

# There is something wrong in the 'state' of Venda

'IN YOUR language it is different from Venda.' That was the simple explanation from a police witness for conflicting testimony that was tried a few times during the Venda inquest into the death in detention of Tshifikura Isaac Mofhe.

That bit of semantic skulduggery did not help the witness very much and at the end of a four day inquest, Sibasa Magistrate Stan Stainer found that two security policemen in the Venda National Force were the cause of Mofhe's death as a result of an apparent unlawful assault.

## Police fumble over death of detainee

FOR SOME amongst the 80-100 people who packed the Sibasa Magistrates Court daily to attend the inquest into the death of Isaac Mofhe, listening to security policemen fumble and equivocate under cross-examination seemed like sweet revenge.

They were some of the 14 people detained in the clampdown by Venda Security Police following the ANC attack on Sibasa Police Station on 26 October 1981, in which two policemen were killed.

One of those detained was Mofhe, who was to die in detention less than 36 hours after his arrest.

The other detainees, save one, were all acquitted in a recent security trial in Venda when sensationally midway through the trial the prosecutor dropped charges against them.

Now sitting in the court, some of the ex-detainees like Reverend X, felt a curious sense of irony listening to security police inadequately try to explain how a healthy man died from injuries two days after being in police custody.

Most of the released detainees have told tales of torture and a number of them including Rev X have instituted civil action against the police.

Thus far the Venda police have been unable to successfully pin the attack on Sibasa, on anyone.

The clampdown on church leadership appears to have been the Venda authorities attempt to use the attack on the police station as their own 'Reichstag fire' an excuse to clamp down on political dissidents in the territory.

In a country with no meaningful political opposition, the Lutheran Church has become one of the few opposing voices in pretoria's second satellite republic.

Mofhe himself was a lay preacher in the Lutheran Church and vice-president of the Bold Evangelical Church Association. Over 600 people attended his funeral in Sibasa in November last year where speakers paid tribute to his contribution to the community.

The hearing was centred around the two security policemen's (Captain Ramaligela's and a Sergeant Mangoga's) bizarre tale of how Mofhe came to die after less than 36 hours in police custody.

According to Ramaligela, Mofhe was arrested on the evening of the November 10, 1981 at his home in Sibasa. He was, according to Ramaligela, warned in terms of Judges Rules, and then confronted with information about his alleged participation in an ANC attack on the Sibasa police station on 26 October 1981.

Mofhe having denied the allegation was detained for further questioning and taken to the Venda Central Prison where he passed the night.

The following morning, 11 November, Mofhe was fetched from the prison at 8.30am and taken to the offices of the security police, where he was interrogated by Ramaligela and Mangaga.

At first Mofhe denied all knowledge of the attack, but later during the afternoon he 'confessed' to having witnessed the attack and then taking the insurgents in his car and driven them to two remote northern parts of Venda where he dropped them off.

Mofhe agreed to point out to the policemen these places but implored them to only take him at night as he would be ashamed to be seen in police custody during the day.

Ramaligela and Mangaga, being the understanding men that they are, agreed to this request since Mofhe was being so 'co-operative'. So at 8pm that evening they drove out of the security police Headquarters with Mofhe sitting in the back of their open landrover without handcuffs, next to Captain Ramaligela, while Sgt Mangaga drove.

The landrover had not driven more than a few hundred yards down the main road, testified Ramaligela, when Mofhe attempted to jump over the side of the vehicle either in a bid to commit suicide or escape.

Before he could do so Ramaligela managed to pull him back over the side and wrestled him down to the floor of the vehicle, with Mofhe falling on top of the captain. The scuffle was brief and it appeared from Ramaligela's testimony that Mofhe's only possible injury as a result of it was a bump to his back from the vehicle's side.

The landrover at this stage had stopped and Mangaga had got out. Ramaligela explained what had happened and ordered him to return to the security police offices. There they took Mofhe back to prison in a car, deciding to abandon the 'pointing out' exercise. During the journey to the prison Mofhe was said to have expressed disappointment at the fact that he was not being taken back home.

When they got to the prison, Mofhe began to behave strangely. He refused to get out of the car and



"Griffiths Mxenge — a man of the people"

THE WIDOW of lawyer and community leader Griffiths Mxenge slammed allegations that her husband was killed by the ANC or that he had misappropriated ANC funds at an inquest examining the circumstances surrounding his death held at an Umlazi court last month.

Mxenge's body was dumped near the Umlazi cycle stadium on November 20 last year.

In court, the counsel for the State, Andre Oberholzer, quoted Natal Mercury reports linking Mxenge's death to the ANC and claiming he had been misappropriating ANC funds.

Nonyamezelo Mxenge, in reply, vehemently denied these allegations saying that her husband had not even handled or kept any ANC funds. She said she had dealt with all her husband's accounts so it would not have been possible for him to have even handled the funds without her knowing.

The court was told that it was well known that many people in terrorism trials were defended by advocates briefed by Mxenge and Mrs Mxenge said the practice was still continuing.

'But isn't it true that men came round shortly before your husband's

## Mxenge murder questions, too

death to look into his accounts', Oberholzer asked.

'Yes,' she countered, 'but these were tax people who didn't believe his tax returns. They thought we should be paying more but all our money went to paying advocates.'

Mrs Mxenge added that the police had never looked into the allegations of misappropriation of funds.

After further suggestions that the ANC had killed her husband, she said, they had 'absolutely no reason to kill him'.

'I'm not able to point a finger at the people who killed my husband but the people who hated him were the people who regarded him as a Leftist. The whole thing was a cover-up by people who want to draw attention away from themselves to the ANC,' she said. 'Besides,' she added 'one of the first people to phone me after my husband's death was Mrs Tambo, the wife of the president of the ANC, and I

received telegrams of condolence from ANC offices in London, Zambia and Swaziland.'

Earlier, Mrs Mxenge told the Court that she knew the office telephone was tapped by the Security Branch and that they had approached the owner of offices next door to use their premises to bug her husband's offices.

'The lady next door had told us that they had told her that my husband would be in jail before December'.

And shortly before his death, she said, Griffiths Mxenge had been interrogated by the security police as they wanted him to give evidence in a recent terrorism trial.

The court also heard how the Mxenge's two dogs had died after being poisoned on the night before Mxenge's death.

'My husband had remarked that the death of the dogs was frightening and had said he would try and get

the Captain had to summon two warders to 'escort' him out. Mofhe was escorted to his cell by the warders, and left there for the night. The next morning, 12th November 1981 he was discovered dead.

Ramaligela's account of the events became the subject of various cross-examinations during the inquest and soon questions were raised about every aspect of his testimony.

Two pathologists giving expert testimony on the medical evidence said Mofhe's post-mortem injuries were inconsistent with the official explanation of Mofhe's death.

The post mortem revealed that Mofhe had suffered an injury to his right eye, a bruise on the chest, severe bruising on the scrotum, and bruises all over his back. The bad bruises alone according to the one expert, Professor J D Laubscher, were caused by at least ten deliberate blunt blows.

The landrover Ramaligela and Mangaga claimed to have used on November 11 to transport Mofhe was not in use that day according to its vehicle log book. In fact it had not been used from the period August 10 to November 14.

The first written statement by Mangaga and Ramaligela on the events leading to Mofhe's death were made on January 20 1982, more than two months after the death, and after the post mortem results were known.

Ramaligela testified in court that he had pulled Mofhe back into the

landrover by his arms, but his statement on January 20 said that he had pulled him back by his ankles. He explained the discrepancies as a result of 'language confusion'.

Ramaligela said he had torn up his notes of Mofhe's interrogation and had no written confession from Mofhe as he had intended getting the confession written down once Mofhe had pointed out the place where he had dropped off the ANC attackers.

Both Ramaligela and Mangaga testified that no doctor had been called for Mofhe once he had been taken back to the prison as there didn't appear to be anything wrong with him.

The evidence of the warders at the Venda prison contradicted the evidence of both security policemen.

One warder, Constable Khalushe, told the court that at 11.45pm on the night of November 11, Captain Ramaligela called him and another warder to help him carry out a person from his car. The person was Mofhe. Khalushe testified that he found Mofhe on the back seat of the car with his eyes closed. Ramaligela told him that the man was drunk. The man had to be carried to his cell he said, as he could not walk.

If warder Khalushe's testimony was to be believed, it meant that Ramaligela and Mangaga were unable to account for at least three hours that night, from the time Mofhe had made his abortive 'escape' at approximately 8.15pm

until 11.45 when warder Khalushe saw them at the prison. The prison was only 15-20 minutes drive from the security police Headquarters.

The warders had all testified that Mofhe had to be carried out of the car into the prison; he appeared to be either very 'tired' (warder Netshuhungilulu) or drunk (Khalushe). The two policemen in their original statements both said Mofhe had walked out of the car with the warders and did not need to be carried.

By day four of the inquest the inconsistencies had become so blatant that both the prosecutor, Tony Manktelow who led the evidence and Ernie Wentzel, SC, who appeared for Ms Mofhe agreed that the case could be closed to allow the Magistrate to make his finding.

The magistrate, in an historic finding in an inquest into the death of a security detainee, found that Mofhe had died from haemorrhage as a result of his injuries which were caused by an apparent unlawful assault by Captain Ramaligela and Sergeant Mangaga.

At the time of going to press his judgement was not available to *Saspu National* but it is understood that the inquest record has been referred to the Attorney General of Venda, to consider a prosecution.

Already in May this year, Mofhe's widow, Lilian Mofhe, and his mother Anna Diadlama had instituted a civil claim against the Venda National Force for R385,000 in damages.