Mr Jabu Mbobani, who had been shot several times in the body and face, dragged into the charge office by four policemen who dumped him on the floor and left

him without medical attention for at least 15 minutes

A policeman stripped off his shirt to count the bullet wounds but nobody called an ambulance

In the cell, built for 12 but containing 36, only a few escaped beating

They included detained magistrate Mr A P Laka, the head of the civil service commission, Mr Guy Mthimunya, Chief Mbonani, Mr Piet Magoro, 67, the three Sunday Star journalists Jon Qwelane, Herbert Mabuza and Sam Mathe, and four others

□ The Weekly Mail reported that KwaNdebele's chief minister, Mr George Mahlangu, may face charges of abducting and torturing youths

The Transvaal Attorney General, Mr Don Brunette, said he was in possession of a docket containing allegations that Mr Mahlangu, together with the former KwaNdebele Minister of the Interior, Mr Piet Ntuli, kidnapped and assaulted youths during last year's "rebellion" against KwaNdebele taking independence — Staff Reporter and Sapa

TV men, Buerk and Sharpe back to UK

CNR TWA 25/5/87

243

Own Correspondent

JOHANNESBURG. — Journalists Michael Buerk and Peter Sharpe left South Africa at the weekend after the government had refused to renew their work permits.

Mr Buerk, correspondent for the BBC, left Jan Smuts Airport last night and Mr Sharpe, of International Television News, left on Friday.

Mr Buerk, describing the government's refusal to renew his work permit as an outright expulsion, linked the government action against him to the reporting of the recent police action against the protesting University of Cape Town students.

"The South African government has taken a major stand. It is not a stand against the BBC. But the whole exercise is specifically aimed

at punishing me personally because of my coverage of social conflict in this country," he said.

Asked whether it would be accurate to attribute his and Mr Sharpe's "expulsions" to widespread speculation of the anticipated post-election security clamp-down, he said he was not sure.

However, he endorsed the fact that the pre-elections "national security" was "very important" to the government and whites in South Africa.

He predicted a hard road ahead for both local and foreign journalists operating in this country.

On his arrival in London at the weekend, Mr Sharpe told Sapa-AP that he was expelled by the government for coverage of political un-

rest

"The South Africans regard it as a non-renewal of a work permit, but I think that's basically playing with words," Mr Sharpe told reporters at Heathrow Airport.

Mr Sharpe said he thought the Pretoria government was on a "collision course" with foreign correspondents over its restrictions on coverage of political unrest.

South Africa imposed censorship on unrest coverage 11 months ago and tightened the restrictions in December.

The Natal Supreme Court has twice declared key parts of the regulations unlawful, but Mr Sharpe said the issue had not yet been resolved.

"The correspondents have taken very careful legal advice that we can go ahead and

broadcast pictures of unrest," Mr Sharpe told an airport news conference. "The government maintains that we can't, so I can only see further trouble."

"It's really like running through a minefield at midnight with a blindfold on and your only point of contact is when a mine goes off and someone gets thrown out," Mr Sharpe said.

Mr Sharpe returned to Britain without his wife and two South African-born children, and said he would have to apply for a visa to visit them.

"The expulsion order . . . stripped me of a British citizen's right to visit South Africa without a visa," he said.

"South Africa was more than just a base — it was home," Sharpe said. "I'm very sad."

Workers Union - BBC

BBC TV journalist sad to leave SA

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243
26/1/87

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LONDON — The expelled British Broadcasting Corporation television correspondent, Mr Michael Buerk, flew home to London yesterday.

Mr Buerk, who spent four years covering South Africa for BBC television news, was expelled along with an Independent Television News correspondent, Mr Peter Sharpe.

"I am a lot more sad and emotional than I thought I would be," Mr Buerk said yesterday.

"I've left behind a lot of friends and four years is a long time out of your life. To have left under quite these circumstances is not the way I would have wanted to have left after four such eventful years."

The government of President P.W. Botha ordered the correspondents to leave when

their work permits expired.

Britain has protested to South Africa over what it regards as the unwarranted expulsion of the correspondents.

South Africa imposed censorship on unrest coverage 11 months ago and tightened the restrictions in December.

"We were left in a situation where a framework of law had been imposed upon us and we had to abide by that. We did abide by it and still fell foul," Mr Buerk said.

The editor of BBC television news, Mr Ron Neil, said he hoped to replace Mr Buerk in South Africa with Mr James Robbins.

"The South African authorities have made it clear that they'll look at any application and we've applied." — Sapa-AP

Little concern over curbs — editor

24/5/57

Dispatch Bureau 09

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LONDON — Lord William Deedes, a recent visitor to South Africa, says that most people in the Republic care very little about restrictions on the press

Lord Deedes, who is former editor of The Daily Telegraph, and now a columnist with that newspaper, wrote yesterday "No one I could find in South Africa, last year or this — among liberals, not Afrikaners — seemed to give a damn that South Africa's state of emergency had severely clipped the wings of the Press."

Lord Deedes added that journalists there complained unceasingly, but without attracting much sympathy

"What people cannot read, they do not greatly miss. Many simply take the view that a muffled Press leads to a quieter life and less intrusion," he said

Lord Deedes claims that recent experiences in South Africa have given him a touch of paranoia about the behaviour of newspapers

Media cleared over blast

JOHANNESBURG — The media have been cleared of allegations that newsmen were waiting at the scene of the Johannesburg Magistrate's Court blasts — and police are now investigating whether people seen photographing the killer explosions could have been linked to the bombers.

The claims against the Press were investigated and police found that professional journalists were not involved, Brigadier Leon Mellett, liaison officer to the Minister of Law and Order, said today.

However, police say unknown people with camera equipment were seen photographing the bomb scene before and during the blast from a high building overlooking the Bezuidenhout Street Court.

It was possible these people were in some way involved with the three suspects seen shortly before the blasts.

Pressmen were incensed after police announced shortly after the blasts they were investigating whether some of the 11 newsmen detained at the scene were not tipped off and waiting for the blasts. All 11 were released on the same day — Sapa.

†Indicates translated version
For oral reply
General Affairs

Commission of Inquiry into Certain Advertisements

*1 Mr D J DALLING asked the Minister of Justice

What was the total cost to the State of the Commission of Inquiry into Certain Advertisements?

†The MINISTER OF JUSTICE

The total costs up to date amount to R23 932,64. It does not include salaries of persons remunerated from public funds since they were not involved with the Commission on a full time basis

Agreement with Perskor

*2 Mr D J DALLING asked the Minister of Transport Affairs

(1) Whether any new agreements were entered into by the South African Airways with a publishing company to fly copies of a certain newspaper, particulars of which have been furnished to the South African Transport Services for the purpose of the Minister's reply, to coastal centres earlier this year, if so, (a) what is the name of the (i) publishing company and (ii) newspaper concerned and (b) what new agreements were concluded,

26/5/87 Howard

(2) whether the South African Airways was remunerated for performing the services agreed upon in terms of these agreements, if so, on what basis?

The DEPUTY MINISTER OF TRANSPORT AFFAIRS

- (1) Yes
 - (a) (i) Perskor Corporation (Pty) Ltd of South Africa

HoA

(ii) The Citizen

- (b) A trade agreement was entered into whereby the freight costs will be recovered by means of publication purchases from Perskor for inflight use
- (2) Yes Please refer to reply in respect of part (1) (b) of the question

Emergency regulations: detainees

*3 Mrs H SUZMAN asked the Minister of Law and Order

Whether, with reference to his reply to Question No 2, standing over, on 17 February 1987, he will now furnish statistics regarding persons detained under emergency regulations, if so, (a) what total number of persons had been detained under the emergency regulations since 12 June 1986 as at the latest specified date for which figures are available and (b) how many of these persons were under the age of 18 years?

†The MINISTER OF LAW AND ORDER

- No
- (a) A list of names of persons in terms of section 3 (4) of the Public Safety Act, 1953 (Act 3 of 1953) will be tabled in Parliament shortly
- (b) Falls away

Mrs H SUZMAN Mr Chairman, arising out of the hon the Minister's reply, would he tell us whether he is prepared, also in that list, to give us the number of persons detained for less than 30 days?

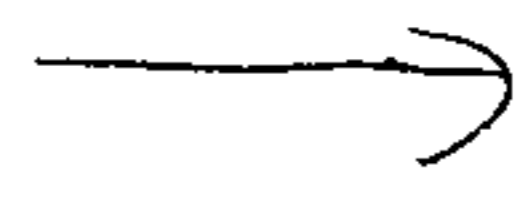
†The MINISTER Mr Chairman, the list which will be tabled will correspond exactly with the provisions of the Act made by Parliament I would like to give the hon member for Houghton the assurance that it will be done like that

Mrs H SUZMAN It will be totally inaccurate

Emergency regulations: detainees

*4 Mrs H SUZMAN asked the Minister of Law and Order

*Howard
26/5/87*



Police silent on newsmen's assault allegations

No information could be obtained by The Star this morning on what official action was being taken after allegations of police assaults on detainees at the Kwaggafontein Police Station in kwanDebele last week.

Two Sunday Star newsmen and a driver for the newspaper last week witnessed a number of people, including young boys and girls, being brutally and repeatedly beaten by policemen manning the police station.

The three were detained early on Wednesday while attempting to report on the commuting problems faced by kwan-

debele workers and were held for three days.

They afterwards signed affidavits which were handed to the office of the Commissioner of Police for kwanDebele

for investigation. At the time, a spokesman for the commissioner promised an investigation and that action would be taken if the charges proved truthful.

Mr Jon Qwelane, a se-

nior reporter, Mr Herbert Mabuza, a photographer, and driver Mr Sam Mathe were held with 31 other detainees in the police station.

In their affidavits they said they saw seven de-

tainees being beaten with pick handles, boys and girls being forced to do push-ups and whipped with sjamboks and at least 10 detainees being punched, kicked, slapped and elbowed.

5/15/87
20/15/87

977-71475 26/5/87

BBC TV reporter 'sad' at being *263* ~~263~~ kicked out of SA

LONDON. — BBC television correspondent Mr Michael Buerk, one of two British reporters recently expelled by the South African government, flew home to London yesterday, saying he was sad and emotional at being ousted.

Mr Buerk, who spent four years covering SA for BBC television news, was expelled along with ITN correspondent Mr Peter Sharpe. Mr Sharpe, who worked in SA for seven years, returned Saturday.

Mr Buerk said on his arrival at Heathrow Airport: "I am a lot more sad and emotional than I thought I would be.

"I've left behind many friends and four years is a long time out of your life. To have left under quite these circumstances is not the way I would have wanted to have left SA after four such eventful years."

Mr Buerk said about the censorship on unrest coverage: "We were left in a situation where a framework of law had been imposed on us and we had to abide by that. We did abide by it and still fell foul."

Mr Buerk, whose dramatic coverage of the Ethiopian famine helped spark the worldwide relief effort in 1985, was met at the airport by the editor of BBC television news, Mr Ron Neil.

He said: "It's sad that the method of expelling him didn't allow him to present his case.

"I was very disappointed, as we were not allowed to appeal."

Mr Neil said he hoped to replace Mr Buerk in South Africa with reporter James Robbins.

— Sapa-AP

Spectacular turnaround from TML

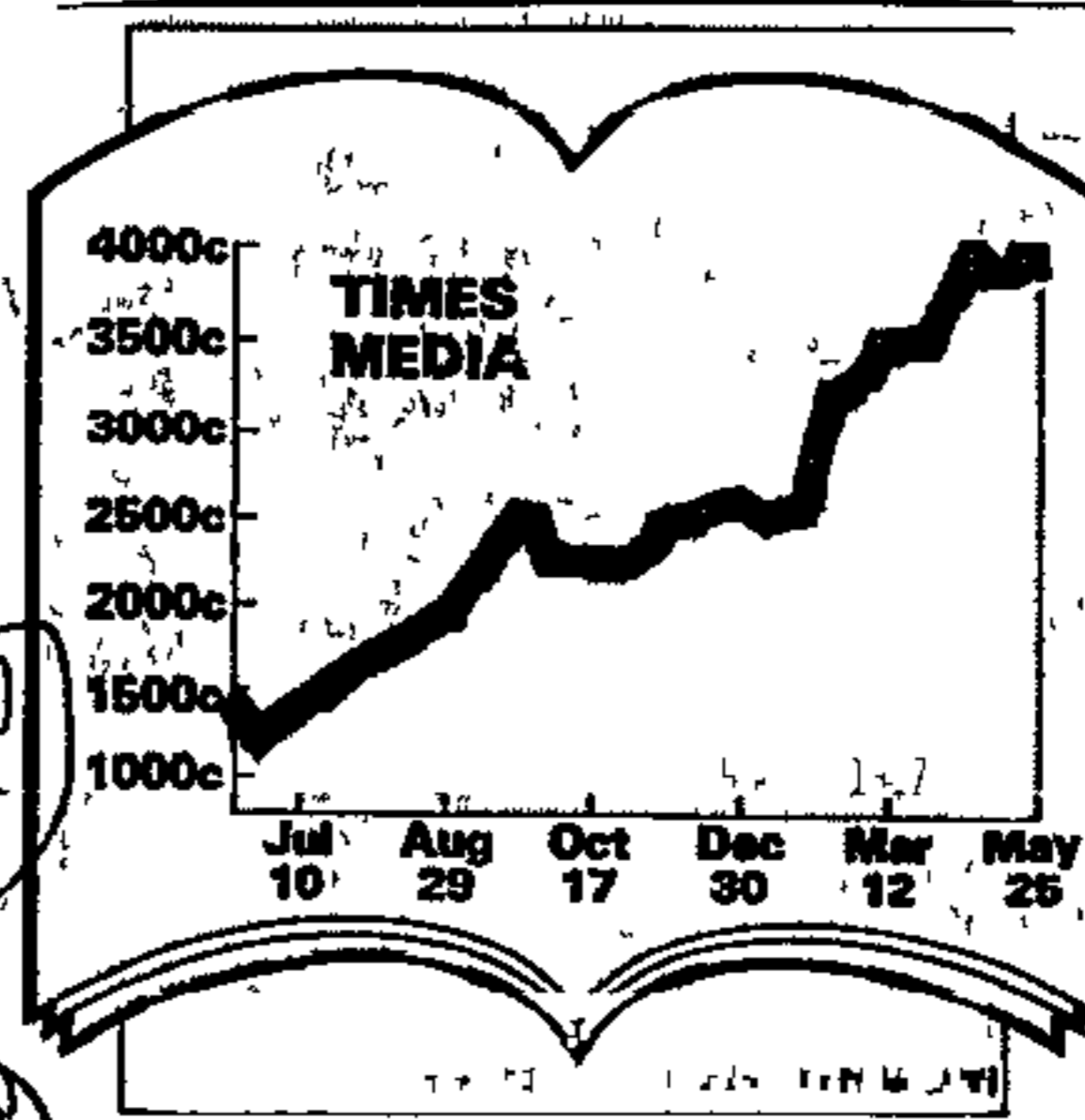
GERALD PROSALENDIS
and HAROLD FRIDJHON

TIMES Media Limited (TML) has staged a spectacular R30m turnaround in after-tax profits for the year to the end of March.

The company, known formerly as SA Associated Newspapers, which posted an after-tax loss of R19,4m for the 15 months to March 1986, recovered to an after-tax profit of R10m for the year ended March 31.

● See Comment Page 6

MD Stephen Mulholland says. "The turnaround was the result of the combined effort of the shareholders, rationalisation with the Argus company and our own people. TML has done a remarkable job in generating higher revenues at higher margins and implementing a more disciplined pricing strategy".
The dividend, passed last year, is 100c



from earnings of 501c a share, compared with a previously reported loss of 967c a share. This dividend is covered five times.

"The objective is for dividend payments to increase steadily, and we do not want to be restrained when the present tax loss has been utilised," says Mulholland.

Financial director Lawrence Clark says: "We have taken the view that profits have been earned without paying tax, which is an historic situation. Our dividend cover would have been 2,5 times if we had paid tax this year. We believe we have taken a prudent view."

The assessed loss at the end of the 1986 financial year amounted to R40m, and

● To Page 2



Spectacular turnaround by TML

stood at R30m at the end of 1987 financial year

"It is likely that the assessed loss will ensure that the company does not pay tax for the next two years," says Clark

The company's debt has been reduced to R3,4m from R42,9m the previous year. Cash flow improved substantially in the second half of the financial year when R30m of debt was repaid. In the interim report TML reported borrowing of R33m

After extraordinary items, TML's turnaround is even more impressive. From a net loss of R21,3m the profit is just less than R13m. The dividend absorbed R2m, leaving a retained income of just less than R11m.

Capital employed declined from R54,5m to R25,8m as a result of the repayment of borrowing amounting to R39,5m. Shareholders' funds, on the other hand, have almost doubled to R22,4m

Contributing to the reduction in debt was the sale of Ferag inserting equipment which realised R8m, sale of the Burg Street building in Cape Town, R2,7m, sale of the Johannesburg Main Street building, R4,6m, sale of investments in Keartlands and Technical Publications each R1m — making for a total R17,3m. Against this an investment of R4m for the year in M-Net must be offset, says Clark

No more costs will be incurred on restructuring, as this is now complete, he adds

Mulholland says "The company is well positioned, with the massive spread of the Sunday Times on the one hand and the specialist nature of Business Day and Financial Mail on the other. The specialist publications can command a high cover price and good advertising rates because of the quality of their audience and their credibility in the market place"

Spectacular turnaround by TML

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Barlows boosts earnings a share by 31%

due to lower coal export receipts," said Clewlow

A 13% rise in turnover to R8,146bn (R7,182bn) failed to keep pace with inflation, but translated into a disproportionate 31% rise in attributable earnings to R217m (R166m). Clewlow put this down to "improved margins, lower average borrowings and interest rates and an average tax rate, which reduced from 42,6% to 40,2%"

The group trimmed its interest bill by R29m to R125m and achieved the 2,4% lower tax rate as a result of assessed loss.

However, a disturbing aspect is that

Barlows — whose turnover last year of R14,623bn accounted for 11% of 1988 gross national product — made no real contribution to unemployment statistics, reporting negligible additions to its 232 000-strong work force.

The balance sheet was strengthened, with gearing down 8% to 55%, and current ratios slightly improved, compared with the September year-end. The 1% rise in stock and debtors in the face of a 13% increase in turnover was due to tight asset management, said Clewlow.

He felt the results would boost general confidence in the economy.

Net income after taxation and transfer to contingency

ment

SAR 27/5/87

More media curbs?

ONCE AGAIN it seems the Government may be trying to soften up public opinion preparatory to further restricting the public's right to know, through yet harsher action against the media. This is the only conclusion to be drawn from statements on SABC-TV this week by the Minister of the Interior and of Communications, Mr Stoffel Botha.

Apparently out of the blue, the Minister reverted to a familiar theme — the alleged sins of the "alternative" Press. There was concern, he said, over the methods these publications were using "to exploit circumstances and turn them into grievances".

The tactic of trying to isolate these small and vulnerable papers has been seen be-

fore. The deal effectively offered last December was that mainstream papers would be exempted from new emergency restrictions if they stood aside and let the authorities have their way with the others, which are not members of the Newspaper Press Union. To its credit the NPU told the Government that any further curbs must apply to all the media.

If the Minister is now hinting at some similar offer the response should be the same. Hamstrung as it is from printing all the news, the Press has something more precious to lose — its credibility — if it bargains away part of its indivisible freedom or acquiesces in any way in helping to do the Government's dirty work.

Cape Times 27/5/87

Emergency regulations 'not valid'

Supreme Court Reporter

THE emergency regulations thrown out by the Natal Bench of the Supreme Court are not valid anywhere in the country, according to Professor Dennis Davis, of the UCT law faculty.

Prof Davis has also rejected the claim that the Natal Bench decision is effective only in Natal or that the Natal decision has been rendered ineffective by the fact that the State has lodged an appeal against it.

"That the State has lodged an appeal does not overturn the Natal judgment," he said yesterday.

"As far as the rest of the country is concerned, that decision is a ruling of the Supreme Court of South Africa. It is open to another division of the Supreme Court to contradict the decision or to the Appellate Division to overturn it, but until then that decision remains a declaration of the law."

Cape Times 27/5/87

Arrest of photographer not under valid laws

DURBAN — An application by a Durban freelance photographer, Mr William Paddock, was withdrawn by consent in the Supreme Court, Durban, yesterday, after both parties agreed that the regulation under which Mr Paddock was arrested and 13 of his films seized was invalid.

Mr Paddock was arrested on May 7 after photographing student protests at the University of Natal in Durban.

An urgent application was brought before court, asking that the Minister of Police be ordered to return the films, which Mr Paddock claimed did not contain pictures of police action in dispersing students.

Nine unexposed films were re-

turned to him following a court ruling on May 12.

Argument regarding the remaining four exposed films was to be heard at a later date, but fell away with the withdrawal of the application.

Yesterday Mr David Gordon, SC, (for Mr Paddock) requested leave to withdraw the application, saying the parties had settled their dispute after agreeing that Regulation 4 of the Media Regulations under which Mr Paddock was arrested and his films seized, was invalid.

Mr Justice Galgut granted leave to withdraw the application and ordered that the Minister of Law and Order pay costs of the first day's proceedings — Sapa

CAPE TOWN 20/5/87
'Release all
journalists'

JOHANNESBURG. A petition drawn up by the freelance chapel of the Southern African Society of Journalists is to be sent to the State President, Mr P W Botha, on the anniversary of the declaration of the current state of emergency on June 12.

The petition says: "We the undersigned, believing that a free press is essential for the maintenance of a free and just society, hereby call upon the SA government to unconditionally release all journalists currently in detention."

Several journalists, among them New Nation editor Mr Zwelakhe Sisulu, are known to be held without trial. — Sapa

Zimbabwean journalists released

HARARE — Police released two journalists here yesterday after a week's detention in connection with recent bombings blamed on South Africa, their lawyers said

A third journalist, a producer for the London-based Independent Television News, Mr Tim Leach, was still in jail but his lawyer said he expected him to be released soon

The freed men, the bureau chief for Worldwide Television News, Mr Tony Liddell, 36, and his soundman, Mr Paul Hughes, 33, said they did not want to make a statement until Mr Leach had

been released

Security police arrested Mr Liddell and Mr Hughes on May 22 Mr Leach was arrested the following day

It is alleged they were involved in two explosions against supposed targets of the African National Congress in Harare

Relatives, who were allowed to visit the detainees, said police questioned the men about two recent explosions in Harare, which the Zimbabwean Government has blamed on South Africa

A bomb exploded in an apartment on May 11, killing a Zimbabwean woman

DD 29/5/87.
Security officials said the bomb, which was concealed in a colour television set, was meant to kill the top ANC representative in Zimbabwe, Mr Reddy Muzimba

On May 17 an abortive rocket-propelled grenade attack against an ANC office in a Harare suburb only slightly damaged a wall surrounding the house Nobody was injured

Security police have refused to comment on their suspicions against the journalists, who are being held at Harare Central police station — Sapa-AP

PW talking to wrong leaders — Qoboza

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29/5/87

Dispatch Correspondent
JOHANNESBURG —
President P. W. Botha
has been warned to be
wary of the quality of
leaders his government
has shown are enthu-
siastic about negotia-
tion.

a clear understanding
that they are equal part-
ners, and set about
working for a common
purpose on the basis of
respect for each other."

He said any peace Mr
Botha hoped to find
would be "nothing but a
myth" if the ANC, PAC,
Mandela, Sisulu, Motho-
peng and others were
excluded.

"Like those coloureds
and Indians who,
against the wishes of the
majority of their people
opted for your tricame-
ral system, have earned
the scorn of the majority
of the communities in
which they live," Mr Qo-
boza said.

He would be wary of
those presently showing
enthusiasm for negotia-
tion with the govern-
ment, he said.

"Are these the people
to whom your govern-
ment is really entrusting
the future peace and
stability of this nation?
If they are, I can only
suggest that the path to
peace is definitely not
around the corner."

Mr Qoboza suggested
it was time for Mr Botha
to take a long look at his
government as the time
for "serious soul-search-
ing" had arrived.

"What disturbs me
most is your emphasis
on negotiating with
people who renounce vi-
olence. It disturbs me
because it seems it is
your government that
must take the lead in re-
nouncing violence," he
wrote.

Mr Qoboza said in his
letter to Mr Botha that,
as he wrote, Mr Botha's
security police were da-
ily detaining blacks
while "hundreds of chil-
dren" countrywide were
in prison without trial —
an act which in itself
was violent

PERCY QOBOZA

The editor of City
Press, Mr Percy Qoboza,
said in an open letter in
reply to the President's
recent advertorial ad-
dressed to blacks that
he saw no commitment
from Mr Botha's officials
to a non-violent philos-
ophy.

Mr Botha's advertise-
ments called on blacks
to come forward to nego-
tiate a future for SA
with the government.

Mr Qoboza asked what
it was Mr Botha wanted
to negotiate and with
whom.

"There seems to be
nobody around with
whom to negotiate. Our
leaders are in jail. Just
the other day Walter Si-
sulu celebrated his 75th
birthday — in prison.
There is still no evi-
dence of compassion
coming from your gov-
ernment. Nelson Man-
dela is also still in
prison," Mr Qoboza
wrote.

"Successful negotia-
tion can only come
about if both sides have

243 SPM 29/5/87

Court ruling invalidating Press curbs is still in force, claims SASJ

DURBAN — The National Council of the Southern African Society of Journalists believes the recent "Paddock" case in the Durban Supreme Court proves that the Pietermaritzburg Supreme Court ruling on April 24, invalidating important emergency Press curbs, remains in force, an SASJ spokesman said in Durban last night

"The State noted that it intended applying for leave to appeal against the judgment in the Maritzburg case and some opinion has been that this meant the judgment was not enforceable," said Mr Stuart Flitton, the SASJ's Natal (Durban) vice-president.

"This week some clarity on this issue was obtained in an application by freelance photographer, Mr Billy Paddock, sponsored by the SASJ before a Durban judge, to have the police return to him film which they confiscated during an alleged illegal gathering earlier this month"

Mr Paddock's advocate, Mr Douglas Gordon, SC, said in withdrawing his client's application that both parties agreed that the crucial issue in the case had fallen away because, in light of the Maritzburg judgment, media regulations under which the film was confiscated, no longer applied

Mr Flitton said although the upholding of the Maritzburg judgment was not made an order of the Durban court, legal opinion was that the move was significant

It showed that at the very least, the State's lawyers were not prepared to go to court to contest the validity of the judgment before the appeal was heard, he said

"The SASJ National Council believes this means journalists and newspapers, certainly in Natal and possibly in the rest of the country should seriously consider acting on the basis of the Maritzburg judgment," he said. — Sapa

Jailed TV man told he knew of SA raids

243
574
30/5/87

HARARE — Detained British TV journalist Tim Leach (34) has been told he is in jail because he was involved in South African attacks on Zimbabwe, Zambia and Botswana, legal sources said yesterday.

Mr Leach, of Britain's Independent Television News (ITN), was arrested last Saturday and has been held in an Harare police station since.

Sources said he was served with an order on Thursday night explaining his detention — required by law for anyone held more than a week under Zimbabwe's emergency regulations.

The order said Leach was considered a threat to the government because he concealed prior knowledge of an April 25 raid by South African commandos on the Zambian town of Livingstone in which five people were killed.

A copy of the document, seen by Reuters, added: "It is also now considered that you concealed your prior knowledge of the South African attacks in Botswana, Zambia and Zimbabwe during 1986 and the most recent attacks in Zimbabwe on May 11 and 17.

"It is felt you were directly or indirectly involved in all the attacks mentioned above."

Detainees can be held under Zimbabwe's Maintenance of Law and Order regulations for up to 30 days before their cases are referred to a court.

On May 19 last year South African forces struck at targets in Harare, Gaborone and Lusaka which, Pretoria said, were used by the ANC.

A bomb blast in Harare on May 11 killed a woman married to a South African refugee.

On May 17 there was a rocket attack against a house used as an ANC office. No one was hurt.

The order served on Mr Leach said: "Your continued detention is necessary while the investigations are being finalised."

RELEASED

Two other TV newsmen, Tony Laddell and Paul Hughes of the British-based Worldwidä TV News, were released last night after being held for a week and questioned about Mr Leach's movements.

Mr Leach, in Lusaka on April 25, flew to Livingstone the same day in a chartered aircraft accompanied by ANC information officer Tom Sebina — Reuter

CMLC Trial 30/5/87

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~~244~~

Police, newsmen to be charged with bribery

PRETORIA — Three employees of the Afrikaans newspaper Beeld and four police constables will appear next week before a Regional magistrate here on at least 70 charges of bribery

A police spokesman confirmed that the newspapermen — all of them attached to Beeld's Pretoria office — and policemen had been questioned and summonsed to appear in Pretoria Regional Court on Wednesday

It is alleged the newspaper issued cheques in favour of the policemen for "information passed on and services rendered" to certain of its reporters

The journalists and constables are to face at least 14 charges of bribery each

It is reliably understood that an option to pay admission-of-guilt fines was turned down — Sapa

Cape Times 30/5/82

Mwasa settles wage dispute Allied

THE Media Workers' Association of South Africa's Cape Town branch has opted to settle its wage dispute with Allied Publishing Limited, Allied's managing director, Mr J C Mould, said yesterday.

He said settlement was finally reached this week after earlier attempts at mediation failed.

In spite of numerous attempts, Mwasa spokesmen could not be reached for comment last night.

A dispute was declared between Mwasa and Allied on May 12 after four weeks of wage negotiations.

Mwasa initially demanded a 25% across-the-board increase and rejected Allied's offer of an increase of R32 a week for street vendors — which would have taken their wages from R60 to R92 a week with a further increase of R8 a week from October 1 this year.

Allied employees in Cape Town have accepted the package which also includes a reduction in working hours from 46 to 44 hours a week; and a minimum wage of R110 a week for workers other than newspaper vendors, said Mr Mould, adding that the new agreement was backdated to the beginning of April.

Newsman, & police on bribery charges

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11/6/87

■ PRETORIA — Three employees of the Afrikaans newspaper, Beeld, and four police constables will appear before a Pretoria Regional Magistrate on at least 70 charges of bribery

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The journalists and police are to face at least 14 charges of bribery each

It is reliably understood that an opportunity to pay admission of guilt fines was turned down. — Sapa

Journalist said to be involved in SA raids

HARARE — Police detaining British journalist Tim Leach say they believe he was involved in South African raids against Zimbabwe and neighbouring states in the past year, friends said yesterday.

Leach (34), a producer for the London-based Worldwide Television News, was taken from his home in Harare on May 24.

Two other British journalists detained on May 23 and held with Leach, bureau chief Tony Liddell (36) and soundman Paul Hughes (33) of Independent Television News of London, were freed on Thursday without hearing reasons for their detention. They said they would not make a statement while Leach was in jail.

The reasons police gave Leach for holding him are

- "You are a threat to the government and people of Zimbabwe in that you concealed your prior knowledge of the April 1987 Zambian raid by the South Africans (from) the Zimbabwean authorities

- "It is now also considered that you concealed your prior knowledge of the South African attacks in Botswana, Zambia and Zimbabwe during 1986 and the recent attacks in Zimbabwe on May 11 and 17

- "It is felt that you were directly or indirectly involved in all the attacks mentioned."

South Africa was accused by Zimbabwe for last month's incidents in Harare where a bomb blast on May 11 killed a Zimbabwean woman. A rocket/grenade on May 17 exploded at the headquarters in a residential area of the African National Congress.

DENIED CHARGES

South Africa has denied the charges but has admitted previous raids.

Leach has been allowed visitors between periods of interrogation.

One friend said yesterday when Leach received the reasons for his detention on May 28 he could not believe the police were serious.

"However, especially now that his colleagues are no longer with him, he is dismayed by the allegations against him."

A spokesman for the British High Commission said on Friday: "We have kept our approaches over Leach informal, hoping the problem would be resolved, but obviously if he is not released we will have to consider taking the matter higher."

Leach's lawyer, Mr Anthony Eastwood, said he had confirmed to the police his client knew in advance of the April raid on the Zambian town of Livingstone.

Mr Eastwood said he had pointed out the international Press had reported that South Africa had telexed neighbouring states, warning them of the consequences of "colluding with terrorists," evidently referring to the ANC.

This had been widely interpreted as a warning of impending attacks, he said.

Leach, who had been ordered to Lusaka by WTN as part of its regional coverage, was in Lusaka when the raid occurred, Mr Eastwood said.

"I have told all this to the police and so has my client," Mr Eastwood added. — Sapa-AP

valued at R2 200 in Paarl on May 11, 1964

C/M TMS 3/10/64
Ilanga editor named *243* *(108)*

DURBAN — Mr T G Mthembu has been appointed editor of the Natal Zulu newspaper Ilanga. He was formerly acting editor. This was announced yesterday by Dr Oscar Dhlomo, chairman of Mandla Matla (Pty) Ltd, which recently bought Ilanga from Natal Newspapers (Pty) Ltd

243 5770 4/6/87

Policemen accused of cover-up

By Dirk Nel,
Northern Transvaal Bureau

POTGIETERSRUS — Lebowa policemen were accused during an inquest yesterday of fabricating stories to cover up their brutality on April 4 last year at the Mokopane police station near Potgietersrus when journalist Mr Lucky Kutumela died in detention.

Mr E Moseneke, representing the deceased's family, in cross-examining seven policemen this week, has maintained that contradictions in their evidence indicate they are lying.

Sergeant R Manganye, who said he was present when five men were arrested at a shebeen in Mahwelereng township on April 4, told the court the detainees were sjambokked because they resisted efforts to lock them in the police cells.

He said he was later told that Mr Kutumela, one of the detainees, had died.

He denied an earlier claim by another police witness that he had told a superior at the charge office "They are beating those men to death".

Sergeant Manganye said the sjambokking lasted about three minutes, and had stopped when he spoke to the officer.

Asked if it was possible to inflict 41 marks on a man's body in three minutes, he replied: "Yes, that's quite possible"

The hearing continues.

Police release Harare newsman

HARARE — Zimbabwe police signed release papers yesterday to free a British television producer from 12 days in detention for alleged links to South African raids on neighbouring black-ruled states, lawyers for the Briton said.

Mr Tim Leach, 34, a Zimbabwe producer for the British-based worldwide television news, was expected to be freed from Harare's central police station cells immediately.

Police detained Mr Leach on May 23 under emergency regulations that empower authorities to hold suspects indefinitely.

Independent Television News (ITN) said they would fly a British lawyer to Harare today to represent Mr Leach.

ITN's deputy managing editor, Mr Peter Cole, who flew to Harare on Saturday to discuss Mr Leach's detention with government security officials, said "ITN is flying in a top lawyer to handle this because it has gone on for too long. The indications to me are that they (the allegations against Mr Leach) are unsubstantiated."

Asked whether his organisation was not satisfied with Mr Leach's local lawyer, Mr Anthony Eastwood, he said "I am more than satisfied with the way he has handled the case."

Mr Cole said he had met the Deputy Commissioner of Police, Mr Douglas Chingoka, and the British High Commission in Harare was assisting in trying to resolve the matter.

In written reasons for Mr Leach's detention police said. "You are a threat to the government and people of Zimbabwe in that you concealed your prior knowledge of the April 1987 raid by the South Africans from the Zimbabwean authorities."

The police were referring to the South African attack on alleged African National Congress (ANC) targets in the Zambian town, Livingstone.

"It is also now considered that you concealed your prior knowledge of the South African attacks in Botswana, Zambia and Zimbabwe during 1986 and the most recent attacks in Zimbabwe on May 11 and 17" — Sapa-AP

Journalists questioned over unrest report

By CHRIS BATEMAN
POLICE yesterday questioned the news editor and crime reporter of the Natal Witness in connection with a report that 10 youths were killed and seven injured in violence in Imbali

township after a UDF funeral on Saturday

The newspaper quoted residents of the Maritzburg township as saying two vehicles and six men cornered a large group of unarmed, chanting youths after the funeral

of UDF youth leader Mbongeni Majola, 18. Shots were fired by the older men and several youths stabbed

Yesterday police headquarters in Pretoria issued a statement saying only one person had died

The news editor of the Natal Witness, Mr John Davis, said affidavits had been obtained by church organizations from two witnesses to the violence

The Divisional Criminal Investigations Chief for Natal Inland, Brigadier C P Marx, had interviewed him and crime reporter Miss Lesley van Duffelen at police headquarters in Maritzburg. They had told Brigadier Marx the witnesses had asked that their names not be divulged and that the newspaper was standing by the story



REPUBLIC OF HOUT BAY

STATE "LOTTERY" Competition

The closing date for entries in the State "Lottery" has been extended to Saturday June 6 at 17h00. All qualifying entrants must present their passports before that time to the Secretary of the Hout Bay Yacht Club who will record their names, addresses and passport numbers.

A draw will be made that weekend and the winner will be notified in writing.

The prize, courtesy of Protea Hotels and Inns and Avis Rent a Car, is seven days shared accommodation including breakfast for two at the San Lameer Hotel on the South Coast and the use of a BMW 525E. Winners will be responsible for their own travel arrangements to and from Durban.

(cso08090)

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3 journalists confirm pleas of not guilty

By DEBBIE BOOYSEN
Court Reporter

THE editor of the Eastern Province Herald and two reporters confirmed their pleas of not guilty to contravening the Police Act when they appeared in the Port Elizabeth Regional Court today

Before Mr G Steyn, president of the Regional Court, were Mr J C Viviers, Editor-in-Chief of the Eastern Province Herald, Evening Post and Weekend Post, Miss Jo-Ann Bekker, a former reporter for the Herald, and Miss Debbie March, a reporter for the Herald and the Post

All three pleaded not guilty at a previous hearing in the Cradock Magistrate's Court on March 31 this year

The case arises from a report in the Herald on February 4, 1985, in relation to actions by the SA Police in a Cradock township

The accused are alleged to have published the following statements without reasonable grounds for believing them to be true

- That police had fired teargas into a church building while a service was in progress

- That policemen trav-

elling in a hippo had thrown stones at a house, and/or that such an allegation was reported to a Lieutenant Gouws at the Cradock police station, and/or that he had told police in the room not to throw stones

- That the Rev R M Obose had arrived at the police station and said teargas had been fired into his church

- That Mr Richard Rasmeni told the Herald that chaos had erupted when one teargas canister was fired into the kitchen door of the manse

Mr W Trengrove, for the defence, said the basis of the accused's defence

was

- That Miss March would deny publishing any of the matter complained of

- That all three accused would deny that the charge sheet correctly reflects the statements complained of as they appeared in the article

The substance of this denial was that the allegations against the accused were made as if they were published as established facts. The article would show, Mr Trengrove said, that the allegations were published as claims made by people mentioned.

The accused would sub-

mit that the matter complained of was not untrue and that it was true in two senses of the word. This was, firstly, that as far as the reporters' claims made by identified sources were concerned, the report was true in so far as those sources had indeed made those claims, and, secondly, that the claims by identified sources were, in fact, substantially true

Lastly, it would be contended that the accused had reasonable grounds for believing that the statements were true

At the start of the trial, a copy of the article, headlined "Two dead after Cradock violence"

and carrying the two reporters' bylines, was handed in as an exhibit

By consent of the State and defence, the court was informed that it was common cause that Miss Bekker had been the author of the original text. Changes were later made to the article and it did not necessarily appear in the newspaper as she had written it. Miss March's involvement went only so far as contacting the police liaison officer, obtaining comment and conveying this to Miss Bekker

(Proceeding)

Mr H van der Walt acted for the State. Mr Trengrove was instructed by Mr D Dison of Bell, Dewar and Hall.

12/9/61

What is Press freedom?

The forced departure of several foreign newsmen from South Africa recently has again brought debate over that elusive concept — Press freedom.

If only we knew what it meant; if only there were a fixed model with which we could compare and measure the degree of Press freedom in South Africa or Zimbabwe or Britain or the United States or Russia.

Should the model of Press freedom be determined by the liberal democracies, totalitarian regimes, the Third World, Unesco or the editors, proprietors, advertising managers? Who is the ultimate authority?

Not all those concerned with mass communications accept Unesco's New World Information Order which, inter alia, stresses the need to control and curb Western "cultural imperialism" — the overwhelming flood of news that pours through international Press agencies to the Third World, nor does a large slice of the world want the rest to know what is going on in their territories.

Each standpoint calls on "Press freedom" as an argument. One agitates for a free global flow of information — usually in practice a dominant one-way input of news to the Third World.

The other sees "Press freedom" as defined by an authoritarian government — the need to ensure that only news that is favourable to the regime

is circulated abroad, that journalists are conscious of their responsibilities in this regard.

Press freedom can be interpreted either as a form of licence or a form of censorship. Thus foreign television newsmen are sent home for giving an unfavourable picture of events in South Africa; newsmen are summarily deported from Zimbabwe, Zambia and Malawi for the same reason — but from different perspectives.

It has been accepted in the West that journalists living and working in Africa are of a necessity limited in their reporting whether they operate under a state of emergency or not. In most African countries their duties are defined, if not specifically, at least in broad principle, by the authorities.

Usually the authorities own or indirectly control the media — unlike in South Africa where private groups own the means of mass communications but still labour under extensive government controls over the Press.

Nevertheless, some degree of Press freedom exists in South Africa if only through legal protest. If Press freedom — basically the right to publish within the law — is measurable on a scale of 10, South Africa enjoys — or

This elusive concept can be interpreted either as a form of licence or a form of censorship, writes university lecturer Dr Alan A Cooper.

suffers — a measurement of say, 4, Zimbabwe, Malawi and other states (except Botswana) to the north of South Africa a miserable 0 — that is, of course, as measured by Western journalists.

But "Press freedom" is seen otherwise in those countries. It is seen as a duty of local journalists to report favourably. They must be responsible supporters of the regime. Not unnaturally they have evolved a different concept of Press freedom — different to the Western liberal democratic approach. It is perhaps a rationalisation of their difficult role.

In a recent survey by the writer, this Third World concept of Press freedom emerged strongly. The head of the Government-run Ziana news agency in Zimbabwe, Mr R Munyuku, told me "The concept of Western Press freedom is out of touch with

reality. All foreign news comes in through the national news agency. It is subbed, checked and despatched to clients."

Mr R Sipya, head of the Zimbabwe Government Information Department, said "It is government policy that the Press should be free, but we need a responsible Press." Foreign correspondents "should understand Zimbabwe as Zimbabwe and not as the West".

The editor of a national newspaper in Harare told me "Journalists in Zimbabwe must be 'sensitized' and 'conscientized' to their duties in a socialist state while foreign newsmen must get rid of their paternalistic ideas". His views were repeated by other editors.

All the five major newspapers in Zimbabwe are owned by Zimbabwe Newspapers which is controlled by

the Government-directed Mass Media Trust.

A different view came from Mr C Wilson of the *Financial Gazette* in Harare, who edits what he claims is the only independent newspaper in Zimbabwe. He is a vociferous supporter of Western Press freedom.

"Without Press freedom there can be no true information for the ordinary citizen and therefore no public debate on a Government's actions. Without this there is not only no possibility of change but no freedom."

But he admits the practice is different from the principle in editing a newspaper in Zimbabwe.

Malawi has one daily newspaper, *Daily Times* and the weekly *Malawi News*, both owned by the Blantyre Printing and Publishing Co. It is understood President Banda has a large financial interest in the company.

Mr S Gardner, joint publications manager of the company, said there was little interference by the Government in reporting but no criticism of the President or the Government was tolerated. He was very outspoken about Western Press "freedom".

Not acceptable

"I am not directed to do anything by the Government. If I operated like the Fleet Street gutter Press, I'd expect controls. This sort of journalism is not acceptable to the Third World."

Mr Bright Ng'ombe, editor of *Mont*, the largest selling magazine in Malawi, said "The developing countries have developed or evolved their own concept of freedom. Only those who have had a taste of Western freedom have agitated against the kind of freedom in developing countries." Foreign news agencies "should encourage their correspondents to pay attention to more positive rather than negative aspects of news".

All incoming foreign news is screened by the Government-run Malawi news agency.

South Africa is said to be both within the First and the Third World. Perhaps the concept of Western Press freedom is becoming irrelevant in this country as Third World authoritarianism looms larger.

● The writer lectures on the media.

News in Brief

9/10/87 (243) ~~10/7~~
News editor subpoenaed

MARITZBURG — The news editor of the Natal Witness, Mr John Davies, has been subpoenaed under Section 205 of the Criminal Code, following a report in the newspaper last week that 10 children had been slain in Imbal township. The SAP's public relations division issued a statement saying that as a result of the report a murder docket had been opened and the allegations were being investigated.

Police fired teargas into churchyard

Cape Times 9/6/85 (709) (243) (380)

Own Correspondent

PORT ELIZABETH — A Cradock police officer yesterday described events which led to the firing of teargas into the grounds of a church in Lingelihle township on February 3, 1985

Captain Hans Jurgens Gouws, the district officer for Cradock, who held the rank of lieutenant and who was in command of unrest-related matters at the time, gave evidence in the Regional Court yesterday at the trial of three journalists appearing on a charge under the Police Act

The editor-in-chief of the EP Herald, Evening Post and Weekend Post, Mr J C Viviers, and reporters Miss Jo-Ann Bekker and Miss Debbie March confirmed their pleas of not guilty

The trial, which began in Cradock Magistrate's Court in March, resumed here yesterday before the president of the Regional Court, Mr G Steyn

Capt Gouws said that on the weekend at issue a police constable had been found murdered

He had received information which resulted in a search for Mr Madola Jacobs, an 18-year-old youth

On the way he had met the chairman of the Cradock Residents' Association, Mr Matthew Goniwe, near the church and had asked them if they knew where Mr Jacobs was

Mr Goniwe had left and about five minutes later brought Mr Jacobs to him, Capt Gouws said

He had arrested Mr Jacobs

A crowd had begun forming opposite the church and had started jeering and throwing stones

He had fired three shots from a teargas rifle into the air to fall into the crowd. He had not fired at the crowd because he did not want the teargas canisters to hit anyone, Capt Gouws

"I could see where they fell and unfortunately they fell inside the church premises," Capt Gouws said

Later at the police station he received news that large-scale rioting had broken out and returned to the township to assist the police, who were now out in full force

Before he returned to the station with Mr Jacobs no policemen, in his presence, had thrown stones at houses. He also had not heard of anyone laying a charge to this effect against the police that day, he said

On the Monday he was surprised to read in the newspaper that teargas had been fired into the church

He said he then visited the minister, the Rev R M Obose, who showed him where the teargas canisters had ignited. He said no one had alleged to him that teargas had been fired into the door

In response to a question by Mr W Trengove for the defence, Capt Gouws denied that he had simply fired the teargas "vir kwaadgeld" (mischievously) and said he always tried to act reasonably — "to which many blacks could testify"

An elder of the NG Kerk in Africa, Mr Richard Rasmeni, gave evidence that parishioners attending a communion service had fled from the building when they began smelling teargas

Mr Rasmeni said he and others saw a teargas canister that had fallen near a vehicle standing behind the church and they went out to try to remove it, fearing that it would set the vehicle on fire

The next canister fell below the steps leading to the manse's kitchen door

That evening he was telephoned by a woman from the Eastern Province Herald. She had asked about events at the church that day and he had told her that people had rushed from a communion service after teargas canisters had been fired and teargas had begun entering the church, Mr Rasmeni said

243 (circled) ~~SEP~~ STAR 9/6/87

Lebowa police blamed for reporter's death

By Dirk Nel,
Northern Transvaal Bureau

POTGIETERSRUS — An inquest magistrate ruled yesterday that 10 Lebowa policemen were responsible for the death in detention of journalist Lucky Kutumela on April 5 last year

Mr M B Mabusa announced his findings just 10 minutes after the end of the inquest, which aroused great public interest

The hearing was held in a packed courtroom at Mahwelereng township, and at one stage Mr J A Wessels, representing the policemen, appealed to the magistrate to tell the crowd in the public gallery that "this is a court of law, not a circus"

Assaulted with sjamboks

In finding Constables Rampedi, Lebese, Mphahlele, Modiba, Ledwaba and Mabukachaba, Lieutenant Molungwane, and Sergeants Machete, Seunane and Seete guilty of actions and omissions which led to Mr Kutumela's death, the magistrate said the actual cause of death was, in his opinion, an open matter. He indicated that his findings would be passed on to the Attorney-General

According to evidence before the court, Mr Kutumela and six other men were arrested on April 4 1986 at a house in Mahwelereng. Police allegedly assaulted them with sjamboks

The assaults occurred because the men resisted being taken to the cells, several policemen

testified

Two of the detainees, Mr K Kekana and Mr D Thobojane, said police hit and kicked Mr Kutumela during a general round of assaults at the Mokopane police station. They said they were in the same cell as Mr Kutumela, who was in pain and had difficulty breathing before he died early the next morning

Their calls in the night for medical attention went unheeded, the witnesses told the court

Mr Thobojane said he lost the sight of his left eye as a result of the police assaults

Earlier a district surgeon, Dr J E Kruger, submitted a post-mortem report to the court which stated that the deceased sustained 41 sjambok marks on his body, a large number of hematoma injuries (bleeding under the skin), and severe injuries to his head

However, in declaring that Mr Kutumela died of multiple internal bleeding and cerebral concussion, Dr Kruger said a "vascular defect" had brought complications which hastened his death

Dr Kruger said people seldom died only from injuries such as those sustained by Mr Kutumela, and he did not regard them as terribly serious

When questioned by Mr E Moseneke, representing the deceased's family, Dr Kruger said swift medical attention could have saved Mr Kutumela's life

Mr Wessels questioned Mr Kekana about documents found in the house where the arrests were made. He said the documents promoted stayaways and the activities of Comrades

Journalist's death: Lebowa cops blamed

Sowetan 10/6/87 (243)

AN INQUEST magistrate ruled on Monday that 10 Lebowa policemen were responsible for the death in detention of journalist, Lucky Kutumela on April 5, last year.

Mr M B Mabusa announced his findings just 10 minutes after the end of the inquest which aroused great public interest.

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Assaults

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The assaults occurred because the men resisted being taken to the cells, several policemen testified.

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Herald reporter acquitted

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PORT ELIZABETH — Eastern Province Herald reporter Debbie March, charged with her editor and a former colleague under the Police Act, was acquitted by the Port Elizabeth Regional Court yesterday

March and former Herald reporter Jo-Ann Bekker were charged in their personal capacity and as servants or agents of SA Associated Newspapers

The editor-in-chief of the Herald, Evening Post and Weekend Post, J C Viviers, was charged as a representative of the company

The three were charged with contravening the Police Act after a Herald report on Monday, February 4, 1985, relating to actions by police in the Cradock township of Lingelihle

All three have pleaded not guilty.

They are alleged to have published statements without reasonable grounds for believing them to be true. — Sapa

Police Act Reporter is acquitted



PORT ELIZABETH — Eastern Province Herald reporter Miss Debbie March, charged with her editor and a former colleague under the Police Act, was acquitted by the regional court here yesterday

Miss March and former Herald reporter Miss Jo-Ann Bekker were charged in their personal capacities and as servants or agents of South African Associated Newspapers, and Mr J C Viviers, editor-in-chief of the Herald, Evening Post and Weekend Post, as representative of the company

They were charged with contravening the Police Act following the report in the Herald on Monday, February 4, 1985, relating to actions by the police in the Cradock township of Lingelihle

All three have pleaded not guilty

They are alleged to have published the following statements without reasonable grounds for believing them to be true

□ Police had fired a teargas cannister into a church building while a service was in progress

□ Policemen travelling in a Hippo had thrown stones at a house and/or

□ Such an allegation was reported to a Lieutenant Gouws at the Cradock police station and/or

□ He had told police in the room not to throw stones

□ The Rev R M Obose had arrived at the police station and said teargas had been fired into his church

□ Mr Richard Rasmien had told the Herald chaos had erupted when one teargas cannister was fired into the kitchen door of the manse

The magistrate, Mr G Steyn, said Miss March had simply been asked to contact the police for their comment

Where Miss Bekker was concerned, the issue was more complicated and the court could not grant her discharge at this stage, Mr Steyn said

The case continues today. — Sapa

Stringent censorship conditions retained **Loopholes closed** **by new regulations**

SMA
12/16/87.
243

The new state of emergency, which came into force by proclamation of the State President after midnight on Wednesday, reactivates the most stringent censorship conditions of the previous emergency and doubles the period of detention for which people may be held without a written order from the Minister of Law and Order

Sweeping powers for any member of the security forces to detain people indefinitely are still in effect, as are provisions which silence any debate on campaigns involving stayaways, consumer and rent boycotts

The new regulations, contained in five notices in Government Gazettes Extraordinary, were published yesterday

In addition to detention without trial, they make provision for individuals to be confined to their homes by order of the Commissioner of Police. Such "house arrests", normally provided for in terms of the Internal Security Act, have seldom been used in recent years

Retained and consolidated

The new regulations retain and consolidate most features of the previous restrictions. The indemnity from legal prosecution granted to the security forces for any action they might take in good faith to enforce the state of emergency remains

Closing of loopholes and notable changes in the regulations have occurred in three main areas

Media restrictions The expanded and revised Press curbs nullify the Natal Supreme Court ruling handed down in April and once more prohibit

- The presence of the Press at the scene of unrest
- The photographing of security force action and situations of political conflict, victims of political attacks and the aftermath of

rioting and bomb blasts

- Reporting on security force actions in situations defined as "unrest"

Special attention has been given to redefining some aspects of what constitutes a "subversive statement"

Prohibition of statements encouraging any participation or support of unlawful organisations is now specifically written into the regulations and a loophole concerning encouragement or incitement of illegal strikes has been closed

Reporting of the recent transport workers strike would now be subject to the "subversive statement" limitation although it was not at the time of the strike

Advertisements in which the campaigns or actions of any unlawful organisation are defended, praised or justified are ruled out. The controversial ANC advert of last year would probably fall into this category

Media lawyer Mr Paul Jenkins said the new regulations had attempted to remedy the successful arguments raised in the Natal Supreme Court decision by "defining the delegation of powers by the State President to the Commissioner of Police in more certain terms and deleting areas of vagueness from the definition of security action"

He added "Although the loophole which the Press has been exploiting for the past six weeks has been closed, the terms in which it has been done are not necessarily unassailable in law"

Detentions A new detention clause allows any member of the force to have a person detained for a period of up to 30 days without a written order being given by the Minister of Law and Order. Previously the limit was 14 days

The clause concerning visits to detainees has been deleted from the rules outlining their conditions of detention. Lawyers are examining the implications of this change

(243) 5/11/87 12/6/87.

Media Council finding in fire extinguisher case

The Media Council has found an article published by The Star relating to Shield Fire extinguishers in September last year was in the public interest while follow-up articles published on October 6 contravened the code of conduct.

Following an investigation into a complaint against The Star, a Media Council Committee came to the unanimous conclusion that a report "Common sense is best defence in a kitchen fire" which appeared on September 23 1986 was in the public interest, was correct and did not contravene the code of conduct.

It found a report "Know how to use domestic extinguisher" and three other headlines relating to the use of fire extinguishers published on October 6 1986 contravened article 22 and 24 of the code of conduct as the news was not presented in a balanced manner and was accordingly not fair and objective and when there was reason to doubt the correctness of part of the report there was a failure to verify the correctness thereof.

The committee stated that in particular it was not correct to imply that the Shield Fire Extinguisher was inferior because it had not been examined by the SA Bureau of Standards and did not bear the bureau's mark, nor was it correct to state that fire extinguishers which contained the substance BCF were lethal or should be banned from the kitchen, nor did the facts support the statement that the fire advice given by Shield was incorrect.

The committee ruled that the complaint of Shield Fire Appliances is accordingly upheld in part and the newspaper's contentions are rejected in part.

The Star is directed in terms of the provisions of article 10.1.3 of the constitution of the Media Council to publish this adjudication in full as soon as possible in as prominent a position as the article appearing on October 6 1986.

Reporter tells of 'stress' in unrest

CME Times 12/6/85
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PORT ELIZABETH — A former Eastern Province Herald reporter, Miss Jo-Ann Bekker, has told the Regional Court here of the stress in gathering unrest reports properly and various attempts to intimidate her such as having her tyres slashed and receiving "hate mail"

Miss Bekker, 26, is accused with Mr J C Viviers, editor-in-chief of the Herald, Evening Post and Weekend Post, of contravening Section 27 (b) of the Police Act following a report in the Herald in February 1985

Giving evidence after the State had closed its case, Miss Bekker said she had been prevented from getting police comment on her stories in early 1985

At the time, reports involving unrest or police action were checked through Colonel Gerrie van Rooyen, police liaison officer in the Eastern Cape

He had declined to speak to her and had instructed those who stood in for him not to speak to her

In his evidence, Mr Viviers said the risk of prosecution under Section 27 (b) of the Police Act became particularly pertinent with the situation of endemic unrest during 1984 and 1985

Special care was taken with articles concerning police action, not only because of the risks under Section 27 (b), but also because of the newspaper's standards of fairness and equitability and the constraints of the Media Council's code of conduct. — Sapa

Policeman tells court: I know of no press 'deal'

By MIKE LOEWE

THE SA Police press liaison officer for the Eastern Cape denied in court this week any knowledge of an agreement between the Newspaper Press Union and the SAP allowing publication of allegations of police misconduct.

Only after a brief court adjournment so that liaison officer Captain Peet Grobelaar could consult his superiors in Pretoria, did he concede the existence of such an undertaking.

Grobelaar was testifying in the trial of three journalists charged with violating Section 27B of the Police Act, which places the onus on journalists to prove any statement or allegation made about the police is true.

On trial in connection with a 1985 story are JC Viviers, editor of the *Eastern Province Herald*, reporter Debbie March and Jo-Ann Bekker, former *EP Herald* reporter, now a *Weekly Mail* journalist.

At issue during Grobelaar's testimony was the existence of the police/press agreement, described by the prosecutor as a "gentlemen's agreement", which allows publication of information critical of police on condition police are afforded "ample and fair opportunity" to comment.

The court heard from the defence that a working agreement had been struck up over the past three years between the police and the NPU.

Further evidence indicated the agreement originated after a discussion in 1981 with the then-minister of police, Louis le Grange, who agreed not to instigate proceedings under Section 27B against journalists who published critical statements or allegations of police misconduct providing police were allowed to reply.

The trial centres around an article about alleged police violence in Lingelihle township, near Cradock, which was written by Bekker over two years ago.

Bekker, Viviers and March stood accused of publishing a number of statements concerning the police without having reasonable grounds for believing they were true.

The statements, which allegedly appeared in a front page lead report on February 4 1985, related *inter alia* to allegations that police fired a tear-gas canister into a church while a service was on and threw stones at a house, and that a police lieutenant told police not to throw stones.

When Grobelaar denied knowledge

of the police/press agreement on Wednesday, he challenged the defence to present the agreement before the court.

Wim Trengove, for the defence, presented the court with two sets of NPU minutes containing specific reference to the immunity agreement. Grobelaar then conceded that the minutes were correct and that they had been ratified by both groups.

In his evidence, Viviers outlined the history of the agreement, which began in 1981 with the undertaking from Louis le Grange. He said the agreement had featured in subsequent minutes meetings.

He said the minutes of a meeting in February 1985 had led him to understand that the agreement covered publishing allegations, even if the police refused to comment when the allegations were put to them.

In her evidence, Bekker said that early in 1985 the then-police liaison officer for the Eastern Cape, Colonel Gerrie van Rooyen, had suddenly refused to speak to her.

"I phoned him one afternoon and he asked if I had not heard that I was not supposed to phone him. He never explained why."

She said the ban extended to obtaining comment from Van Rooyen's subordinates who filled in for him occasionally.

But she said she continued to gather unofficial reports of the unrest while her colleagues had gathered police comment.

The report in dispute had been compiled after the police had replied and it had been checked extensively. The final check had been at 2am when she was phoned at home by the night editor.

Also on Wednesday the president of the Port Elizabeth regional court, Gert Steyn, acquitted March of the charge. He said she merely obtained police response to the allegation which was conveyed to Bekker.

The ruling followed an application by Trengove for the acquittal of March and Bekker. Trengove submitted the state had failed to prove that Bekker's report was untrue.

Opposing the application, prosecutor Hennie van der Walt submitted that Bekker had yet to prove in terms of the Act that she failed to prevent publication of the article.

Bekker's reports on the conflict in Cradock in 1984 and 1985 won her the Stellenbosch Farmers' Winery Award for excellence in journalism in the category of best investigative reporting under pressure of time or circumstances. In court, Viviers described the award as the South African equivalent of the American Pulitzer Prize.— East Cape News Agency

How are you getting on? I can make very quick work of it.

April 13/6/87

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Court sees minutes of press agreement

Own Correspondent

PORT ELIZABETH — A police liaison officer in the Eastern Cape, Captain Petrus Grobler, told the Regional Court this week he had been unaware of an undertaking given by the minister, and reiterated by the Commissioner of Police, that newspapers would not be prosecuted under Section 27 (b) of the Police Act provided they followed certain procedures.

The SAP liaison department in Pretoria had told him, when he inquired by telephone that morning, that it could find no mention of such an undertaking in records going back to 1976, he said.

After being shown two sets of minutes covering meetings of the joint liaison committee between the police and the Newspaper Press Union, Captain Grobler agreed with Mr W Trengove, for the defence, that there was on record repeated reference to such an undertaking.

According to the minutes, the undertaking was that newspapers would not be prosecuted under the Police Act for reporting possibly wrong claims against the police provided they also obtained the SAP's response to the allegations and published that at the same time. Capt Grobler gave evidence at the trial of two

Journalists charged under Section 27 (b) which makes it an offence to publish untrue matter concerning the police or police actions.

The charge relates to a report on unrest in Cradock, which appeared in the Eastern Province Herald of Monday, February 4, 1985.

The editor of the Eastern Province Herald, Mr J C Viviers, is charged in his capacity as representative of South African Associated Newspapers (Times Media Limited), owners of the Herald. Former reporter Miss Jo-Ann Bekker is charged in her personal capacity and as a servant of the company.

Capt Grobler was the last State witness. He confirmed the existence of a formal agreement between the Commissioner of Police and the press but said it did not make any stipulations regarding prosecution in terms of Section 27 (b) of the Police Act.

Neither was there on record any undertaking given to the press by the Minister of Police or a general to the effect that members of the press would not be prosecuted if police comment was published along with allegations against the police, he said.

Under cross-examination, Capt Grobler said he had been liaison officer since March 1 this year. If such an agreement existed he would have come across it since he had gone through all relevant

documentation since 1976.

Capt Grobler said he knew of a liaison committee between the police and the Newspaper Press Union (NPU).

He had telephonically contacted the public relations department in Pretoria, with whom he had gone over all minutes of meetings of this committee, specifically looking for an agreement such as referred to.

There was no mention of any agreements. Capt Grobler was then shown copies of two sets of minutes of the committee.

In one, Mr Rex Gibson, as a press representative, said that some years ago the minister had indicated to the NPU that there would be no prosecution of newspapers under Section 27 (b) if they published "both sides of the story" — in other words, not only allegations against the police but also the official reply to them.

The minutes then reflected the chairman of the meeting, a police officer, as saying that the minister's undertaking still stood.

The second set of minutes quoted Mr Gibson mentioning an undertaking by General Zietsmann, who was acting commissioner at the time. In terms of the undertaking newspapers would not be prosecuted under Section 27 (b) provided they approached the

SAP for reaction to allegations before publication and included the response in their report, even if it was the fact that comment had been refused.

Questioned by Mr Trengove, Capt Grobler conceded that there clearly had been an undertaking from the minister which was reiterated in July, 1983.

He agreed with Mr Trengove that the search with the department in Pretoria must have been incomplete. The department there must have been wrong in telling him that there was no reference to such an undertaking.

After cross-examining Captain Grobler, Mr Trengove said he wished to record an objection. He said the prosecutor, Mr H van der Walt, had had a copy of the first set of minutes and he (Mr Trengove) had given Mr Van der Walt a copy of the second set.

It was therefore inexplicable, Mr Trengove submitted, that Mr Van der Walt could have led the witness to testify that there was no such undertaking on record.

In reply, Mr Van der Walt said it had not been his intention to mislead the court and said he still had no assurance that the minutes were in fact correct.

The magistrate, Mr G Steyn, said he would not comment on the matter at that stage. The hearing continues on Monday.

Argus reporter's detention slated

CAPE TOWN — *Argus* reporter and Peninsula Technikon journalism student, Rehana Rossouw, was detained under section 29 of the Internal Security Act at her Wetton home yesterday.

The Southern African Society of Journalists, the rector of the Peninsula Technikon, Mr Franklin Sonn, and senior lecturer Mr David Bleazard condemned her detention "in the strongest terms".

The editor of the *Argus*, Mr Andrew Drysdale, yesterday said: "We are distressed at the totally unexplained detention of yet another journalist."

Her father, Mr Eric Rossouw, said that six policemen arrived at the house at about 5.40 am.

Ms Rossouw (23), a single parent, was told she would be allowed to take her 18-month-old son, Jihad, with her, but her father advised against it, because he had a cold. — Sapa.

Sta 16/6/87



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Court orders tapes on Tutu visit returned

The Argus Correspondent

JOHANNESBURG — Police seized foreign network TV video tapes of Archbishop Desmond Tutu's visit to Maputo after they had read about the visit in local newspapers, a security police major told the Rand Supreme Court before being ordered to hand them back.

Security police seized four tapes at Rand Airport from the pilot of the aircraft chartered by American ABC, German ARD and British ITN television networks after it landed yesterday afternoon.

The networks last night brought an urgent application in the Rand Supreme Court for the return of the tapes and police were ordered to do so by Mr Justice Stegmann.

Two of the tapes were filmed on Monday, recording Archbishop Tutu's arrival at Maputo Airport and of a Press conference he held later. The other two tapes were filmed yesterday at a public June 16 rally.

REGULAR TAPES

A German ARD television crew filmed the events. It plans to accompany Archbishop Tutu for the full two weeks of his tour and to send out tapes regularly.

Lawyers for the networks first asked a Major Smit of the Germiston branch of the security police, who authorised the seizure, to return the tapes. But he refused, saying a police expert would view them first.

Major Smit told the court he read reports in two newspapers about the Maputo visit and received information that an aircraft would land at Rand Airport with tapes from Maputo.

In the light of what he had read he decided they could be evidence in the commission of an offence and he suggested in court that this could be high treason or terrorism.

Mr Justice Stegmann ruled that the police were not empowered to seize the tapes because they did not have reasonable ground to believe they could be used as evidence in the commission of an offence.



Archbishop
Tutu

DAY

the vehicle."

CP/16 Times 12/1/67
Police must return film
(243)

JOHANNESBURG. — Three foreign networks' successful court appeal to get back news film seized by police was described by their attorney yesterday as a limitation on police authority under the national emergency.

"It's a victory in terms of administrative action and just how far police power can go," attorney Miss Lauren Jacobson said of the decision late on Tuesday night by Mr Justice Michael Stegmann in the Rand Supreme Court.

He granted an urgent request by ARD, the German television network, ordering police to return film of Archbishop Desmond Tutu during appearances in Maputo, Mozambique. ARD was sharing the film with two television networks — American ABC and British ITN. — Sapa-AP

Cape Times

Verdict today in teargas report case

By MIKE LOEWE,
Port Elizabeth

JUDGEMENT is expected today in the Police Act trial in which *Weekly Mail* journalist Jo-Ann Bekker and the *Eastern Province Herald* are charged with publishing untruths about the police

Editor-in-chief of the *Herald, Evening Post* and *Weekend Post*, JC Viviers and former *Herald* reporter Bekker are charged in the Port Elizabeth Regional Court with a report on unrest in Cradock published in the *Herald* in February 1985. A third accused, reporter Debbie March, who put allegations collected by Bekker to police for comment, was acquitted at the end of the state's case last week.

At issue is the accuracy of part of a front page report.

An important aspect of the defence case hinges on the verbal agreement between the Newspapers' Press Union and the Minister of Police — in terms of which police undertook not to charge newspapers under Section 27B of the Police Act, provided allegations of police misconduct were put to the police and their response was published.

The Regional Court President, G Steyn, said although he did not doubt the undertaking, the court had only hearsay evidence of the terms of the agreement.

The maximum penalty for contravening Section 27B of the Police Act is a fine of R10 000 and 10 years' imprisonment.

19-25/6/87
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Suspended sentence for Herald reporter

By DEBBIE BOOYSEN

A FORMER Eastern Province Herald reporter, Miss Jo-Ann Bekker, was fined R200 (or one month) and the newspaper's owners, South African Associated Newspapers, (now Times Media Ltd) R100 by the PE Regional Court today after being convicted under the Police Act.

Both sentences were suspended, Miss Bekker's for three years and that of the company (which was represented by the Editor-in-Chief of the Eastern Province Herald, Evening Post and Week-

end Post, Mr J C Viviers) for a year.

Miss Debbie March, also employed as a reporter on the Herald, was initially charged as well, but was acquitted at the end of the State case due to lack of evidence against her.

All three pleaded not guilty at a previous hearing in the Cradock Magis-

trate's Court on March 31.

The case follows a report in the Herald on February 4, 1985, in relation to action by the SA Police in a Cradock township.

They were alleged to have published the following statements without reasonable grounds for believing them to be true.

● That the police had

fired a teargas canister into a church building while a service was in progress.

● That policemen travelling in a Hippo had thrown stones at a house and/or

● That such an allegation was reported to a Lieutenant Gouws at the Cradock police station and/or

● That he had told police in the room not to throw stones.

● That the Rev R M Obose had arrived at the police station and said teargas had been fired into his church.

● That Mr Richard Rasmeni told the Herald that chaos had erupted when one teargas canister was fired into the kitchen door of the manse.

Giving judgment today, the president of the Regional Court, Mr G Steyn, found that some of the statements in the report were untrue.

He said Captain Gouws, the district officer in charge of unrest matters who testified on events that gave rise to the teargas incident at the church, was an exceedingly convincing witness who appeared to be honest, fair and sincere.

His evidence was corroborated by the Cradock station commander, Lt Goosen, who testified on the events at the charge office and appeared equally credible.

It was clear from Capt Gouws's evidence that none of the three teargas canisters fired into the air to disperse the crowd had entered any building. However, teargas had entered the church buildings quite extensively.

After full consideration of the evidence, the court found that the police had not attacked the church, but had acted against a crowd that gathered near the church after the arrest of Mr Madoda Jacobs.

The actions described by Capt Gouws were in complete keeping with the probabilities of the case.

There was no reasonable possibility of another manner in which the events could have taken place and the court rejected any such version.

The court therefore found the implication from the report that the church had been the target of a deliberate police attack had been a complete fabrication.

Regarding the alleged stone throwing by the police, the court could not find that this had not taken place or that the report made to the police about it was untrue.

Yet the court found it to be substantially untrue that Lt Goosen had told the police in the charge office not to throw stones. There was a difference between that statement and the evidence that Lt Goosen had said nobody was allowed to throw stones.

The court's full findings on the report were that it was untrue that police had fired teargas into the church while a service was in progress, that Lt Goosen had told the police in the charge office not to throw stones and that Mr Rasmeni had said that a teargas canister had been fired through the kitchen door of the manse.

Mr Steyn said it was

improbable that Mr Rasmeni would not have told Miss Bekker the reason that the police had given him for firing the teargas had she asked him this, as she said in evidence that she had done.

The court found that that Miss Bekker had not been as eager to establish the truth as she was to obtain a sensational news report.

Regarding the application of Section 27(b), Mr Steyn asked whether it would be absurd, especially in times of emotional strife, to legislate against the effects of sensationalism based on untruth.

To prohibit the publication of untruth appeared rather to be in the interests of justice, he said.

It was clearly the legislature's intent, Mr Steyn said, to protect the police against attacks by the media with untrue reports.

Miss Bekker, the court found, had regarded herself on the side of the oppressed and saw it as her duty to expose police misconduct and took it at face value that the police had attacked the church without provocation.

Her source, Mr Gladwell Makaula, was obviously unreliable and biased against the police.

She had been aware of the unrest situation and should have been alert to possible falsehoods, Mr Steyn said.

The court found that the defence had failed to prove that she had reasonable grounds for believing the allegations to be true.

Further, it found that Miss Bekker had been aware of the provisions of Section 27(b) of the Police Act and yet had published untrue matter without reasonable grounds for believing it to be true.

She was therefore convicted and her employer at the time, South African Associated Newspapers (represented by Mr Viviers) shared this guilt.

In mitigation, Mr Wim Trengove, for the defence, submitted that Miss Bekker had been working under great pressure at the time and that this report which had been found lacking had been one in many she had done on the unrest situation in the Eastern Cape at the time.

In this context, the carelessness the court found she had made herself guilty of paled into relative insignificance, he said.

Mr Henning van der Walt, for the State, submitted that the offence had been a serious one and that it had occurred at a time when there was already much trouble in the townships.

Asked by the court whether the newspaper did not encounter difficulties in deciding whether to publish or not, Mr Van der Walt conceded that there were problems such as chasing deadlines and obtaining comment at night.

Yet these were difficulties inherent to the newspaper business and did not detract one iota from newspapers' responsibility.

245/002
Editor
reporter
face
PE court
judgment
19/6/87

Own Correspondent

PORT ELIZABETH. — Judgment in the case involving the editor-in-chief of the Eastern Province Herald and a former Herald reporter, arising from the alleged publication of untruths about the South African Police, will be given in the Regional Court here today.

Mr J C Viviers, editor-in-chief of the Eastern Province Herald, Evening Post and Weekend Post, and Miss Jo-Ann Bekker, who worked as a general reporter on the Herald in 1985 when the alleged offence was committed, are charged under Section 27 (b) of the Police Act.

Miss Bekker is alleged to have written the untruthful report.

Mr Viviers is appearing as representative of the publishers and distributors of the Eastern Province Herald in which the report appeared.

The case arose from a report in the Herald of February 4, 1985, concerning alleged police actions in the Cradock township of Lingelihle.

Two days after the trial started on June 8, a third accused, Herald reporter Miss Debbie March, was acquitted. The magistrate, Mr G Steyn, said she had simply been asked to contact the police for their comment. The court could not by any stretch of the imagination see that she had a case to meet.

An application at the same time for Miss Bekker's acquittal was rejected.

On Tuesday, Mr Wim Trengrove, for the defence, asked for the acquittal of both accused, for the following reasons.

□ The report in question contained no untruths, but merely reported claims or allegations made by identified sources, whether or not these were true.

□ The claims and allegations were in fact true or substantially true.

Mr Henning van der Walt, for the State, submitted that Miss Bekker's own evidence proved beyond a reasonable doubt that she intentionally wrote false allegations concerning police action in the report, and had seen her task as reporting the case of the residents of Lingelihle township.

Cape Times 20/6/87

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Police Act. Reporter, paper fined

PORT ELIZABETH. — A former Eastern Province Herald reporter, Miss Jo-Ann Bekker, was fined R200 (or one month) and the newspaper's owners, South African Associated Newspapers, (now Times Media Ltd) R100 by the PE Regional Court yesterday following their conviction under the Police Act.

Both sentences were suspended: Miss Bekker's for three years and that of the company (which was represented by the Editor-in-Chief of the Eastern Province Herald, Evening Post and Weekend Post, Mr J C Viviers) for a year.

Miss Debbie March, also employed as a reporter on the Herald, was initially charged as well but was acquitted at the end of the State case due to lack of evidence against her.

All three pleaded not guilty at a previous hearing in the Cradock Magistrate's Court on March 31 this year.

The case follows a report in the Herald on February 4, 1985, in relation to action by the SA Police in a Cradock township.

They were alleged to have published statements without reasonable grounds for believing them to be true.

Passing judgment yesterday, the president of the Regional Court, Mr G Steyn, found that some of the statements in the report were untrue.

He said Captain Gouws, the district officer in charge of unrest matters who also testified on events that gave rise to the teargas incident at the church, was an exceedingly convincing witness who appeared to be honest, fair and sincere.

His evidence was corroborated by

the Cradock station commander, Lt Goosen, who also appeared credible.

It was clear from Capt Gouws's evidence that none of the three teargas cannisters fired into the air to disperse the crowd had entered any building. However, teargas had entered the church buildings quite extensively.

After full consideration of the evidence, the court found that the police had not attacked the church, but had acted against a crowd that gathered near the church after the arrest of Mr Madoda Jacobs.

The court therefore found the implication from the report that the church had been the target of a deliberate police attack, had been a complete fabrication, Mr Steyn said.

In mitigation of sentence, Mr Wim Trengove, for the defence, submitted that Miss Bekker had been working under great pressure at the time and that this report which had been found lacking had been one of many she had done on the unrest situation in the Eastern Cape at the time.

In this context, the carelessness the court found she had been guilty of paled into relative insignificance, he said. — Sapa

Court: Police Act contravened Journalist, TML fined for report

PORT ELIZABETH — A former Eastern Province Herald reporter, Miss Jo-Ann Bekker, was fined R200 (or one month) and the newspaper's owners, South African Associated Newspapers, (now Times Media Ltd) R100, by the Regional Court here yesterday, following their conviction under the Police Act.

Both sentences were suspended — Miss Bekker's for three years and that of the company, (which was represented by the editor-in-chief of the Eastern Province Herald, Evening Post and Weekend Post, Mr J C Viviers), for a year

Another Herald reporter, Miss Debbie March, was initially charged as well but was acquitted due to lack of evidence against her

All three pleaded not guilty at a previous hearing in the Cradock Magistrate's Court on March 31 this year

The case follows a report in the Herald on February 4, 1985, in relation to action by the SA Police in a Cradock township.

They were alleged to have published the following statements without reasonable grounds for believing them to be true

- That the police had fired a teargas cannister into a church building while a service was in progress,

- That policemen travelling in a hippo had thrown stones at a house, and/or

- That such an allegation was reported to a Lieutenant Gouws at the Cradock police station, and/or

- That he had told police in the room not to throw stones,

- That the Reverend R. Mobose had arrived at the police station and said teargas had been fired into his church,

- That Mr Richard Rasmeni told the Herald that chaos had erupted when one teargas cannister was fired into the kitchen door of the manse

Passing judgment yesterday morning, the president of the Regional Court, Mr G. Steyn, found that some of the statements in the report were untrue

He said that the officer in charge of unrest matters, Captain Gouws, testifying on events that gave rise to the teargas incident at the church, was an exceedingly convincing witness, who appeared to be honest, fair and sincere

His evidence was corroborated by the Cradock station commander, Lt Goosen (who testified on the events at the charge-office), who seemed equally credible

It was clear from Capt Gouws' evidence that no teargas cannisters fired into the air to disperse the crowd, had entered any building

The court found the police had not attacked the church, but had acted against a crowd that gathered near the church, after the arrest of Mr Madoda Jacobs

The court therefore found the implication from the report that the church had been the target of a deliberate police attack, had been a complete fabrication, Mr Steyn said.

Regarding the alleged stone-throwing by the police, the court could not find that this had not taken place, or that the report made to the police was untrue.

Yet the court found it to be substantially untrue that Lt Goosen had told the police in the charge office not to throw stones. There was a difference between that statement, and the evidence that Lt Goosen had said nobody was allowed to throw stones

Mr Steyn said it was improbable that Mr Rasmeni would not have told Miss Bekker the reason the police had given him for firing the teargas, had she asked him this, as she said in evidence that she had done

The court found that Miss Bekker had not been as eager to establish the truth as she was to obtain a sensational news report.

Regarding the application of section 27(b), Mr Steyn asked whether it would be absurd, especially in times of emotional strife, to legislate against the effects of sensationalism based on untruth

To prohibit the publication of untruth appeared rather to be in the interests of justice, he said.

In mitigation, the defence submitted that Miss Bekker had been working under great pressure at the time, and that this report, which had been found lacking, had been one in many she had done on the unrest situation in the Eastern Cape

In this context, the carelessness the court found she had made herself guilty of, paled into relative insignificance

**Cape Times man
appears
in court again**

CAPE TIMES 23/6/84
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Court Reporter

THE deputy news editor of the Cape Times, Mr Tony Weaver, appeared briefly in the Regional Court yesterday and was informed that his trial will continue tomorrow.

Mr Weaver has pleaded not guilty to a charge of making false statements to the BBC in connection with a shootout in Guguletu where seven alleged ANC guerillas were killed on March 3 last year.

The court heard that due to the illness of the prosecutor, Mr S Schrock, the trial would resume tomorrow.

Mr J M Lemmer was the magistrate. Mrs C Alexander prosecuted Mr J Gauntlett, instructed by Findlay and Tait, appeared for Mr Weaver.

ABC journalists appear in court

Cap. Tary 23/6/87

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Court Reporter

TWO American Broadcasting Corporation (ABC) journalists appeared in the Bellville Magistrate's Court yesterday in connection with photographing unrest and police action at UWC in May.

Mr Henry Bautista, 33, of Johannesburg, and Mr Willem Pretorius, 36, of Gardens, were not asked to plead and no formal charges were put to them.

Bail of R100 was extended and the case was postponed to August 10.

Mr A G du Plessis was the magistrate. Miss A Coetzee prosecuted. Mr G I Rushton appeared for the two.

- 6.00: Nius
- 6.15: Potpou
- 7.05: Simon
- 8.00: Netwo
- 9.05: Dallas news
- 9.55: Diagn
- 10.30: Tenni
- 11.40: Eveni

- 4.50: Masid
- 5.00: Ikhay gethe
- 5.10: Look take
- 5.30: The

- 6.02: Cagn

- 7.00: Publ
- 7.28: New
- 7.57: Coth
- 8.14: Ezem
- 8.57: Ipunj

- 9.01: Love about reha
- 10.40: Spe

238 newsmen denied visas *Mr Tani* *24/6/87* *(243)*

A TOTAL of 238 foreign newsmen were refused new or renewed visas for South Africa in the 11 months up to May 31 this year, the Minister of Home Affairs, Mr Stoffel Botha, said yesterday. Replied in writing to a question from Mr Dave Dalling (PFP Sandton), he said 445 applications had been granted over the same period.

Foreign ²⁴³ media butt of attack by bureau ^{26/6/87}

By Michael Tissong

The head of the Bureau for Information, Mr Dave Steward, launched a scathing attack on the foreign media in a paper delivered at South African Institute of International Affairs in Johannesburg yesterday.

In the paper on "The Role of the Foreign Media", delivered on his behalf by the director of foreign media liaison, Mr Casper Venter, Mr Steward said "The image of South Africa presented by the foreign media does not accord with reality"

Mr Steward said that when the government had gathered foreign correspondents for an informal meeting, a newsman had told him "We have come to see you guys go down the tube"

"The foreign media has swarmed to South Africa like bees to a honey pot and the media have become participants in the situation"

"They have distorted images of South Africa that the entire country is in flames and the Government is about to collapse. The caricature of South Africa presented by the foreign media does not accord with reality. The foreign media had failed to grasp the complexities of the country's situation"

"For 18 months they saturated TV screens with vivid images and undermined confidence in South Africa. The media have not caused South Africa's problems, but in their simplified coverage of events, they convey seriously distorted images of our country"

"TV news is not about explanations. It is about pictures. The more dramatic the better. Burning buildings are excellent, but rioting is the best of all"

"The print media covers the South African situation much better than does TV"

He said media restrictions had not resulted in a decline in interest in the country nor a reduction in the number of foreign correspondents here.

"They congregate around Johannesburg's plush watering holes and scour the country in search of news. They are comfortable. They stay at a Sandton hotel and the unrest is just 15 minutes away"

Foreign journalists saw the expulsion of some of their members as an honour. "They swap stories like 'I was in Vietnam in 1973, Beirut in 1982 and South Africa in 1985'"

In a statement last night, the Foreign Correspondents Association said its members had noted Mr Steward's remarks with a "degree of confusion".

Inaccuracies

"Given his calls for factual and balanced reporting, we are surprised that his own remarks should contain inaccuracies and inconsistencies"

"For example, the leaders of the Christian Phalange in Lebanon may be somewhat surprised to learn that they enjoy the support of Ayatollah Khomeini of Iran, a claim made uniquely by Mr Steward"

"We learn also from Mr Steward that the Western media had ignored North Vietnamese atrocities in the Indo-China war. He appears to have overlooked the Hue massacre of 1968 which was fully reported in the West"

"Mr Steward's observation that the Western media's interest in Vietnam had ceased once the last helicopter had taken off from Saigon will again be of surprise to the body of foreign correspondents who remained in Saigon after its fall and whose coverage of the situation there was halted only when the government took action against the media."

"The plight of the Vietnamese boat people would not have been reported had the Western media not maintained a continuing interest in that country."

"Mr Steward refers to some foreign correspondents in South Africa as 'scoundrels'. No journalist would employ such language without supporting his allegation with properly sourced facts."

"The FCA is further confused by Mr Steward's reference to the limited 'brain functions' of television viewers given that television was the principle vehicle through which the so-called 'Peace Song' was promoted by his own department."

SA readers get only half the story, say pressmen

The South African media were "living in the same space but occupying different worlds", foreign correspondent and former editor of the *Rand Daily Mail*, Mr Allister Sparks, said yesterday

He was one of three panelists at a South African Institute of International Affairs seminar in Johannesburg who discussed "The Media and Change in South Africa Domestic and International Factors"

The other two were former editor of *Die Vaderland*, Mr Harald Pakendorf, and Mr Casper Venter who represented the Bureau for Information and delivered a paper written by the bureau head, Mr Dave Steward

Mr Sparks said "If you read *Beeld*, you will not know what is going on in the townships. If you read *Sowetan* you will not know what is going on in the white suburbs"

"We are going through life not knowing what is truly going on around us"

ON THE MOON

"Newspapers in South Africa write about their own communities and do not rock the boat. However, their stories entrench the prejudices of our society"

He added "Some readers do not know what life is like with 20 to 30 people living in one house. Those conditions could be on the moon as far as white people are concerned"

"There is no perception by some readers that this is happening in our country because they do not read about it"

Mr Pakendorf criticised the restrictions on the media because while the news was being kept away from white people, the black people knew what was going on

He said "There are those who think individual newsmen are being manipulated from Moscow. This is not true"

"Most newspapers are white and the restrictions have kept them from knowing what is happening in the black community. Blacks know what is happening in the black community, so the restrictions are counter-productive as far as they are concerned"

Foreign media ^{CARE THIS} ^{26/6/87} ²⁴³ 'undermined SA'

Staff Reporter

THE foreign media have seriously undermined international political and financial confidence in South Africa, according to Mr David Steward, chief of the Bureau for Information.

Speaking on the foreign media at a seminar in Johannesburg yesterday, Mr Steward alleged there were "some scoundrels" among foreign newsmen "But," he said, "for the most part they are honest and professional journalists"

However, the "caricature" of South Africa presented abroad did not accord with reality and the foreign media had failed the grasp the complexities of the country's situation.

The media regulations had not resulted in a decline in interest in South Africa nor a reduction in the number of foreign correspondents

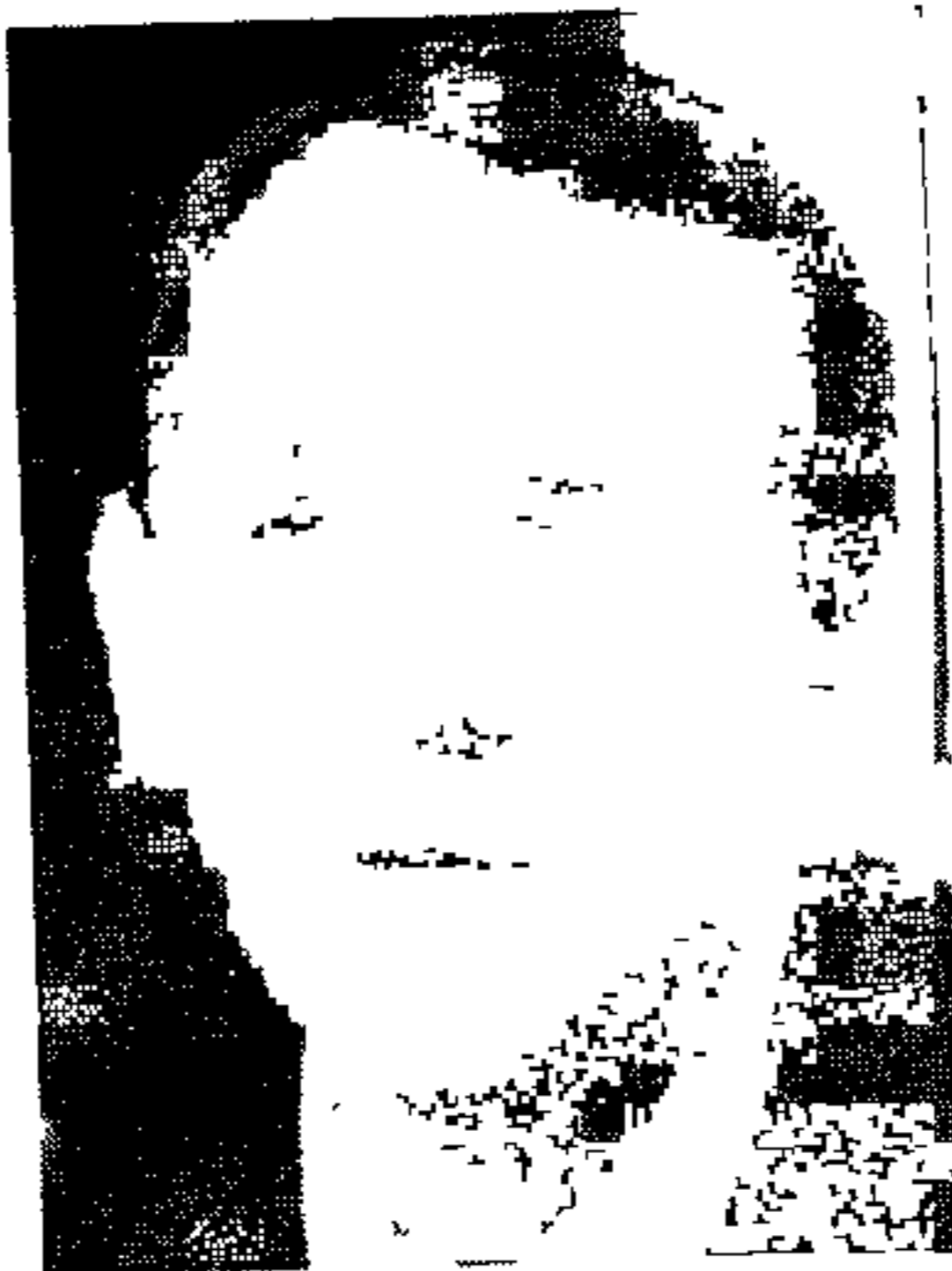
"They continue to congregate around Johannesburg's plush watering holes; they continue to prowl the country in search of some new angle," he said

There were 190 foreign media personnel accredited with the Bureau, which comprised "the largest press corps outside the great world capitals"

Mr Steward said that while extensive foreign news coverage of "South Africa's torment" had seriously undermined confidence in the country, it was "nonsense to infer that the foreign media caused our problems.

"The roots of conflict in our society are much deeper and more complex than that. But, it is true that the radicals knew how to make use of the media and that they (the media) were often tipped off in advance about impending unrest," he said

And it was true that in their simplified coverage of events, the



MR DAVE STEWARD .. "in-accuracies and inconsistencies"

foreign media had "conveyed a seriously distorted image of our country"

The print media had done a better job in conveying South African news than television because newspaper readers were forced to engage "some of their brain cells"

"TV news, on the other hand, by-passes all the higher brain functions and impacts directly on the visual and emotional centres"

The assertion that the camera displayed images of relentless and dispassionate objectivity was utterly wrong — "the camera does exactly what its manipulator wants it to do"

The real story in South Africa was not about black/white conflict but about the fact that South Africa was at the interface between the First and Third worlds, Western and Eastern values

The Foreign Correspondents' Association of Southern Africa

said it had "noted Mr Steward's remarks with a certain degree of confusion

"Given his previous calls for factual and balanced reporting, we are surprised that his own remarks should contain a number of inaccuracies and inconsistencies," the statement said

"For example, the leaders of the Christian Phalange in Lebanon may be somewhat surprised to learn that they enjoy the support of Ayatollah Khomeini of Iran, a claim made uniquely by Mr Steward

"We learn also from Mr Steward that the Western media ignored North Vietnamese atrocities in the Indo-China war. He appears to have overlooked the Hue massacre of 1968 which was fully reported in the West

"Mr Steward's observation that the Western media's interest in Vietnam ceased once the last helicopter had taken off from Saigon will again be of surprise to the body of foreign correspondents who remained in Saigon after its fall and whose coverage of the situation there was halted only when the government took action against the media

"The plight of the Vietnamese boat people would not have been reported had the Western media not maintained a continuing interest in the fate of that country

"Mr Steward refers to some foreign correspondents in South Africa as 'scoundrels' No journalist would employ such language without supporting his allegation with properly sourced facts

"The FCA is further confused by Mr Steward's reference to the limited 'brain functions' of television viewers given that television was the principle vehicle through which the so-called Peace Song was promoted by his own department, the Bureau for Information"

Paper may appeal 'kindling the fire' conviction

THE Eastern Province Herald may appeal against the conviction in a Port Elizabeth regional court last week of the editor, JC Viviers, and former Herald reporter Jo-Ann Bekker under section 27B of the Police Act.

Viviers was fined R100 suspended for a year, and Bekker, now a Weekly Mail journalist, was fined R200 (or a month in jail) suspended for three years.

In an interview on Tuesday, Viviers said: "We have asked our lawyers to look into the question of an appeal."

In his judgement regional court president Magistrate Gert Steyn

found certain statements in a report on violence in Cradock, published on February 4 1985, were untrue.

These were *inter alia* that a police officer did not tell his men not to throw stones and that police did not fire teargas into a church while a service was on.

Steyn accepted the evidence of two police officers in charge on the day to have been honest, fair, sincere and credible

Regarding a Newspaper Press Un-

son/police agreement, Steyn ruled that the undertaking to exempt newspapers who published allegations of police misconduct from prosecution under section 27B if the allegations were published together with police comment meant that both sides of the story had to be published.

He did not accept that reasonable attempts to obtain comment even should the attempts be met with "no comment" were covered by the agreement.

In mitigation, Advocate WH Trens-gove submitted that the court had found the report to be lacking only in

detail and emphasis.

Bekker's errors, which were slight, had been made at a time when she had been under great pressure to cover the widespread social upheaval in the Eastern Cape at the time.

Prosecutor Henning van der Walt submitted that the article had been "kindling on the fire" that already raged in the township at the time.

He said the press had a duty to inform the public about the workings and duties of the police while the police also had to maintain a special trust with the community — East Cape News Agency.

26 | By MIKE BOWE, Port Elizabeth



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Foreign pressmen refute scoundrel claim by Steward

JOHANNESBURG — The Foreign Correspondents Association of Southern Africa last night retaliated against Mr Dave Steward, the head of the Bureau for Information, who said the foreign media corps in this country contained "some scoundrels".

In a prepared speech, Mr Steward also said foreign media in South Africa had failed to grasp the complexities of the Republic's situation.

Responding, the FCA said in a statement that members had "noted Mr Steward's remarks with a certain degree of confusion."

"Given his previous calls for factual and balanced reporting, we are surprised that his own remarks should contain a number of inaccuracies and inconsistencies," the statement said.

"For example, the leaders of the Christian Phalange in Lebanon may be somewhat surprised to learn that they enjoy the support of Ayatollah Khomeini of Iran, a claim made uniquely by Mr Steward."

"We learn also from Mr Steward that the Western media ignored North Vietnamese atrocities in the Indo-China war. He appears to have overlooked the Hue massacre of 1968 which was fully reported in the West."

"Mr Steward's observation that the Western media's interest in Vietnam ceased once the last helicopter had taken off from Saigon will again be of surprise to the body of foreign correspondents who remained in Saigon after its fall and whose coverage of the situation there was halted only when the government

MR STEWARD

took action against the media. The plight of the Vietnamese boat people would not have been reported had the Western media not maintained a continuing interest in the fate of that country.

"Mr Steward refers to some foreign correspondents in South Africa as 'scoundrels'. No journalist would employ such language without supporting his allegation with properly sourced facts. The FCA is further confused by Mr Steward's reference to the limited 'brain functions' of television viewers given that television was the principle vehicle through which the so-called Peace Song was promoted by his own department, the Bureau for Information."

Mr Steward also said the foreign media had seriously undermined international political and financial confidence in South Africa.

However, he added "but for the most part they are honest and professional journalists."

CAPE TIMES 27/6/87

Good times for the Cape Times

243

Financial Staff

SUCCESSFUL financial performance and other achievements of the Cape Times are referred to in the newly released annual report of its parent company, Times Media

The chairman, Mr Pat Retief, says "Our arrangements in the Western Cape in terms of which Argus (Printing and Publishing, as opposed to the newspaper of the same name) handles all non-editorial functions for the Cape Times are proving most satisfactory with useful profits anticipated this year"

Referring to achievements by the newspaper's staff, the report notes that the Editor, Mr Anthony Heard, was awarded the 1986 Pringle Award by the SA Society of Journalists for outstanding journalism.

The Cape Times cartoonist, Mr Tony Grogan, gained the Settlers Award for Outstanding Journalism, only the second cartoonist to win the award since its inception in 1975

Chief photographer Miss Anne Laing was awarded the South African Men's Hockey Association's Photographer of the Year plaque

Times Media has staged a spectacular recovery from a loss after interest of R19,4 million in the 15-month period to March, 1986, to a profit of R10 million in the past financial year ended March 31

The year-old Joint Operations Agreement (JOA) between the Cape Times and the Argus functions out of renamed Newspaper House in St George's Street.

Ex-Herald racing editor dies

Post Reporter

MR LES JONES, former racing editor of the Eastern Province Herald, died in Port Elizabeth at the weekend after a short illness.

Mr Jones, 68, who was born in Leeds, Yorkshire, died at the Greenacres polyclinic just before midnight on Saturday.

Well-known to racing enthusiasts by the name "Rob Roy", Mr Jones first retired in September 1980.

He was recalled after a two-year break and finally retired in October 1986, bringing to a close a 37-year career on the Herald.

He held the position of racing editor for 32 years, a time during which he contributed greatly to racing both in the Eastern Cape and the rest of the country.

He was one of the figures who pioneered the jackpot and jillpot systems, which first began operating in PE and have now grown into a multi-million rand industry countrywide.

Mr Jones was also chief judge at the PE Turf Club and St Andrews Racing Club.

His familiar opening line "Good morning, racegoers" was heard for many years every Saturday morning on the radio programme "South African Racing Round-up".

Mr Jones is survived by his wife, Myra, of Linkside, and two sons Christopher, of PE, and Gavin, of Maritzburg.

Funeral arrangements are still to be finalised.

ANC ^{Cap 74/15}
^{30/6/77}

advert: No
~~offence~~ 243
offence,

says AG

JOHANNESBURG. —
Newspapers and people
involved in the unban-
the-ANC advertisements
will not be prosecuted.

This was confirmed
yesterday by the Attor-
ney-General of the
Transvaal, Mr Klaus von
Lieres.

Mr Von Lieres said he
had examined the ANC
advertisement and de-
cided it did not consti-
tute an offence.

"It therefore stands to
reason that if the adver-
tisement does not consti-
tute an offence, action
cannot be taken against
any person or organiza-
tion."

The publication of the
advertisements led to an
investigation by the
Munnik Commission,
which was appointed by
the State President, Mr P
W Botha.

The commission found
that the managing direc-
tor of First National
Bank (formerly Bar-
clays), Mr Chris Ball, had
knowingly approved a
R100 000 overdraft to
pay for the advertise-
ment. — Sapa

APR 30/6/87

Tutu insists he was misquoted by Press

The Archbishop of Cape Town, the Most Rev Desmond Tutu, arrived at Jan Smuts Airport from Mozambique last night insistent that during his two-week visit he had not said anything which he had not said before.

Archbishop Tutu was mobbed by about 50 media representatives.

However, before he was finally whisked away, he did shout out that he had been misquoted in reports from Mozambique.

"They made out I would give a signal (for the start of violence), while I really said 'I would tell you when the day had come'.

"I only said all my usual things. I said nothing new. I said there may come a day when it would be justified to overthrow an unjust system violently," he said.