

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.



Mxenge's funeral in King Williams Town

— too many few answers

some dogs from a friend,' Mrs Mxenge said.

During the inquest proceedings the counsel for the family, Louis Skweyiya, asked the investigating officer whether he would be pleased if he helped him find the whereabouts of the 'untraceable' man who had found Mxenge's body.

And, after Det-Sgt Wilmot Ntshangase had said he would 'jump around for joy', Skweyiya told the Court the man's address and where he was working.

He added that 'although I am not a policeman' between the close of the proceedings the day before and that morning he had been able to trace the man.

Under cross examination by Skweyiya, Det-Sgt Ntshangase admitted he had not talked to the night watchman of the building where Mxenge was last seen nor had he talked to the people living in the flats

in the area.

Det-Sgt Ntshangase then told the court that the reason he had not done this was because he 'was not used to Durban' and especially the area where Mxenge was last seen.

The investigating officer also said he did not know the whereabouts of the shirt which Mxenge was wearing when his body had been found and had not examined it for clues.

He thought it had been handed over to the Mxenge family but Mrs Mxenge told the Court she had only received his trousers, belt and socks.

Neither the shirt or the trousers had any blood stains on them, the Court was told by various witnesses, in spite of the fact that Mxenge had 45 wounds on his body.

The first State witness, Dr Johannes van Staaten, said the cause of Mxenge's death was 'multiple clean cut injuries to the lungs, liver and heart.'

He said the majority of these had been caused by a knife or knives but a number of wounds on the head had been inflicted by a blunt-edged instrument 'like a hammer'.

Describing the wounds, Dr van Staaten said most of the wounds had not been fatal but a 'potentially fatal' wound had been the cut slightly above the Adam's apple which had severed the neck to the bone.

Also giving evidence at the inquest, Advocate Pius Langa who was reputedly the last person to see Mxenge alive — said he had met Mxenge in Victoria Street where he had handed over a case file late that afternoon.

He had then U-turned the wrong way up Victoria Street when he heard urgent hooting from what could have been Mxenge's car.

'Thinking back, I believe that if the hooting had come from the deceased it was the hooting of someone in distress or somebody trying to draw somebody else's attention,' Langa told the Court.

But, he said, he had ignored it thinking someone was hooting because he was going up the street the wrong way.

The inquest was adjourned to 'a date still to be established.'

Parole as Island turns 21

TWENTY ONE years ago, Robben Island was proclaimed a maximum security prison for political prisoners. This year's anniversary was marked by the Government's move to grant remission to political prisoners for the first time in the history of Nationalist Party rule.

The first prisoners granted parole were Henry Africa (25) and Siphwe Ngwenya both of Soweto, Joe Mati (49) of Mdantsane, Mluleki George of Qongqotha township near King Williams Town and at least three others. All had been jailed for contravening the Suppression of Communism Act. Before release they had spent 42 months at Helderström Prison near the Free State town of Caledon.

Also recently released were three Swapo members who have just completed terms of six and five years. The men are believed to be Sakria Nashandi (34), Michael Shikongo (42) and Nabot Limene (43).

The government's remission policy has been welcomed but is open to speculation and scepticisms in view of the circumstances and conditions under which certain prisoners are eligible for parole. In May, the Minister of Justice, Kobie Coetzee announced in Parliament that parole and remissions would

'only apply to those with good prognosis. In other words, those who have co-operated and shown that they have in fact turned their back on crime.'

A Release Advisory Board, appointed by the Minister, met on 2 July. Its function is to decide 'whether the prisoner is ready to be a productive member of society and to be reunited with it'. If there are any conflicts of opinion on the Board, the Government has the final say.

The remission policy has led to speculation on the possible future release of prisoners such as Mandela, Sisulu and others serving long or life sentences. There has also been speculation about the possible release of Herman Toiva ya Toiva, the Namibian leader who is serving a 20-year sentence. However this has been dismissed by prison authorities and it is likely that mainly short-term prisoners due out before 1984 are in line for parole.

The government's unprecedented move should be viewed with greater caution, rather than over-optimism, observed a Black Sash member. 'In the light of detentions, bannings and banishments this move can hardly be seen as a change in the state's attitude,' said another commentator.

The Island has housed opponents

of the Government since the 18th century. In 1918, Makhanda, the Xhosa war doctor, became the first black political prisoner. Other rebellious chiefs were imprisoned on the island by the British colonisers. In 1860 one prisoner drowned in an attempt to escape to the mainland.

John Vorster and a few other Nationalist Party leaders also spent time interned on the Island during the Second World War. They were members of a pro-Nazi organisation opposed to the Smuts' government's support for the Allied forces.

In 1959 it was officially declared a penal settlement and initially held criminal and political prisoners. After the banning of the ANC and other organisations in the early 1960's and the trials that followed, many people were imprisoned on the island. Nelson Mandela, Govan Mbeki, Walter Sisulu, Raymond Mhlaba, Elias Motsoaledi, Andrew Mlangeni and Ahmed Kathrada were all sentenced to life imprisonment during that time. Some of them have recently been moved off the island to Pollsmoor Prison on the Cape Peninsula.

Robben Island may not be a prison for very much longer. The government has announced that it wants to change it into a holiday resort and move the prisoners to an inland jail by 1983.

Hogan alleges heavy handed action by SP

AN AWAITING trial prisoner, Barbara Hogan, 30, told a Johannesburg Magistrate's Court that she was assaulted by a security policeman who told her he took delight in beating terrorists and communists, including women.

Hogan, who has been in detention since September 22 last year, has been charged with treason and will appear in the Rand Supreme Court on August 15.

Two security policemen, Warrant Officer (WO) Nicolaas Johannes Deetleefs, 32, of Beach Avenue, Primrose, Germiston, and WO Lawrence Charles Phillip Prins, 31, of State Residences, Government Mortuary, Springs appeared before Mr G J Schoeman on July 22.

The State alleges that the policeman hit Hogan with fists and open hands on her face, head, ears and back on October 22, 1981. They

pleaded not guilty.

She said on October 22 she was taken from her cell at about 9am to an office on the 10th floor of John Vorster Square and intensively interrogated by a group of security policemen.

Later that morning, WO Deetleefs and WO Prins came in. Her hands were tightly handcuffed behind her back so that she could not move.

'They were shouting and screaming at me and calling me a communist,' she said, adding that throughout her interrogation she had been screamed at and threatened with physical violence.

She said it seemed that violence was a pattern the Security Police used when interrogating detainees.

At lunchtime, the handcuffs were removed and she was shouted at and told to swallow her food quickly.

'After lunch, WO Prins came and stood behind me. A question would be asked and he would hit me from behind across the right side of my face,' she said.

'He started hitting me regularly then. He hit me on my face, back and neck. He made a special point of hitting me on my ears and said this would break my eardrums.'

'Deetleefs would ask the questions and Prins would hit me. As I recall, there must have been between 25 and 30 blows. They were not continuous but interspersed with very aggressive questioning, screaming and shouting.'

She said she was deeply shocked and numbed by what she described as an 'overwhelming experience'.

She said she could not say if the assault was serious or minor because 'in the circumstances, you have little power, you are in the control of the Security Police and you are mentally strained. To have two men beating me was traumatic.'

When she was eventually allowed to go to the toilet, she noticed the rectal fissure she had developed in detention had started bleeding.

She was taken in a Security Police car to a district surgeon, Dr Jacobson. On the way there, she was warned by WO Deetleefs not to speak about what had happened, and was threatened with further assaults.

She said WO Deetleefs had once said to her he was 'not scared of assault charges because they always get squashed'.

'When I got to Dr Jacobson, he asked me if I had any complaints. I pointed to my face and started crying,' she said.

'Dr Jacobson became angry when he saw my bruises. He asked me to strip down so he could take note of all the bruises on my body. He called in another doctor to verify the injuries. I begged him not to say that I had been assaulted.'

She said she had bruises under her right eye and a larger one on her right cheek. Her back, neck and ears were also painful.

The doctor's report was handed to the Security Police as they left the consulting rooms, and she said WO Deetleefs told her he would be nice to her because she had not told the doctor about the assault.

Mr T T A Bornman, for WO Prins, put it to Hogan that she was a member of the ANC and that she had received instructions on how to behave in detention 'to put the police in a bad light'.

Hogan refused to say if she was a member of the ANC because it could incriminate her. She denied she had any knowledge of how to behave in detention.

Latest laws are no fairy tale

FIXING UP the legal niceties for South Africa's security measures is like trying to pass off Little Red Riding Hood's grandmother in the pension queues.

But, such has been the shake-up of security legislation in the wake of the Rabie Commission recommendations that even the security boys have been getting themselves twisted in confusion over who they are hiding under what law.

On June 24, seven people were detained under Section 22 of the General Law Amendment Act which allowed them to be held for 14 days without recourse to lawyers, family and friends. These detentions were widely reported by the media before the security police, for the first time ever, prohibited further publication of the names in terms of Section 27(c) of the Police Act.

So far so good, everyone's used to this sort of thing, but here comes the catch.

Not only had Section 27(c) been removed from the statute books eight days before the detentions, but Section 22 ceased to be law a week after the incarcerations having been eclipsed by the new Internal Security Act.

The recent shake-up of security legislation has only changed a few names of the country's most draconian laws and streamlined them for easier application.

The shake-up was heralded early in June by the introduction of the Intimidation Act, which has already been put to use in the current wave of labour unrest in Natal.

The onset of July saw the disappearance of the infamous Terrorism Act, Internal Security Act of 1950 and several others where were collectively replaced by the Internal Security Act 74 of 1982.

The new act is likely to be used extensively in future security police investigations.

People taken in for interrogation will be held under Section 29 while potential state witnesses will be held under Section 31. Those detained because the Minister of Law and Order so desires will find themselves victims of Section 28. If any charges are made the Attorney General may, in terms of Section 30, refuse bail.

With effect from the beginning of July any warrant officer or higher rank, may detain a person without a warrant if he feels the detention will combat public disturbance, disorder, riots, or violence.