

metropolitan transport areas, and the desirability of establishing a national bus transportation corporation.

#### RAILWAYS

The Minister of Transport announced in his railway budget that return tickets, which represented a discount of up to 60% on single fares, were to be abolished on commuter trains from 1 October. In addition the weekly and monthly season tickets will be increased by an average of 10%, affecting the majority of commuters. The discounted return tickets, however, affects casual workers, shoppers and students.

A railway spokesperson stated that one of the reasons for abolishing the discounted return was to clamp down on fare evasion. The chairperson of the Commuters Watchdog Association said, however, that tickets were examined at departure and often on the trains, and it was a result of inefficiency on the part of the railways if the staff could not catch fare dodgers. He added that fare increases would discourage pupils from using public transport.

Ntatho Motlana of the Committee of Ten, described the fare increases as 'monstrous'.

This increase comes six months after an increase of on average 12,8%, and parliamentary reports indicate that further increases are likely next year.

These fare increases come in the context of inadequate railway facilities for Soweto commuters. While the Director of Passenger Services and his assistant claimed that the 420 trains provided for the 235 000 daily commuters, coped with needs, this was strongly denied by the commuters interviewed by the Sowetan (07.09.81).

#### NOTE:

We would like contributions on the issue of transport in South Africa.

## Courts

#### TERRORISM ACT TRIALS

On June 11, 1980, workers in the Cape Peninsula began boycotting the bus service run by City Tramways. Fares had been increased by between 30% and 100%, following an application by City Tramways to the National Transport Commission. By mid-July, it was reported that City Tramways had spent R25 000 on propaganda, in an attempt to break the boycott. However, the Sunday Times reported that the boycott was still 100% effective in Crossroads, Guguletu and Nyanga, while 50% of people were still boycotting buses in other areas (ST, 13.07.80).

A secret Cabinet committee, consisting of representatives from the security police, army, and Departments of Co-operation and Development, Indian Affairs and Coloured Affairs, was set up to break the boycott. It issued various anonymous pamphlets, including one falsely claiming to speak for taxi drivers, calling for an end to the boycott.

However, by mid-August the boycott was still in force, and it was at this stage that an arm of the state intervened in a more direct manner in support of City Tramways.

During the boycott of buses, many township residents used taxis to travel to and from work. Large numbers of these taxis were not legally registered with the Road Transportation Board, and are thus referred to as 'pirate' taxis. Late in July, police baton-charged workers

boarding pirate taxis, and strong police action was taken to force these taxis off the road in an attempt to break the boycott. Reports mentioned the arrest of taxi drivers, and even confiscation of cars and lorries.

Then, on August 11, police once more acted against the pirate taxis and their passengers - and this time large-scale violence resulted. According to the chairperson of the Western Cape region of the South African Institute of Race Relations, Daphne Wilson, the violence followed a confrontation between police and commuters waiting for pirate taxis at a bus stop where empty buses were standing. Riot police attempted to force waiting commuters to board these buses. 'The people refused to get into the buses - they walked instead', said Mrs Wilson. She claimed that the ensuing violence was a direct result of the clampdown on pirate taxis, involving strong-arm action and wholesale arrests. At one stage, police and armed officials of the Road Transportation Board stood at pirate taxi tanks and prevented people from entering the taxis.

In the violence and community anger that followed, vehicles were stoned and set alight in Klipfontein Road, near the Crossroads squatter camp, and at least 5 people died. 2 of them, George Beston and Frederick Jensen, were stoned and severely burnt by petrol bombs thrown at their cars when they drove past Crossroads. All 3 schools in the area were closed, and a crowd set fire to a post office maintenance vehicle at the Nyanga bus terminus.

Chairperson of the Nyanga Residents' Association, Oscar Mpetha, issued the following statement on the conflict:

We are told the police are here to protect the people from intimidators, but it is the police who are the intimidators. When we saw the riot police arrive this morning we

knew there would be some sort of unrest. It was the action of the police which caused the riot situation. Why are they protecting City Tramways? It seems as if they want the people to use their money against their will.

Police denied that they had provoked the people, and caused unrest, and according to Brigadier DB Nothnagel, Divisional Commander of Police in the Western Cape,

The pirate taxis are committing an offence, and when we act against lawbreakers we are accused of provoking unrest. This does not make sense.

The then president of the South African Institute of Race Relations, René de Villiers, disagreed:

At a time when everything possible should have been done to defuse the situation... the authorities saw fit to insist on the strictest implementation of the Transportation Act provisions about unlicensed carriers (in this case, pirate taxis).

A few days later Johan Bernard, managing director of City Tramways, admitted that inspectors of the company were reporting the activities of pirate taxis to the authorities. A community leader responded in the following way:

The action of the police and the Road Transportation Board officials has simply made people angrier and more united because they can see that the Government is helping City Tramways. Instead of making the company look into its fares, they came in with sub-machine guns and dogs and tried to force the people to board the buses.

It has been an education for some of the people to see how the Government works together with business. They must just realise that the people are not going to go back to buses until the fares go down.

Two days after the events of August 11, police began detaining community leaders and students from the Crossroads-Nyanga area. One of the first to be picked up was Oscar Mpetha, 71 year old chairperson of the Nyanga Residents'

Association and organiser for the African Food and Canning Workers' Union, who had the day before condemned the police intervention in the bus boycott.

Some four months later Mpetha and 17 others emerged from the secrecy and solitary confinement of security police detention, to face charges of murder and terrorism.

The accused in the trial are Oscar Mpetha (71), Lawrence Lerotholi (18), Morgan Makubala (19), Aaron Tshangama (28), Peter Kube (18), Alton Sabuwa (18), Fumenikile Booi (18), Vuyisile Kzaza (19), Johannes Nhlapo (20), Jeffrey Beardman (20), Vuyisile Diba (21), Richard Anepondo (19), Welile Mazothana (21) and 5 youths.

That state alleges that between August 8 and August 12, 1980, the accused incited people to damage motor vehicles by throwing stones and petrol bombs, and setting alight the vehicles.

The accused are charged with assaulting and injuring 6 people, 2 of whom subsequently died. Other charges relate to the barricading of Klipfontein Road by placing stones, tree stumps and tyres in the street; marching in singing groups armed with sticks, stones and other weapons; ordering the closure of black schools; and congregating in various churches to encourage people to participate in 'terroristic' activities.

The first part of the trial involved various procedural applications made by both state and defence. Defence counsel applied for the state to supply further and better particulars to the charge sheet, and this application was granted by the trial judge.

The state then applied for the whole trial to be held in camera, as there were a number of minors amongst the accused. This was opposed by the accused who, through their lawyers,

expressed the desire for the trial to be heard in open court. In ruling against the state's application, the judge said that 'it would be wrong for me in this situation to force a sort of semi-private trial on all 19 accused when not one of them wants it'.

The opening days of the trial were noticeable for the amount of public support shown for the accused, and demonstrations, marches and large court attendance were reported.

In its opening address, the state claimed that trade union and community leader Oscar Mpetha was the brains behind the bus boycott against City Tramways. In addition to this, the state claimed that it would prove that Mpetha had planned the stoning of vehicles and killing of whites on August 11, 1980.

The state's first witness was a 15 year old girl, who gave her evidence in camera and may not be named. In her evidence she claimed that a number of the accused had taken part in various meetings, a march, building a barricade in Klipfontein Road, stone-throwing, and the overturning of a car. She attended a meeting at the Assembly of God church on August 10, 1980, where a speaker told those gathered to join others waiting near Crossroads.

The crowd met a man driving a van who raised his fist in a salute and urged the crowd to sing a song - 'There are guns in Angola'. She claimed that this man was Mpetha.

The witness claimed that one of the accused (Kube) told people in the crowd to pick up stones. Another of the accused stood in the middle of the road and stopped traffic. Stones were thrown at a car and a white man was injured. Kube pulled the man from the car, and a group including 6 accused overturned the car. Another accused then threw a match into the

petrol tank of the car.

The witness was then cross examined for some 8 days by defence advocates, and during the course of the cross examination the accused which the witness had implicated denied their involvement.

The state's second witness was a 16 year old youth who had been in detention since August 1980. According to the first witness, this second witness had played a leading role in the events on August 11.

This witness told the court that he had joined the Comrades movement in 1978, and had been taken to Mpatha's house by Amaondo. There, Mpatha had said that the Comrades were fighting for the nation, and that if any of them were arrested he would see to it that the ANC helped to defend them.

The witness further claimed that at various meetings at Mpatha's house in August 1980, Mpatha had told people to take schoolchildren out of their classrooms, burn schools, kill whites and destroy their cars. Mpatha had produced a map and pointed out the place where people were to start rioting, and which routes people were to follow. The first key point had been the bus terminus in Nyanga where cars and buses were to be destroyed. The groups were then to proceed to Landsdowne Road, and any vehicles belonging to whites on the way were to be destroyed and the drivers killed. The groups were to split into three, and 2 of the accused were group leaders. People were told to arm themselves with petrol bombs, barricade the road, and throw the petrol bombs at cars. According to the witness, Mpatha then instructed a group to organise a meeting at the Assembly of God church the next Monday: 12 of the accused were present at the meeting, and one of them, Nhlapo, said that the young people would have to

be violent.

The witness testified that after the meeting, the crowd went to the Nyanga East bus terminus, and attacked a GPO vehicle. On the way to Crossroads they met Mpatha who taught them to sing 'There are guns in Angola'. They broke up into 2 groups, and his group went to the Noxolo school in Crossroads. Present was Booi, leader of the Crossroads Comrades, who said that they must go together to kill whites and burn cars. Booi bought a container and filled it with petrol, and after stopping a car, a group pulled the driver from it. Booi, Amaondo, Nhlapo and 2 people not accused stabbed the driver and set the car on fire. At this stage, according to the witness, Mpatha arrived and threw stones at the driver of the car. He then left.

The following day, after a meeting at Noxolo school, a group went back to Klipfontein Road. There a car swerved off the road, and the driver was pulled out and stabbed by Booi, Nhlapo and Amaondo.

The witness claimed that after this series of events, he and 3 others fled to the Transkei with the idea of contacting the ANC in Lesotho. However, after a period, he returned to Cape Town.

In cross-examination, which lasted 7 days, the witness admitted that after his arrest he made a false statement to a magistrate. Defence counsel also put it to this witness that much of what he said in evidence was false and fabricated.

When the court reconvened after the mid-year recess, Mpatha was excused by the judge from attending court until he felt better. During the lunch break he had been unable to walk down the court stairs to the cells, and 2 of his co-accused had to carry him.

He returned to court on his 72nd birthday

on crutches to hear state witness Michael Mlangeni, 26, saying that he was prepared to say anything to get out of detention, and that a lengthy period of detention had affected his memory.

The next day the accused were involved in a scuffle with police when they refused to get into a van transporting them between prison and the court. The presiding judge inspected the van, and decided that there was sufficient space in it for the accused. He warned that if there were further problems in this regard, he would move the court to Pollsmoor prison, where the accused were being held.

Towards the end of August, defence counsel informed the court that Mpatha's diabetes was out of control, and that he might have to have an operation. Mpatha was then admitted to hospital, where a toe was amputated. In the meantime, the trial continued in his absence, and a 16 year old witness, weeping while giving her evidence, told the court that she could not remember seeing any of the accused in the vicinity of one of the cars attacked.

The trial, which is expected to last into 1982, continues in the Cape Town Supreme Court.

Norman Yengeni (22), Edward Mburu (26), David Linda Mampane (20) and Eddie Befana Khumalo (30).

Charge: The state alleged that all the accused had undergone military training, and were ANC members. In addition, Yengeni was charged with gathering information (for the purposes of sabotage) on a Cape Town oil storage depot, and Mburu and Khumalo were alleged to have collected information on an oil depot in Alberton.

Mampane was, in addition to the charges of undergoing military training and being an

ANC member, alleged to have been part of an ANC assassination squad, and to have had the intention of killing a policeman. Mampane was arrested with Johannes Shabangu, who was sentenced to death recently for his attempted assassination of a policeman in Bosfontein (see Pretoria treason trial).

At the start of the trial the accused all pleaded guilty to being ANC members, and to undergoing military training. Mampane also pleaded guilty to the intention of killing a policeman. The state accepted the not guilty pleas of the accused in regard to the gathering of information on oil depots, and in Mampane's case, possession of a Makarov pistol.

The accused were accordingly found guilty on the counts they pleaded guilty on.

The state called two witnesses in aggravation of sentence, one of whom was Colonel Hermanus Stadler of the security police, who regularly testifies in political trials on the nature of the ANC.

The other witness, who may not be named in terms of a court order, was the person who was kidnapped in the SADF raid on Matola, and who testified for the state in the Pretoria treason trial.

Sentence: Mampane was sentenced to 8 years for undergoing military training, 2 years for ANC membership, and 8 years for his intention to assassinate a policeman. Because the 2 years for ANC membership is to run concurrently with the other sentences, the effective sentence is 16 years.

The remaining 3 accused were sentenced to 8 years for military training, and 2 years for ANC membership. Effective sentence is accordingly 10 years each.

(Pretoria Regional Court, 15.09.81).

Tsoeu Mokhele (21)

Charge: It is not clear from reports whether the accused was charged under the Terrorism or Internal Security Act. He was charged with illegally crossing the South Africa - Lesotho border while in possession of ANC, SACP and SACTU pamphlets.

Verdict: Guilty.

Sentence: 5 years.

(Bloemfontein Regional Court, 21.08.81).

#### PRETORIA TREASON TRIAL

Anthony Bobby Tsotsobe (25), Johannes Shabangu (26) and David Moise (25).

Charge: The accused faced a main charge of high treason, with alternate counts of terrorism, robbery with aggravating circumstances, and four counts of attempted murder.

They first appeared in the magistrates' court on 16 April, 1981, where they were not legally represented. Despite their lack of legal representation and the seriousness of the charges they faced, they were questioned by the presiding magistrate and all 3 made very damaging admissions which were recorded as evidence against them.

Tsotsobe admitted that he was an ANC member, that he had received military training in Angola between 1977 and 1980, that he had attacked Uncle Tom's hall in Soweto on 5 May, 1980, setting it on fire, that he had launched an attack on Dube railway station on 14 September, 1980, and that he had hidden ammunition, weapons and explosives intended for acts of sabotage. In addition to this, Tsotsobe was also charged with participating in a guerilla attack on the Booysens police station during April 1980.

Shabangu, who was charged with attacking the house of a South African policeman at

Bosfontein, Mamelane, near Barberton during April 1980, admitted in the magistrates' court hearing that he was an ANC member, and had received military training in Angola.

Moise, during the course of the magistrates' court hearing, admitted participating in an attack on Sasol 2 at Secunda on 1 June, 1980, and returning to South Africa on 26 August, 1980 to gather information for a second attack on Secunda.

The Supreme Court trial began with the defence contesting the admissibility of the admissions made in the magistrates' court. Defence counsel pointed out that the accused were brought directly to court from section 6 detention: pages of complicated charges were read to Tsotsobe, 'an unlettered man' with standard 1 education. The magistrate then got admissions from him after reading the charges to him.

It is clear that when an undefended man is asked to admit to admissions the effect should be explained very clearly. This man knew nothing whatsoever about legal proceedings and gave his consent in circumstances which were most unfair, argued a defence lawyer.

The accused gave evidence on this aspect of the trial, and 2 of them testified that they were released from section 6 detention only moments before they appeared in the magistrates' court. Moise told the presiding judge, Justice Theron, that he was under the impression that he was still under section 6 when he appeared in court.

Despite these arguments, the trial judge ruled that the admissions made in the magistrates' court hearing were in order, and would be used as evidence against the accused.

The other major element in the trial related to the 'confessions' which the three accused

made while in police custody. All 3 accused testified in some detail, alleging that they had been systematically tortured by security police. In addition to this, they called a number of ex-detainees who gave evidence of a general course of conduct involving the security police. The defence argued that the statements of the accused had been made under extreme duress, and should not be accepted as evidence by the court. For some details of the allegations made against the security police, and their denials, see WIP 19:47-8.

The state's major witness was an ANC guerilla captured by the SADF in its raid on the suburban house in Matola, Mocambique. The witness, who may not be identified in terms of a ruling given by Judge Theron, told the court that he had undergone ANC military training in Angola and the Soviet Union. In April 1980 he returned to South Africa as part of a group which planted explosives at the Sasol plant in Sasolburg. He returned to Mocambique to report on this mission, and subsequently entered South Africa a second time to gather information on a fuel depot at Mafikeng.

After returning to Mocambique, he was kidnapped by the SADF from the house in Matola, and brought back to South Africa where he was handed over to security police.

At the conclusion of the state case, the three accused decided not to give evidence, and called no witnesses in their defence.

Verdict: Guilty of high treason, in terms of the various acts they were charged with undertaking.

Sentence: On 19 August, in the Supreme Court of Pretoria, the judge who 3 years earlier sent Solomon Mahlangu to his death, sentenced all 3 accused to a sentence of death.

# Labour Action

## MINING

ON the 18th July six miners were killed and 20 injured in 'faction fighting' between Shangean and Xhosa workers at JCI's Elsburg Mine at Westonaria. A few rooms were burnt out and windows were broken, according to the single report on this incident that appeared in Johannesburg newspapers (RDM, 21.07.81).

The next weekend, on 25 July, one african miner was killed, and three badly injured in fighting between a reported 3 000 Xhosa and 3 000 Basuto miners (these figures were later denied by the mine authorities). Mine police at the Kloof gold mine compound where the incident took place, used teargas and dogs. This mine, owned by Gold Fields of South Africa, is also close to Westonaria. About R10 000 worth of damage was done, and 500 miners asked to be released from contract.

On 27 July, at the Venterspost mine compound in the same region, further fighting occurred between Xhosa and Basuto miners. Cars were reported to have been stoned and at least eight miners injured. Teargas was used by mine police and the SAP was called in. The fighting was said to have involved about 800 miners.

## TRANSVAAL

Ansol Metal Co (Alberton): Approximately 200 workers at this firm downed tools on 14 August in demand of a 60c an hour across the board increase.

The firm told the Metal and Allied Workers Union (MAWU) that the firm was to introduce the 'Patterson grading system', which would allow

productive workers to earn more than the industrial council determined wages for the industry.

No further news.

Cobra Brassware (Luipaardsvlei, West Rand):

A series of short stoppages hit this firm. The first report referred to the second strike in a week. This second strike occurred on 31 August (a Monday). Rita Ndzanga, organising secretary of the General Allied Workers Union (GAWU) said that almost the entire workforce - about 600 workers - had gone on strike over union recognition, rejection of the liaison committee, reinstatement of a dismissed worker, and the refusal by management to let workers leave the premises at lunchtime.

This stoppage was said to have lasted four hours. Management met with the GAWU and a recognition ballot was said to have been discussed (Star, 01.09.81).

On Thursday, 3 September, workers downed tools again, demanding a wage review (R3,00 an hour minimum) and recognition of GAWU. More than 200 workers were involved and police stood by on this and the next day.

Managing director, Terry Davidson, said that workers who had not returned by Monday (7 September) would be fired. He also said that the firm would not give GAWU sole recognition as the registered Steel, Engineering and Allied Workers Union had also contacted him for recognition (RDM, 05.09.81).

All but 20% of Cobra's 540 workers were fired on Monday after refusing to return to work. New recruits and former workers would be signed on Wednesday, said Davidson.

Semson Ndou, GAWU president, said that workers had been locked out on the Monday (Sowetan, 08.09.81).