

# Cosas leader detained . . . poisoned . . . now missing

CONCERN IS mounting for the well-being of a former Port Elizabeth detainee and student leader who is suing the Minister of Police for R150,000 for allegedly being poisoned while in security police detention.

Twenty-one year old Siphiso Mthimkulu, an active member of the Congress of South African Students (COSAS) and SRC president of Loyiso High School, was last seen by his family on the morning of April 14.

Since then they have heard nothing of him.

Previously he had never gone away without informing his parents of where he was going or when he would be back. Now three months

on, inquiries by a range of concerned people have all drawn blanks.

Most recently a visit by his mother to Lesotho, to where the South African and Transkeian authorities say they believe he has fled, proved fruitless. Joyce Mthimkulu found no trace of her son — none of his friends living there had heard from him or seen him.

The United Nations High Commission for Refugees and various churches in Lesotho are now circulating photographs of him. So far without success.

Against a background of what Mthimkulu stood to lose by leaving South Africa, his family and friends find his disappearance inexplicable. As well as suing the Minister of Police for alleged poisoning while in detention, a second court action against the Minister for alleged torture while in detention is pending.

Neither of these can go ahead while Mthimkulu cannot be found.

At the time of his disappearance, five months after his release from detention, he had not recovered from the effects of thalium poisoning sufficiently to be able to walk without the aid of a stick. He was still undergoing regular treatment at the Livingstone Hospital in Port Elizabeth and was due for further tests, at Groote Schuur Hospital in Cape Town on May 3.

Friends and family believe he would not have given up this treatment. He was determined to recover completely and was keen to return to his studies — his schooling was broken by his five months in detention and on his release he became too ill to study.

Besides having a lot to lose, there was nothing, according to his family, to make him leave. He had no reason to anticipate re-detention. Since his release in October last year he had not been harassed by police at all.

On the day of his disappearance, a friend, Topsy Madaka, drove him to the Livingstone Hospital where he had an appointment to see his physician.

He arrived at the hospital at about 11am and was asked to fetch his file from the outpatient section. When he did not return, it was assumed he had become impatient and had left since he did not have any serious complaints that day.

During the afternoon four phone calls were made to Molly Blackburn, PFP MPC for Walmer, who knew Mthimkulu well — two were made to her office and two to her home.



Siphiso uses his exercise bicycle to regain strength after poisoning

She was at a meeting and did not get the message until much later that Mthimkulu had phoned to ask her for a lift from the hospital.

That was the last anyone heard of him.

A few days later Madaka's car, with his passport inside, was found abandoned at Sterkspruit in Transkei, near the Telle Bridge border with Lesotho.

This sparked speculation that the men may have fled into Lesotho or may be somewhere in the Transkei. However, Madaka's father, who is a teacher in Umtata, has heard nothing of them and no trace of them has yet been found in Lesotho. PFP MP for Walmer, Andrew

Savage, was given an assurance by the Minister of Police, Louis Le Grange, that Mthimkulu was not being held by the South African authorities. And Le Grange apparently told another PFP MP that his own investigations had revealed that Mthimkulu was not being held in Transkei but was believed to have fled to Lesotho.

Joyce Mthimkulu is desperately worried about what could have happened to her son: 'The devil puts pictures into my mind at night sometimes I see him cold and unhappy sitting in detention somewhere, sometimes I see him happy with his friends somewhere. But sometimes I see him dead.'

## Heavy sentences for refusing to testify

THREE MEN are facing charges of treason for their alleged participation in an explosion at a Field Street post box, the Cenotaph explosion, the bombing of two motor car showrooms, two government offices, the SADF recruiting centre and a railway line to Umlazi in Durban during 1981.

Patrick Ntobeko Maqubela (32), Mboniswa Richard Maqhutyana (29) and Seth Gaba are charged alternatively with terrorism, sabotage, possession of arms and ammunition, attempted murder and malicious damage to property. Each accused is alleged:

- To be a member or active supporter of the ANC;
- To have recruited people for military training and acts of sabotage;
- To have established arms caches;
- To have trained people inside South Africa to commit acts of sabotage;
- To have been in possession of hand grenades, limpet mines, a machine rifle, plastic explosives, TNT and detonators.

The charge sheet alleges that Maqubela, based in Durban, acted as a link for the ANC in Swaziland.

The trial has been characterised by the refusal of people to testify. Before the end of the first week four people had been jailed, the fourth for five years. He was Mpila Ichabod Thaho was has been in custody since November 25.

On August 3 Litha Jolobe, a 25-year old student was jailed for four years for refusing to take the oath or testify. The next day, Durban attorney, Bulelane Ngcuka, 28, and an articled clerk in a law firm, Mbulelo Hongo, 26, were each sentenced to three years for the same offence.

## Kimberley schoolboys held illegally say lawyers

LAWYERS ACTING for 15 Kimberley schoolboy detainees believe the boys are being held illegally in one of the country's longest Terrorism Act trials.

Twenty-four Galeshewe, Kimberley, boys have been in detention for 18 months.

Early last month, lawyers brought an unsuccessful application before the Supreme Court to have the schoolchildren released.

Anxious parents said they did not know what had happened to their children after the mass detentions on January 5, January 22 and February 5 last year.

The detentions followed unrest in Galeshewe during the 1981 2 boycott of black schools.

Five of the boys appeared in court on March 30, 1981 in connection with charges under the Terrorism Act.

On the same day, 19 children were transferred to Section 12 (b) of the Internal Security Act, the State Witness clause.

Parents said they would still be in the dark about their children if one of the parents had not happened to be on the spot when the five appeared in court.

Those charged were Sello Motlabakwe, 21, Johannes Kerrs, 20, Eugene Mokgosi, 21, Nelco Hlatshwayo, 20, and Mlulami Fant, 22.

They have all pleaded not guilty to terrorism, arson, attempted arson, and housebreaking.

The trial started on June 2 last year and is still continuing. It is believed the costs exceed a staggering R160,000.

On May 6 this year, almost a year after the trial began, the State closed its case. Four of the group of 19 detainees gave evidence for the State.

Lawyers said that on the same day, the prosecution made 15 detainees available to give evidence on behalf of the accused 'should the legal representatives of the accused decide to call any or all of them'.

The lawyers took statements for all 15 detainees and decided to call all of them to give evidence.

In their application to the Northern Cape Division of the Supreme Court, the lawyers said: 'It is therefore submitted that the reason for the detention of the persons concerned has fallen away and the authority granted in terms of the Statute no longer exists'.

The Supreme Court ruled that it had no jurisdiction to order the detainees' release.

The 15 detainees are Arthur Mafisto Thuntsi, Andrew Connie Molusi, Thomas Plaatjies Myaniso, Conrad Diseko Moeti, Hope Chiwa, Lucky Mokubung, Donald Seekoei, Philip Vika, Bonnie Andries Thokiso, Moses Dodo Senye, Luthando Walker Charlie, Paulus Moeketsi Tati, April Masitwe, Patrick van Wyk, and Benjamin Lesego Swartz.

## Perjury charge in long Mpetha trial

A STATE witness in the marathon trial of trade unionist Oscar Mpetha and 17 others was sentenced to 15 months imprisonment in the Parow Magistrates Court for perjury.

The court found that sworn statements made by Shadrack Ponomo Ncapayi (21) made on September, 1980, differed from his evidence under oath in the Cape Town Supreme Court on October 27 and November 3 last year.