

PUBLIC SECTOR

GOVT — JUSTICE

1990

MAY ,



Maggie Friedman, girlfriend of murdered activist Dr David Webster
● Picture by John Hogg.

Informant 'did not get a cent' for documents

The key witness at the Hiemstra Commission hearings yesterday said he had "not received a cent" from The Star for having given the newspaper official Johannesburg City Council documents which exposed spy rings in the security department.

While being cross-examined by Mr Gilbert Marcus, for various parties including Cosatu, Mr Hannes Gouws revealed the name of the council official in whom he had confided.

He said that he had spoken to Mr Tony Thompson, a senior official in the security department, about giving information to the media.

"I spoke to him and he said I had two options. One was to go to the newspapers and the other to Mr Manie Venter, the town clerk."

In earlier testimony, Mr Gouws had said he had been unable to see Mr Venter and had consulted a "senior council official."

He had then taken the decision to hand the documents to The Star.

Cross-examined by Mr H Bornmann, for Mr M Hennig, a former operative, Mr Gouws said he had not written to Mr Venter because he knew "from the experience of other people" that replies were rarely received from Mr Venter.

He had also not spoken to Mr John Pearce, director of public safety, "because he is a friend of Mr Frik Barnard".

A week later (in March) he had given the documentation to The Star. Reporters had gone to his home in Natal.

'Offices' were swept for bugging devices'

Telephone and other bugging devices were considered for use by the Johannesburg City Council's security department, the Hiemstra Commission heard yesterday.

A witness, Mr. Panie Naude, a technical officer in the security department, also said that the Civic Centre first-floor office of the leader of the opposition in the council could have been bugged.

He told Mr Justice Hiemstra, sitting with Mr W van den Berg, that he had been asked to sweep offices on the first floor for bugging devices and had found a cable for an extra telephone connection which he admitted could have been used to listen to conversations in offices on the floor.

When he hesitated in answering questions from Mr Lotter Wepener, leading evidence for the commission, he was assured that he did not have to give answers that would incriminate him and that he would be protected from being disadvantaged by appearing before the commission.

Mr Naude said that recently Mr Frik Barnard, the deputy chief of the department, and Mr Tony Thompson, also of the department, had asked him to investigate the acquisition of listening devices.

Calculators

He said he had obtained bugging devices from a company and had taken them to Mr Barnard to be looked at.

The devices could be built into telephones and pocket calculators and he had seen one in a pen.

He said he thought Mr Thompson had requested the looking into of the purchase of such devices, but that Mr Barnard had known.

He had seen "about three" such devices on a desk in Mr Barnard's office, but could not say to whom they belonged. On one occasion he had built a bugging device on the instruction of Mr Gouws, who had given him money for the parts.

Mr Naude also testified he had been introduced to Commandant Kotze, of Witwatersrand Command, SADF, by Mr Barnard at the Johannesburg Fort early one evening. Mr Naude could not give a date.

He was asked by Commandant Kotze if he had knowledge of checking offices for listening devices.

A few days later, he was told by Mr Barnard to sweep Commandant Kotze's offices. He did not find anything but, on another occasion, picked up signals from a building next to the offices.

Mr Naude had also detected signals which could indicate a bugging device in the telephone system at the commandant's offices. Mr Naude reported each incident to Mr Barnard and was told that Commandant Kotze would take care of it.

In answer to a question, Mr Naude said Mr Barnard had asked him if Brigadier Visser's telephone could be bugged.

He did not know if this was with the knowledge of Brigadier Visser.

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Latin law is an unnecessary compromise, says advocate

By Janet Heard

The amendment to the Admission of Advocates Bill was an "unnecessary compromise" between the two opposing views in the profession and would not satisfy either of them, advocate Lewis Goldblatt, the chairman of the Johannesburg Bar Council said yesterday.

Mr Goldblatt was reacting to a Bill passed in Parliament last week which no longer makes Latin a necessary credit for law students, who wish to study as advocates, and higher grade matric Latin will now suffice.

There are groupings that believe a high standard of Latin should be maintained and others who believe it could be done away with completely.

Mr Goldblatt said "Higher grade matric Latin is of too low a standard to enable a person who passes it to understand adequately the old Roman Dutch text. It also still puts a stumbling block in the way of people who have never done Latin at school."

He said one of the biggest ob-

jections to Latin was that most schools did not offer it and in the Transvaal not one black school offered the subject.

Professor Francois Venter, the president of the Society of University Teachers of Law, said a resolution was passed by the deans of all faculties that imposing statutory requirements compelling law graduates to study Latin was an "unwarranted interference" with the autonomy of law faculties.

"Views differ among academic lawyers about the importance of teaching Latin to law students, but we are all agreed that there is no more justification for statutory compulsion in the case of Latin than in respect of core legal disciplines."

Mr William de Villiers, the chairman of the Pretoria Bar Council, which believes a high standard of Latin should be maintained, said Latin played a very important role in the study of old Roman Dutch authorities, and the lowering of Latin requirements was a negative move for the profession.

Counsel for officers named denies 'atrocities' involvement

LONDON — Advocate Sam Maritz, counsel for policemen alleged by self-confessed hit-squad commander Dirk Coetzee to have been implicated in security police 'atrocities', denied their involvement to the Harms Commission yesterday.

Among those named by Coetzee in a week of evidence are the present and former commissioners of police, generals Johan van der Merwe and Johan Coetzee.

During cross-examination Maritz found several apparent contradictions of statements Coetzee made earlier, as well as failure to corroborate evidence of two other former alleged hit-squad members.

Maritz. "Your stories are totally ridiculous."

Coetzee. "They are 100% correct."

Maritz stated earlier that then Colonel Nick van Rensburg of the Port Elizabeth security branch (now a brigadier) would also deny that he received R7 000 which Coetzee claimed was obtained from the sale of a minibus stolen from a Uitenhage trade union.

Van Rensburg was also cited by Coetzee

KIN BENTLEY

as being involved in the alleged murder of Sizwe Kondile of Port Elizabeth.

Yesterday Coetzee agreed he was not the real "hit-man" of the hit-squad base at Vlakplaas. This, he said, was a Capt Koos Vermeulen who, he has testified, shot dead three people.

Mr Justice Louis Harms pointed out that in his evidence Coetzee had mentioned the shooting of three former ANC men then working for the police. In each case, he said, Vermeulen allegedly pulled the trigger.

Untrue

Coetzee said while he headed the hit-squad at Vlakplaas, other members were "selected", including Vermeulen. When the judge asked why a security chief, Brig Arthur Flemington, was not named as a murderer, Coetzee said he never testified that Flemington killed anyone.

In earlier evidence, Coetzee said he was not the leader of the hit squads, but led them "if Vlakplaas was involved". Mr Justice Harms said Jacques Pauw of Vrye

Weekblad had reported, following an interview with Coetzee, that he was the "leader of the security police murder squad". Coetzee said Pauw's report was untrue.

He agreed with the judge that it was untrue that his group at Vlakplaas formed the "core" of the hit-squad operations and that Vlakplaas was the headquarters of the murder squads.

□ Coetzee yesterday contested a claim by Maritz that Sipho Mtinkulu of Port Elizabeth was in good health when released from detention on October 20 1981.

He said that Mtinkulu, on his release, was given thalium poison in a fruit-drink which paralysed him.

Maritz said Mtinkulu was discharged from prison on October 20, but only disappeared in April the following year. Coetzee said that immediately after his release he landed up in hospital.

A civil case against the Minister of Police was pending, he said. On a second visit to Groote Schuur Mtinkulu disappeared.

Maritz said it was on record that Mtinkulu had recuperated or was on the way to recuperating when he left the country on April 14 1982.

Coetzee 'made up stories' - claim

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LONDON - The seventh day of the Harms Commission hearing began on Monday with Mr Dirk Coetzee facing accusations that he was "dishonest" and making up stories as he went along

There were more sharp exchanges between Mr



Sam Maritz, representing various policemen, and

HARMS
PROBE
INTO
HIT
SQUADS

Coetzee at the hearing in the makeshift courtroom in the South African Embassy

Maritz charged that "your problem is that your stories are fancies of your own"

He had earlier pointed out contradictions in Coetzee's evidence to the Commission and his revelations to a journalist after fleeing South Africa last year

Much of the argument revolved around the whereabouts of Almond Nofomela, an alleged hit-squad member, in the days before the killing of Griffiths Mxenge in November 1981

Nofomela

Maritz pointed out that Coetzee had told the journalist he had asked for Nofomela to be sent to Durban to assist with the case

However, he had said in his evidence that Nofomela was already in Durban when he (Coetzee) arrived there. Coetzee defended himself by saying the incidents had taken place 10 years before and he had to depend

entirely on his memory

He said that if he had access to certain police documents he could get his story "100 percent"

Maritz also disputed the former police captain's assertion that the security branch were above the law. He pointed out that from 1981 to 1989, a total of 208 criminal cases were brought against security policemen, and 21 were found guilty

Coetzee indicated that the fact that only 21 were found guilty supported his argument, and said he would like to see what the charges were. "They could just as well have been drunken driving"

Newspaper editor to appear in court

Mr Max du Preez, editor of Vrye Weekblad, has been summoned to appear in court on June 19 and 20 on two charges under the Protection of Information Act.

A spokesman for the newspaper said today that the charges related to a report on February 2 about the University of Stellenbosch Institute for Soviet Studies and the National Intelligence Service. — Staff Reporter.

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Winnie assaulted me, man tells court

By Cathy Stagg

Mrs Winnie Mandela told a group of young men that they were not fit to be alive, the Rand Supreme Court heard yesterday

With these words, Mr Kenneth Kgase (31) began a description of a series of interrogations and beatings that he and three other young men allegedly endured at Mrs Mandela's home at 585 Diepkloof Extension, Soweto

He was testifying at the trial of Mr Jerry Vusi Musi Richardson (41) of Orlando West

At the start of his trial, before Mr Justice B O'Donovan and two assessors, Mr Richardson pleaded not guilty to four counts of kidnapping, five of assault with intent to commit grievous bodily harm, one of attempted murder and one of murder

No explanation

The murder charge arises from the death of James "Stompie" Moketsi Sepele (14) No plea explanation was given

Mr Kgase said he had lived at the Methodist Church manse in Orlando West with 16 to 18 other people

There was often conflict between groups from different areas Mr Kgase, who worked for the church, said Stompie had not identified with any group and a rumour had circulated that he was an "impimpi" (police informer)

He said that on the night of December 29 1988 he was playing cards with Stompie, Mr Barend Thabiso (20) and Mr Gabriel Pelo Mekgwe

Someone burst into the lounge and ordered them into the kitchen, where he saw a tall, well-built man, whom he now knew as Jerry Richardson Everyone from the manse was rounded up and driven to Diepkloof Extension in a bus, where they were taken into a house with a swim-



Mr Jerry Richardson has pleaded not guilty to Stompie's murder and 10 other charges. Mrs Joyce Sepele outside the Rand Supreme Court, where she testified about identifying the body of her son Stompie

ming pool and a spa bath

Mr Kgase said that after freedom songs had been sung, he was separated from the others and interrogated

Then supper was served Mr Kgase said he had difficulty eating because he was scared and the food was badly prepared

He said more people arrived before Mrs Mandela entered the room "There was an intense quietness," Mr Kgase said Mrs Mandela then said they were not fit to be alive, he said

Mr Kgase said Xoliswa, a woman who lived at the manse, accused him, a Mr Mono and Mr

Mekgwe of sleeping with the Rev Paul Verryn She also accused Stompie of selling out comrades who were killed by police in Parys, he said

Mr Kgase said Stompie had also complained about sexual misconduct

He said Mrs Mandela then grabbed him by the hair and punched him and asked him how he could have been so irresponsible as to let the alleged sexual misconduct continue

She then went over to Stompie, he said, and grabbed him by the shoulder and interrogated him about using cameras to spy

on everyone Stompie said he knew nothing about this, Mr Kgase said After each person had been interrogated by Mrs Mandela, she asked for spamboks, the court heard He was then beaten up

Punched

Mr Kgase said Mr Richardson was the first person to touch him, but many other people had joined in

He was punched, lifted up above shoulder height and dropped to the floor, stamped on and hit with an empty bottle

Two people had plastic bags, but when they tried to push Stompie's and Mr Mekgwe's faces into them, Mr Richardson stopped them, saying that was enough for that night, Mr Kgase said

In earlier evidence, Dr Patricia Klepp said Dr J W C Cook had performed a post-mortem examination on an unidentified youth on January 13 last year and a month later

After discussing newspaper reports, he had wondered if it could have been Stompie, she said The next day another post-mortem examination was performed

The cause of death was given as penetrating, incised wounds of the neck, and bruising under the skin Two of the three wounds had been caused by a double-bladed object, she said

Outlining the sequence of evidence, Mr Chris van Vuuren, for the State, said Mr L A Ikaneung would testify on the attempted murder charge, alleging Mr Richardson stabbed him with the blade of a pair of garden shears

It is alleged that Stompie was murdered on January 1 or 2 last year His body was found on January 6 in the veld between Noordgesig and New Canada The hearing continues

Picture by John Hogg

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Star's informant is accused of lying

By Norman Chandler,
Louise Burgers
and Helen Graunge



The
Hemstra
Commission

The key witness in the Hemstra Commission, Mr Hannes Gouws, was interviewed yesterday by Harms Commission officials after he had completed his evidence about spy rings in the Johannesburg City Council.

He has claimed that activist David Webster was shot dead by a member of a special unit made up of military and municipal employees as well as implicating the SADF's Civil Co-operation Bureau in its activities

Murders

Mr Gouws, who gave documents about the spies to The Star, was interviewed by Mr Chris Erasmus, the Harms Commission secretary, and Colonel Johan Wright, an investigating officer attached to the SA Police. His attorney, Mr Lawley Shein, was present.

The Harms Commission is investigating alleged politically motivated murders and is at present hearing evidence in London. It is likely to resume sittings in Pretoria next week.

Before Mr Gouws completed his evidence to the Hemstra probe — which was sitting for the 11th day yesterday investigating The Star's revelations of a spy ring in the council's security department — lawyers acting for the SADF and other parties, about liaison between the SAP, security forces and the council's security department.

"I was a go between," Mr Heming said.

A ruling will probably be given today on whether or not the names may be made public.

He was repeatedly questioned by Mr Marcus about his knowledge of the infiltration of the Five Freedoms Forum as well as about the Freedom Charter.

Mr Heming, who earlier said he had a "measure of expertise" due to his training in the SADF and his background, could not answer questions on the history of the ANC, and linked the Freedom Charter — which he did not know had been unbanished in 1984 — to organisations such as the FPF and Black Sash. He said their acceptance or discussion of it meant they supported the ANC's aims and objectives.

Sinister

Asked about a profile on Mr Murray Hofmeyr, JCI chairman at that time and now chairman of Argus Holdings Ltd, Mr Heming said it transpired that Mr Hofmeyr was regarded as "apolitical" as he had not made "any controversial comments" during an FPF meeting at which the Freedom Charter was discussed.

"You draw no inference from the fact that Mr Hofmeyr was present at this meeting?" asked Mr Marcus. "You however draw the most sinister inferences possible when it suits you."

Mr Heming said he had joined the council as an assistant security officer. He had been told about the position and was later interviewed by deputy security director Mr Erik Barnard.

His job had been to "monitor white leftist groups and liaise with the security services".

Asked for his qualifications, Mr Heming said he had attended "certain SADF courses", but declined to answer the question. "Are you refusing to answer me?" asked Mr Marcus. "I cannot answer you."

Mr Marcus then asked Mr Heming whether he regarded himself as qualified to monitor political organisations.

"Yes," said Mr Heming. These included the FPF, End Conscription Campaign, Black Sash and Jodac. Others were black trade unions, the names of which he could not recall.

Decisions to infiltrate had been made by a group comprising Mr Nic Roestof, Mr Johan Beelge, Mr Piet Assenmacher and himself. Ex-security chief Brigadier Jan Visser and Mr Barnard had not been party to the motivation of such actions.

"The FPF was infiltrated because it possibly posed a threat," said Mr Heming in reply to questioning by Mr Marcus. He claimed the FPF had threatened a boycott of the municipal elections in 1988.

One of the ANC's main objectives is to boycott elections. The FPF had the same objective and that is a direct link between the two," he added.

Mr Heming regarded it as "unlawful" for people to be urged to boycott elections.

He claimed to have proof that the FPF had used "unlawful methods" but after protracted argument, Mr Marcus produced



Mr Hannes Gouws (left), a key witness in the Hemstra Commission, on his way to being interviewed by Harms Commission secretary Mr Chris Erasmus (right) and investigating officer Colonel Johan Wright (centre, facing camera). Picture by Ken Oosterbroek

Laughter, then some cross words

Cross-examination of Johannesburg City Council spy handler Mr Martin Heming by Mr Gilbert Marcus, appearing for various groups including Cosatu, started with some hilarity at the Hemstra Commission yesterday when Mr Heming was asked whether he could actually see the lawyer.

Peering around a number of other legal representatives, Mr Heming replied, "If I want to". There was laughter from everyone in the room, including

Mr Justice V G Hemstra, chairman of the commission. Later, Mr Heming was reproving the relevance of questions put to him.

Mr Marcus said, loudly: "I will judge the relevance of these questions, Mr Heming."

At one stage, Mr Heming referred to Mr Marcus as "Mr Magnus". Heated interaction between the two continued throughout the cross-examination.

to the commission a city council document, written by an unnamed informer, which claimed the FPF had in fact called for whites to register as voters.

Mr Heming said in re-examination by Mr D Fine, SC, for the commission, he did not regard as "very serious" an assault on a guard who had teargas sprayed in his face. Evidence was led earlier that the guard — a shop steward for a municipal trade union — was teargassed in his watchman's hut.

"If he had been hospitalised or died, then it would have been serious," Mr Heming added.

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Council Witness Tied claim

Mr HANNES Gouws - the man who blew the lid off Johannesburg's municipal spies - was yesterday accused of lying and telling "second-hand stories".

The Hiemstra Commission heard lawyers acting for the South African Defence Force and other parties, accuse Gouws of spreading falsehoods and by doing so had "become the Dirk Coetzee of the Johannesburg City Council"

Gouws yesterday spent his third day giving evidence to Mr Justice VG Hiemstra, assisted by Mr W van den Berg, who is investigating *The Star's* revelations into spy rings in the Council's security department

Under cross-examination by Mr A Roux, for the SADF and the Minister of Defence, Gouws said the conversation he had in a bar of a Johannesburg hotel - where he had heard that Dr David Webster was killed by a Mr Paul de Swardt - had been attended by Commandant Theuns Kotze, of the Witwatersrand Command, a Mr Bezuidenhout and Mr Dick Greyling, a colleague

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Bar

Gouws told the Commission last week only of Greyling in the bar. He was accused yesterday by Roux of telling half-truths.

Roux put it to Gouws that he had asked Kotze what he should say at the Hiemstra Commission. The meeting had taken place in the "Angels Bar" at the Cardiff Arms Hotel.

"Dr Webster's name came up in the conversation. Greyling had brought up his name," said Roux

"That is correct," replied Gouws, who reiterated that Greyling had said Mr Paul de Swardt had shot Webster

"I was amazed," said Gouws, who added he understood that Greyling had heard about the shooting from other "different" people.

Roux said Greyling had said that he had heard the information from someone whose name began with the letter 'S' and, in turn, 'S' had heard about a person named 'P' who had also heard about the Webster death

"Under oath, I said I had heard about the shooting," said Gouws. Roux, however, said: "You are prepared to put a person's reputation on the line by relating fourth-hand information to the Commission

"You are trying to be the Dirk Coetzee of the Johannesburg City Council," said Roux.

(Proceeding)

Afrikaans Editor gets summons over report

MAX du Preez, editor of the 'alternative' Afrikaans weekly newspaper, *Vrye Weekblad*, has been sum-

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mensed to appear on court on June 19 and 20 on two charges under the Protection of Information Act.

Du Preez said in a statement yesterday the charges stem from a report on February 2 about Stellenbosch University's Institute for Soviet Studies approaching the National Intelligence Service to serve as a front in obtaining information on the ANC, the SA Communist Party and the Soviet Union for NIS.

The charges relate to the use of documentation allegedly sub-

stantiating the story, according to Du Preez

The documents were earlier seized from the newspaper's offices by police officers with search warrants.

In addition, six charges under State of Emergency regulations against Du Preez were withdrawn last month, the statement added.

Du Preez's appeal against a six month suspended sentence and a fine under the Internal Security Act will be heard in the Rand Supreme Court at the end of May. - Sapa

Mandela beat me - witness

By ALI MPHAKI

A WITNESS in the Stompie murder case testified yesterday that Mrs Winnie Mandela had pulled his hair, punched and sjambokked him.

Startling evidence of how four youths, including James "Stompie" Makhosi Seipei (14), were sjambokked by Mandela was heard before Mr Justice B O'Donovan in the Rand Supreme Court.

Mr Kenneth Kgase told the court this assault on him took place at Mandela's house in Diepkloof Extension, Soweto, where they had been taken to in a bus.

He was giving evidence in the trial of Mr Jerry Vusumuzi Richardson (41), of Orlando West Soweto, who has pleaded not guilty to 11 charges including murder, kidnaping and assault.

He said after he and the three youths were "interrogated" Mandela was very angry and said they were not "fit to be alive".

This followed allegations that Stompie had "sold out" four comrades in Parys who were subsequently killed by the police.

(Proceeding)

3/5/79
Soweto

Football team beat Stompie for four days — evidence

4/5 - 10/5/90 W/Maul

FOR four days, Stompie Mocketi Seipel was continuously beaten by members of the Mandela football team in Winnie Mandela's house in Diepkloof Extension, the Rand Supreme Court heard yesterday.

During the assault, he confessed to being a police spy.

On New Year's Day last year, the 14-year-old was taken away by the team's coach, Jerry Richardson, and was never seen again.

Kenneth Kgase, one of the four youths allegedly abducted by Richardson from the Methodist Church house in Orlando West, said this in evidence in the Rand Supreme Court yesterday.

Richardson is being charged with the murder of Seipel, the attempted murder of Andrew Ikaneng, four counts of abduction and five counts of assault.

Kgase said that Seipel had been targeted for assault because Mandela and the football team believed he was a police informer.

He related how, while being assaulted by Mandela, Richardson and other members of the team, Stompie had screamed "Yes, I am a police spy."

"Jerry often said Stompie is not going to live," Kgase added.

The day after the four boys were assaulted, a tall muscular man is said to have visited the house. He began kicking and swearing at Stompie when Richardson told him Stompie was a spy.

While kicking Stompie, the man said "I'm not going to use my hands — if I use my hands, I can kill you," Kgase related.

Earlier Richardson had said that the others, Kgase, Barend Thabiso Mono and Gabriel Pelo Mckgwe, who he accused of sexual misconduct in the church house, would not be assaulted any longer. But they were not allowed to leave the house.

Apparently Stompie had suffered the most injuries — he had a lump on his head, a cut under his eye and after the first day of "interrogation" he was shivering, continuously sobbing and could not even eat.

Just before sunset on New Year's Day, "Jerry put on his khaki overall and asked Stompie for his address because he was taking him home. The atmosphere was tense. After it had become dark, Jerry told Stompie to take everything that belonged to him, and Stompie got up and followed him," Kgase said.

The next day Kgase saw that Richardson's shoes had spots of blood on them. At midday he saw Richardson washing the clothes he had worn on the previous day.

Apparently Jerry said that Stompie had been "dumped."

Richardson also allegedly told Kgase "that they had links with peo-

Mandela football team members assaulted Stompie Seipel for days before his death, the Rand Supreme Court heard this week.
By CASSANDRA MOODLEY

ple in exile and he (Kgase) was part of those to be recommended for training at that establishment." Kgase said he was not told the name of the "establishment" but he refused to agree to the proposal.

Evidence was also led on how Richardson and a few other members of the football team took Kgase, Mono and Mckgwe to hunt down a man in a "red shirt."

They found the man in the red shirt. According to Kgase, the man was taken to an open field outside Orlando West township and Richardson pushed the man to the ground and jumped on his chest. Richardson told Isaac, one of the football team, to stab the man with a pair of garden shears.

Then Richardson got angry, and grabbed the shears from Isaac. From where Kgase stood, he could see Richardson "moving his hands to stab the man."

"Jerry said, 'This man is not dead,' and he continued the process again, and then he stood up."

"I was told to drag the man into a ditch," Kgase testified.

The man has not been identified in court, although in the indictment Richardson is accused of stabbing Andrew Ikaneng on January 3 in an open field near Orlando West.

On Wednesday, Kgase told the court how Mandela had interrogated and beat him, Mckgwe, Mono and Seipel with a sjambok and her fists.

Examining So THE EAST EURO SOCIALI EXPERIE

Discussion 2 Socialist
Models - Yugoslavia
- Hungary

Speakers

Eddie Webster (Wits So)
Avril Joffe (Wits Soci)
Bernie Fanaroff (

Venue: Senate House
Basement 1, Wits
Date: Monday, 7 May
Time: 7.30 pm

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Coetzee betrayed — by his colleague

By IVOR POWELL

W/M 4/5-10/5/90

IT took another former policeman, who defected to the African National Congress earlier this year, to betray Dirk Coetzee, the self-confessed leader of a security police death squad.

Letters written in Lusaka by Coetzee and entrusted to former Piet Reelief police constable James Stevens, who fled South Africa for Zambia earlier this year, fell into police hands when Stevens handed himself in to his former masters.

He was returning to the country on a mission allegedly ordered by Coetzee and directed at obtaining certain documentation from the Piet Reelief police station.

The embarrassing contents of the letters were read to Coetzee during the Harms Commission hearings in London this week.

Before fleeing in February this year Stevens, together with fellow policeman and defector Marthinus Grobler, told the *Weekly Mail* of security po-

lice abuses in Piet Reelief, notably in connection with two incidents in 1988 in which eight suspected ANC members were killed.

They claimed that the eight had been gunned down in ambushes and that dates had been falsified by the police in the subsequent cover-up.

Stevens, however, was evading a number of criminal investigations arising out of the use of excessive force while carrying out his duties as a policeman. They included charges of assault and illegal discharge of a firearm. In all of the cases the alleged violence was directed against blacks.

Stevens admitted to the *Weekly Mail* that his motives for leaving the country had little to do with political convictions. He often had to be stopped short by Grobler when racial

perogatives and gleeful descriptions of alleged police tortures slipped from his lips.

A third fugitive, a woman friend who accompanied the two policemen, returned last month describing the ANC officials she had met in Lusaka as "nice people", but the general milieu as "much too black for me".

It was, as Stevens said, the promise of adventure and the threat of prosecution which allowed him to be persuaded by Grobler to give corroboration to the latter's story and to take the "Lusaka Safari". He was hoping to travel through Africa and eventually find his way to the United States.

In March the *Weekly Mail* was informed that, after an initial period of

quarantine and debriefing in a Lusaka prison, the two police defectors — by this stage reportedly dressed "like beachboys in Hawaii" — had been allowed to join the ANC and that they were working with Coetzee.

In an affidavit to the police taken after his second defection, Stevens said that among the ploys Coetzee masterminded in Lusaka was a plan to blow up security police headquarters.

In the Coetzee letters — addressed to friends inside the country — which were led as evidence before the commission in London this week, it was revealed that Coetzee had nurtured hopes of being appointed as chief investigating officer in a "post-war Nuremberg trial in South Africa."

According to Sam Maritz, SC, act-

ing for certain policemen at the commission, Coetzee also pictured himself in prose as an important general in the future ANC government's military establishment.

But under cross-examination by Les Roberts for the commission, Coetzee projected himself as "accused number one in the dock" at these trials of the criminals of the apartheid war.

Roberts responded by remarking that the scenario "makes about as much sense as appointing Rudolf Hess as chief investigating officer at Nuremberg would have done."

Coetzee was retired from the security police in 1983, ostensibly because he had diabetes. Though the retirement came in the wake of a intra-departmental inquiry into alleged criminal activities, a senior police source said the disease had induced mood swings and described Coetzee as a "dangerously unstable man".



Former spy handler Martin Hennig being cross examined at yesterday's hearing

Picture ROBERT BOTHA

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Security dept papers missing, inquiry told

EDYTH BULBRING

CERTAIN Johannesburg City Council security department documents of interest to the Hiemstra Commission of Inquiry into alleged irregularities in that department were missing, the commission heard yesterday.

Under cross examination by Lötter Wepenaar for the commission, former spy handler Martin Hennig said he had given a packet of documents to senior security department director Frikkie Barnard after the commission first seized documents from The Fort

In addition, personal documents in Hennig's possession were being examined by himself and his legal representatives and those relevant to the commission would be submitted

However, Hennig conceded to advocate Gilbert Marcus acting for the Five Freedoms Forum (FFF) that he was in no position to decide on the relevance or irrelevance of the documents

Marcus said he would be looking at bringing an application for all those documents to be handed to the commission as he believed Hennig had misled his legal representatives

Hennig denied all knowledge of a file on murdered Wits academic David Webster, although Marcus produced a card which referred to the existence of a file

It was possible the file on Webster was in Barnard's possession, Hennig said

In addition, the commission was in possession of six reports on the activities of Webster, the commission heard

Hennig said he did not think it important that he or Tom Naude, who had infiltrated the FFF and befriended Webster, should make statements to the police after his death

Hennig refused to answer any questions regarding a farm at Halfway House, mentioned by former spy handler Hannes Gouws, where security department employees held a braai every Friday on the instructions of Barnard

He said in terms of the Defence Act he would not answer any questions regarding his contact with the Defence Force, or his army activities

Marcus said he would examine Hennig on these points once he had had time to study the Act.

On the question of the personal profile compiled by Hennig on former PFP councillor Pat Rogers, Hennig said he had not been perturbed about monitoring the activities of a city councillor as he did nothing unlawful

He had compiled the profile with information provided by a member of the Security Police, Hennig said

Rogers's sympathy with radical organisations put the council in danger. The commission will continue its proceedings today

Kgase 'asked to join Winnie's team'

By Cathy Stagg

A Rand Supreme Court witness yesterday said he was assaulted by Mrs Winnie Mandela and members of her soccer team — and was then asked to join the team.

Mr Kenny Kgase said that a few days later he was taken along when team members caught and stabbed a man.

Mr Kgase was testifying in the trial of Mr Jerry Richardson Mr Richardson (41), of Orlando West has pleaded not guilty to four counts of kidnapping, five of assault with intent to commit grievous bodily harm, one of attempted murder and one of murder

On Wednesday, the first day of the trial, Mr Kgase (31), a church worker, described how he was abducted from the Methodist manse in Orlando West with Mr Thabiso Mono (20), Mr Pelo Mekgwe (21), and James "Stompie" Moketsi Seipei (14)

Man called Slash

He said on December 29 1988, they were taken to Mrs Mandela's house in Diepkloof Extension where Stompie was accused of "selling out" four comrades in Parys and the other three were accused of sexual misconduct They were assaulted by Mrs Mandela and many other people, including Mr Richardson who was present throughout the events, Mr Kgase said At one stage Mr Richardson stopped the assaults saying "it was enough for one night"

Continuing his evidence in chief yesterday, Mr Kgase said he and the other three were guarded

that night by Mr Richardson and a man called Slash

Mr Kgase said Mr Richardson spent a lot of time with them and told them how stupid they had been to allow their bodies to be used by the white man (a reference to the Reverend Paul Verryn) Later a "tall, muscular man" arrived and asked who they were Mr Richardson repeated the allegations against the four young men and the newcomer became very angry with Stompie

"He said that is the last thing that can happen when people are fighting for a just cause. He kicked Stompie and asked why he did it Stompie couldn't answer and he became more angry He kicked Stompie around the room," Mr Kgase said

Mr Richardson told the man the other three were a different case They had made a small mistake and had been punished

Mr Kgase said the next day various people arrived at the house and looked at the four young men Some made comments about them and it was said Stompie would not be alive long On New Year's day last year, Mr Kgase said, Stompie was told to write his address on a piece of paper because he was going home Various men spoke to Stompie before Mr Richardson told him to collect his belongings

"There was a lot of movement outside In the distance there was an echo of chanting The next day was not normal, people were quiet," Mr Kgase said

He saw Mr Richardson's shoes, which appeared to have blood spots on them and this terrified the three young men The shoes were among other washing Mr Richardson hung out on the line.

Mr Richardson later came into the house and asked Mr Kgase if he played soccer

He said before he gave his answer, everyone was taken out to a piece of open ground to do strenuous exercises

They then returned to the house and there was a debate about who should be taken with Mr Richardson and other team members Mr Kgase said they were not sure what was happening but eventually were escorting a man in a red shirt to see "Mummie"

When the man broke free, Mr Kgase intended to make his own escape but when he jumped over a fence, he found the rest of the team had caught the man and he was part of the group again Later he was ordered to hold the man's legs while Mr Richardson sat on the man's chest and stabbed him with a blade from a pair of garden shears

The hearing continues

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Youths tell Rand judge they fear for their lives

ONE of four youths allegedly beaten by Winnie Mandela and her football team told a Rand Supreme Court judge yesterday he wished to give the rest of his evidence in camera as he feared for his life.

This was after the youth, Kenneth Kgase, a young church worker, had recalled how he and teenage activist James Stompie Sepei, Barend Thabiso Mono and Gabriel Pelo Mekwge had been abducted from the Soweto home of Methodist minister Paul Verryn by Mandela's football team and taken to Mandela's house, where the assaults took place.

Kgase said the assaults occurred on the night of December 29 1988, while Mandela questioned them about their alleged sexual misconduct with Verryn.

Stompie, he said, had been interrogated about allegations that he had "sold out" four comrades to the police.

Kgase's evidence forms part of the State case against former Mandela football team coach Jerry Richardson, who has pleaded not guilty to murdering 14-year-old Stompie Sepei on January 1/2 last year, and other related charges.

When the trial resumed yesterday the State applied for the rest of

SUSAN RUSSELL

Kgase's evidence and that of Mono and Mekwge to be heard in camera.

This was opposed by defence counsel H Joubert, who said the names of the people and events about which the three would testify had been made public already.

In support of his application, Kgase said he wanted to continue with his normal life after what had happened to him.

"I fear for my life," he said "I believe no-one cares."

Involvement

In cross-examination Joubert asked him whether his evidence contained anything new which was not part of the affidavit he made last year about events at the Mandela home.

"It was new about Mrs Mandela," Kgase said. He said that at the time he had not mentioned her involvement "in public".

Mono told the court he also wished to give his evidence in camera.

"What I am going to say, which is the truth, will put my life in danger because of the present situation in our country," he said.

Refusing their applications, Mr Justice O'Donovan said while both appeared to be genuinely concerned

about their safety, they had failed to make any basis whatsoever for such fear.

Resuming his evidence Kgase said after Mandela and members of the football team had assaulted them, they were told to wash in three basins Richardson gave them clothing and blankets with which they were told to make their beds.

Kgase said Stompie was badly hurt at that time, sobbing and shivering. "He wasn't keeping a firm hold on himself."

He said the next day Richardson told them to clean the blood from the room and the surface next to the nearby jacuzzi.

"Stompie was given the task of washing the clothes we were wearing when the assault took place I did not see him doing it," said Kgase.

He told the court that Richardson stayed with them most of the time. "He said how stupid we had been to allow ourselves to be used by the white man and that was the last thing they were going to allow."

Kgase said that later that night another man had come into the room and repeatedly kicked Stompie after Richardson told him the teenager had sold out some comrades.

He told the court that by Sunday Stompie had not been able to eat. The trial continues today.

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No to plea for evidence in camera

The State launched an unsuccessful application for a hearing in camera of the remainder of Mr Kenny Kgase's evidence and that of the two other men who allege they were assaulted by Mrs Winnie Mandela and members of her soccer club

Mr Kgase testified that he feared for his life. He said the political situation in the country had changed since January last year

Since his assault his lifestyle had not been normal "Now I want to tell the whole truth, but one doesn't have anything left in terms of security I am afraid to give evidence in open court"

Cross-examined, he said although Mrs Mandela's name was mentioned during January and February last year, it was only speculation, not evidence

Mr Thabiso Mono said he would testify later in the trial

and would prefer to do so behind closed doors, and without the press present because he was concerned about his safety

Pressed to explain, he said "The situation is not the same in connection with the very lady"

The lady was later identified as Mrs Mandela

Under cross examination he said there had been a rumour that Stompie (the youth whose death forms the murder charge against Mr Jerry Richardson) had been a police informer and now he (Mr Mono) was giving evidence in the trial and could be seen as one of the people who talked about what happened

After listening to argument from the State and the defence, Mr Justice B O'Donovan ruled that the application failed but could be reopened if there were any new developments.

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McCarthy would have approved

Former Johannesburg city councillor **PAT ROGERS** comments on the report on himself drawn up by the municipality's security department. The report was recently submitted to the Hiemstra Commission:

We're a strange lot. Where else could advocacy of a municipal police force prompt accusations of left-wing radicalism?

Yet that's the starting point for the "personality bulletin" on me prepared by the Johannesburg City Council's security department.

The report says that my initiatives in this direction, and notably the proposal that the force be an acceptable alternative to national service, "must be seen in a serious light as it infers that undesirable elements could join the police".

A line on the writer's thinking about undesirable elements and what can be done to correct their outlook is provided by his recommendation that should such a force be established, "conditions be attached like the completion of basic (military) training and border service before people are enlisted".

There follows the damning but hardly revelatory observation that I am "a convinced supporter of the PFP".

Even those inclined to defend the morality of eliminating or taking other drastic action against opposition activists would presumably concede that such steps should be based on sound intelligence.

On this level my file makes frightening reading. It is a litany of inaccuracies and *non sequitur* conclusions, and gives the impression that anything goes if it justifies further investigation and another pay cheque.

Harking back to the municipal police force and national service, it concludes that this "points to possible involvement with the End Conscription Campaign". For the record, I have never had anything to do with the ECC and my son completed his national service.

"The subject is quite possibly involved with Idasa, the Five Freedoms Forum and Johannesburg Democratic Action Committee."

Apart from a cocktail party, and once chairing an FFF speaking panel (featuring a fairly respectable newspaper editor), I have had nothing to do with these organisations either.

Although the speculation concerning my involvement with these groups is nonsense, it is not unduly disturbing. Bearing in mind that it was a banned organisation at the time, it is much less amusing to read "the possibility that he is involved with the South African Communist Party is not ruled out". No doubt Senator McCarthy would have approved.

"The subject is in favour of negotiations with the ANC and he also supports the idea behind the Dakar meeting. He was approached to attend the Dakar meeting but decided against it. He was, however, represented at the debriefing."

I neither supported nor decried the Dakar meeting (though I would have thought a trip to Soweto quicker and cheaper), I was not approached to attend it and I was not represented at the debriefing. And I wonder what my personal spy (who remains unknown to me) would have to say about the Government now meeting the ANC?

There are too many errors to detail.

The most sinister disclosures and allegations coming out of the Hiemstra Commission are those indicating an improper role by military intelligence and possible links to political assassination.

On a municipal level, serious damage has been done to the very foundation of the system. Elected representatives of the residents have been spied on by those paid to serve them. Public money has been spent on unauthorised and unacceptable activities. Political neutrality in public service has been ignored.

A spider's web has been allowed to grow in secret. Between some councillors and some officials it will be a long time before trust and respect can again be established, if it can at all.

AS THE 'HIT SQUAD' HEARINGS GO ON, MORE CLUES CONTINUE TO EMERGE ...

The poison they call a killer's dream

BY PATRICK GOODENOUGH

confinement.

On the day he was released, he began complaining of pains in his feet and stomach. Two days later he was unable to walk.

Medical tests at Groote Schuur revealed he had become disabled as a result of an intake of thallium. The rare rat poison resulted in gastrointestinal pain, dizziness and pain in the limbs. His hair soon began to fall out.

When it became clear the poison must have been taken while Munkhulu was in detention, he lodged a R150 000 action against the Minister of Law and Order. Several days later he disappeared.

A month after her son went missing, Mrs Munkhulu said, the security police had taken her in to ask about his whereabouts.

Until earlier this year, the Munkhulu family had heard nothing.

Then self-confessed Civil Cooperation Bureau member Allan van der Schyff reported that in 1985 he took Munkhulu — now seriously ill — from Port Elizabeth to Valkenberg Hospital in Cape Town.

Munkhulu's father flew to Johannesburg in the hope of tracing his son. Munkhulu's mother said Van der Schyff agreed to accompany her husband from there to Cape Town.

But before they could take the flight, Van der Schyff disappeared, and her husband came back empty-handed, she said.

THEY call it the homicide's dream a poison that is tasteless, colourless and odourless

It is thallium, a rat poison illegal in South Africa, and according to evidence by former police captain Dirk Coetzee, it was administered to detained student leader Siphwo Munkhulu

Coetzee's evidence corroborates tests done on Munkhulu at Groote Schuur Hospital some eight years ago, which identified thallium as the cause of his illness, and has focused attention again on the alleged use of poisons by police hit squads

Munkhulu sued the police for damages, but then disappeared and has never been seen again. Coetzee's evidence was the first indication of Munkhulu's fate since his disappearance in 1982

ance in 1982

Coetzee told the Harms Commission in London he was sent to Port Elizabeth to "kidnap and dispose of" Munkhulu, a local leader of the Congress of South African Students

He was recalled en route and later learnt that thallium had been flown to Port Elizabeth security police chief Colonel Nick van Rensburg, and administered to Munkhulu before his release from detention

The dosage had not been sufficient to kill him, but made him "jumpy", said Coetzee

Munkhulu was kidnapped while on his way to Groote Schuur for treatment — at this point he was confined

to a wheelchair — and disappeared

His wheelchair was later found with a friend's car near the Lesotho border

His mother, Joyce Munkhulu, believes her son may have been killed in the same as Sizwe Kondile. Coetzee told the commission last week that Kondile had been drugged, shot and then burnt near Komatipoort

Coetzee's claims have thrown little new light on the bizarre string of events around the disappearance of Munkhulu on April 17 1982

Six months before, Munkhulu was released from five months of solitary

W/M and 4/15-19/5/90

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Lawyers withdraw

THE Klerksdorp terrorism trial continues today without two members of the defence team, who withdrew from the case yesterday.

Mr Dikgang Moseneke and Mr Imran Moosa, representing seven members of the Black Consciousness Movement of Azania accused of terrorism, announced their withdrawal at the close of yesterday's proceedings.

They told the magistrate, Mr JD Pretorius, that their mandate had been terminated because of his rejecting their application to have the case postponed.

The defence had applied on the grounds that the instructing firm needed two months to raise more funds for the case.

Pretorius said the parties had agreed to continue with the trial daily until it ended.

Moseneke said the trial had become very expensive. It was heard at a place where none of the

By SONTI
MASEKO

accused and their families lived and the defence had to pay for travelling and accommodation.

The accused were released on bail totalling R14 000 last week on condition they remained in the Klerksdorp district.

The decision to increase bail from R5 500 to R14 000 and the lengthy duration of the trial were other factors that contributed to the costs.

The trial, initially put down to be heard over eight weeks, was now in its third month.

The magistrate said it should be noted that there were State witnesses who were in jail awaiting to give evidence while the trialist were out on bail.

On the financial aspect raised by the defence, he said the accused had decided to pay money for bail. This suggested the bail amount could not be a contributing factor to their being unable to continue with the case.

Stomple could not eat after beating, trial told

JAMES "Stomple" Mokhele Seipol could not eat after he and three others were assaulted at Mrs Winnie Mandela's home in Diepkloof, Soweto, during December 1988, a witness told a Rand Supreme Court judge yesterday.

Mr Kenneth Kgase said Stomple was swollen, had a cut near the eye and looked sickly before he was ordered to accompany Mr Jerry Richardson.

Richardson is facing 11 charges, including those of murder, assault and kidnapping.

Kgase told Mr Justice B O Donovan that he

By ALI MPHAKI

never saw Stomple again. Testifying after his request to give evidence in camera was declined, Kgase told the court that Stomple vomited and appeared the most seriously injured of the four who had been taken from Orlando West to Mandela's home in a bus.

He said several people who came to see the four youths, who were kept in one of two backrooms at Mandela's home, said Stomple would not live.

The next day he saw bloodstains on Richardson's shoes. They

were later told not to ask what had happened to Stomple.

Kgase said the mood at Mandela's home had changed and the three were now being referred to as comrades. We were told the past was forgotten," he said.

He also described how he witnessed a man being stabbed with a pair of garden shears.

The man had been brought from Mzimhlophe by Richardson, who held him by his belt before he was taken to an open veld where he was stabbed and thrown into a ditch.

(Proceeding)

Profile compiled on ex-councillor

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Surveillance costing R4 500 was to have been carried out on former city councillor and civic personality Mr Pat Rogers, the Hiemstra Commission heard yesterday

Mr Martin Hennig, a spy handler in the Johannesburg City Council's security department, said in testimony that Mr Rogers had been regarded as a "liberal"

In a profile compiled of Mr Rogers, he was suspected of having links with the ANC and South African Communist Party (SACP) and had advocated closer ties with the ANC

The profile had arisen as a result of a 1987 resolution put forward by Mr Rogers that a city police force be established and that the members of it be allowed to serve as part of their national service commitments

Mr Hennig said he concluded that Mr Rogers could, because of the resolution, be linked to the

End Conscription Campaign, an organisation advocating alternative service

Mr Gilbert Marcus, for various parties, described it as a "very serious allegation" to link Mr Rogers to the SACP

Mr Hennig said Mr Rogers "was possibly a member and possibly not"

Questioned by Mr Marcus on whether being a sympathiser of radical organisations fell within the ambit of the security department's spying activities, Mr Hennig replied "It is possible"

Mr Marcus asked him about invasion of privacy and Mr Hennig replied that it would "depend precisely what is required"

Mr Hennig admitted that there had been a number of mistakes in the profile and implied that the whole report could have been an error

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Snoopers disturbed 'naked neighbour'

The story of how a spy handler and his colleague snooped at the home of a top Johannesburg city councillor and disturbed a naked neighbour was told to the Hiemstra Commission yesterday

When questioned by Mr Lotter Wepener, for the commission, Mr Martin Hennig at first claimed no knowledge of having called at the home of Mr Ian Davidson, now chairman of the city council's management committee.

However, he suddenly remembered the incident when Mr Wepener asked him: "You recall knocking on a bathroom window?"

Mr Hennig then said that he had been to Mr Davidson's Westdene house with Mr Piet Fouche, another security official.

According to evidence, they knocked on the bathroom window of the house next door to Mr Davidson. A woman answered and the men asked if there was a pool at Mr Davidson's house.

The woman, who was having a bath, and according to evidence was naked, said there was

According to Mr Wepener, four other councillors were visited by Mr Hennig and his colleague during early 1989.

Spy handler tells of safe house near Wits

NEWS

By Norman Chandler,
Louise Burgers
and Helen Grange

The Hiemstra Commission heard yesterday of a "safe house" near the University of the Witwatersrand which was used by Johannesburg City Council spies.

It was one of a number of "offices" and "safe houses" according to spy handler Mr Martin Hennig, who spent his second day under cross-examination.

In earlier evidence it was stated that an office had been used at the Johannesburg Fort and that hotels had also been utilised.

Mr Hennig revealed to Mr Justice V G Hiemstra, chairman of the commission, who is being assisted by Mr W van den Berg, the modus operandi for placing houses of allegedly suspect people under surveillance. Homes were monitored, and car registration numbers noted.

"All we did was ride past the houses and note down the numbers," Mr Hennig added.

A contact in the Johannesburg City Council licensing department had helped in establishing the names of car owners.

"Can any member of the public do this?" asked Mr Gilbert Marcus, who was cross-examining Mr Hennig on behalf of various organisations.

"I never had any problems," replied Mr Hennig, who was in charge of various informers for the council's security department.

He also agreed that a type of databank was being established and agreed with Mr Marcus that the names of "innocent people went on the list".

ANC fronts

Some names mentioned during testimony yesterday included Mr Tony Leon, a former Leader of the Opposition in the Council, and former city councillor Mrs Molly Koppel.

Earlier Mr Hennig said anti-apartheid organisations were affiliated to the United Democratic Front and therefore were fronts for the African National Congress. He named the Black Sash, Five Freedoms Forum, End Conscription Campaign and the South African Council of Churches. They had been infil-

The Hiemstra Commission



trated although he admitted several times he did not have "expert" knowledge about them.

He said his task had been to monitor "leftist, radical organisations". He regarded the Black Sash and such organisations affiliated to the UDF as fronts for the ANC and the SACP.

"It was a general opinion," Mr Hennig said.

Mr Hennig also repeatedly denied the security department's information section had any interest in Lawyers for Human Rights (LHR). The reason they had LHR's constitution on their files was solely for information purposes.

Regarding information gathered on LHR, infiltrated by trainee lawyer Mr Tom Naude, Mr Hennig said he did not know what contacts Mr Naude actually had in that organisation.

An organisation on the University of the Witwatersrand campus, which included LHR and other left-wing groups, had also been infiltrated. Mr Hennig named it as the Legal Resources Centre, to which Mr Marcus replied "You are totally wrong. You may have been thinking of Centre for Applied Legal Studies".

"The FFF did not officially affiliate themselves to the UDF, but it appeared they had from recent newspaper reports," Mr Hennig said.

Mr Marcus asked "Do you believe everything you read in the newspapers?"

Mr Hennig replied "Definitely not".

He said, however, that it was probable the FFF had close ties to the UDF.

Mr Marcus told Mr Hennig this was not true and the FFF incorporated religious, student, professional and human rights groups.

"I am worried about your testimony because you know so little about the organisation in which you placed an informant," Mr Marcus added. Mr Hennig agreed he was not an expert on the organisations and repeated that it was his job.

The hearing continues



Mum's the word, spy handler Martin Hennig puts a finger to his lips in time-honoured manner. He yesterday refused to answer questions at the Hiemstra Commission hearings. ● Picture by Ken Oosterbroek

City spy handler
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 invokes Act to
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 avoid questions

Staff Reporters

The Defence Act was invoked yesterday by Johannesburg City Council spy handler Mr Martin Hennig to avoid answering questions at the Hiemstra Commission hearings about his liaison with security forces.

Mr Hennig also used Section 118 of the Act when asked about a farm near Pretoria where the South African Defence Force allegedly trained municipal security department officials.

Mr Gilbert Marcus, for various parties, was questioning Mr Hennig about the murder of academic Dr David Webster and military involvement with the security department.

Mr Justice V G Hiemstra, the commission chairman, assisted by Mr W van den Berg, agreed to a short adjournment to allow Mr Hennig to consult legal representatives about the implications of answering the questions.

On his return to the room, Mr Hennig again said he was not prepared to answer any questions dealing with his liaison with security forces.

Mr Hennig was questioned at length by Mr Marcus on a missing profile (coded J1/15) on Dr Webster, who was murdered outside his Troyeville, Johannesburg, home a year ago.

It was alleged earlier during hearings that a Mr Paul de Swardt had murdered Dr Webster, who was active in the Five Freedoms Forum. Mr Hennig said although Dr Webster's name appeared on a security department list of people with profiles and filing cards, he knew nothing about such a profile having been prepared on Dr Webster.

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MRS Mandela was first to beat us, witness tells court

CATHY STAGG

MRS Winnie Mandela was present when Mr Kenneth Kgase and three other young men were assaulted, Mr Kgase reiterated under cross examination in the Rand Supreme Court yesterday.

Mr Kgase was in the witness box for the third day, testifying during the trial of Mr Jerry Richardson.

Mr Richardson, a member of the Mandela football team, has pleaded not guilty to four counts of kidnapping, five counts of assault with intent to commit greivous bodily harm, one count of attempted murder, and one of murder. The murder charge arises from the death of James "Stompie" Moketsi Seipei (14).

It was put to Mr Kgase by Mr Richardson's counsel that Mrs. Mandela left her Diepkloof Extension home on the morning of December 29, 1988 — so could not have been present when Mr Kgase (31), Stompie, Mr Thabiso Mono (20) and Mr Pelo Mekgwe (21) were assaulted there that evening. Mr Kgase said he definitely saw Mrs Mandela.

Earlier, during his evidence-in-chief, Mr Kgase described how he and the other three young men were kidnapped from the Methodist manse in Orlando West. He said they were assaulted at Mrs Mandela's house and that Mrs Mandela herself was the first person to strike each one of them.

Then Stompie was taken away, never to be seen alive again. Stompie had been accused of being an mpimpi (police informer) but Mr Kgase said he had no proof that this was so.

After Stompie's disappearance the three remaining young men were told the past would be forgotten. They had been accused of sexual misconduct. They were referred to as comrades. They were included in duties at Mrs Mandela's house, such as guarding the house. Mr Kgase had a shift between 4 am and 6 am on January 7 last year — the first time he had been left alone with only one other person, the court heard. He jumped over the wall and eventually got transport to the Central Methodist Church in Pritchard Street.

The trial adjourned early yesterday for consultations.

Mr Justice B O'Donovan is on the bench with two assessors. Mr Chris van Vuuren appears for the State. Mr H H Joubert, instructed by Kathleen Satchwell, appears for Mr Richardson.

Spy that failed to please his bosses

THE Man Who Wrote To Himself is not the title of a new best-seller — it's the real-life saga of a spy who would have done well keeping the post office in business

Desperate to show his bosses he was as good as James Bond, the legendary 007, Johannesburg City Council spy Mr Anthony Bennett wrote letters addressed to himself at the municipal security department.

The former bank clerk, university student, spy and spy handler caused merriment at the Hiemstra Commission hearings yesterday when he admitted to having done so. But it all came to nought — or its nearest equivalent.

His superiors gave his input, on the Democratic Party's candidates for the 1988 Johannesburg municipal elections and on the annual DP fete at Zoo Lake, totals of 4 out of 10 and of 6 out of 10.

It all began when Mr Bennett, who dropped out of the University of the Witwatersrand and after infiltrating the End Conscription Campaign on behalf of the security department, obtained a document listing DP election candidates.

"It was a document I received and thought would

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NORMAN CHANDLER

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be of interest to the department," he told Mr Denis Fine, SC, for the commission, during re-examination before Mr Justice V G Hiemstra, assisted by Mr W van den Berg.

To get the document into the "system" operating within the department was easy — he simply wrote to himself, enclosing the document.

He told the commission he acted as the informer, the source of the document, and the recipient. "I did so to show I was a reliable source," he added.

"That is puerile," retorted Mr Fine. "Did you find it interesting that you wrote to yourself?"

"Yes," replied Mr Bennett.

And Mr Bennett not only wrote to himself but also classified the source (himself) as "B2" — which, in security department jargon meant he was very reliable.

Under cross-examination by Mr Gilbert Marcus, acting for various parties, Mr Bennett admitted to having written a second letter, this time enclosing information about the DP fete.



GRILLING: Mr Anthony Bennett at yesterday's hearing. Photograph. Stephen Davimes.

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Giant public corporations 'involved in spy network'

NORMAN CHANDLER, LOUISE BURGERS and HELEN GRANGE

AN intelligence-gathering network with tentacles stretching throughout the country is being run by the SA Defence Force with the co-operation of giant public corporations, it was revealed yesterday.

The corporations include the SABC, Sasol and the Post Office.

Spies operating for them as well as other, unnamed, corporations have been meeting weekly at Witwatersrand Command, the SADF's southern Transvaal headquarters in Johannesburg, to exchange information, the Hiemstra Commission heard.

Mr Anthony Bennett, a spy and spy handler for the now-defunct Johannesburg City Council security department's spy unit, told Mr Justice V G Hiemstra, who is assisted by Mr W van den Berg, that State corporations exchanged information with the military.

This is the second time that the Hiemstra Commission — which is investigating The Star's revelations of a spy ring in the security department — has heard about a wide network of intelligence gatherers.

Local authorities

In earlier evidence, the director of public safety in Johannesburg City Council, Mr John Pearce, said the majority of the country's local authorities ran similar intelligence units to that of Johannesburg.

He said a national association made up of security departments was also in existence.

Mr Bennett yesterday told the commission he had attended various meetings of representatives of the SADF, the Johannesburg City Council, Sasol, the SABC and the Post Office — as well as others he did not name — at Wits Command during 1987-88.

He had been delegated to do so by Mr Piet Assenmacher, his superior at the security department.

He made the admission about the meetings under cross-examination by Mr Gilbert Marcus, acting for various parties. It came when he said he thought he had attended "one or two meetings with the SADF".

Mr Marcus then produced a photocopy of a "movements book" found at the department's offices at the old Johannesburg Fort. Entries showed that Mr Bennett had been to Wits Command on at least eight occasions.

The first was on November 19 1987, when he met a Captain Young, the second a week later to meet Lieutenant Martin Hennig (who later joined the council security department and has been a key witness to the Hiemstra Commission), a third to meet Lieutenant Nick Roestof (who also joined the security department), and a fourth was a "haison" meeting at Wits Command on December 4 1987.

Other meetings followed.

Earlier, Mr Bennett told Mr Denis Fine, SC, representing the commission, that he had never been in

● TO PAGE 2.

Hiemstra

● FROM PAGE 1.

involved with any activities regarding the SADF. He had, however, attended a five-day "low-level source-handling" course at a farm outside Pretoria.

Cross-examining, Mr Marcus said evidence about military involvement was a lie. Mr Bennett denied that this was the case, adding "It could have been to drop off documents".

Mr Bennett then said "I went to one meeting there were a couple of meetings with the military. It could have been to pass on information."

"The meetings took place weekly. Various companies which ran security sections came together to meet the

army on a weekly basis. "They were companies which had discovered information. They included the Post Office, Sasol and the SABC, among others."

He could not recall what information had been passed on, but when Mr Marcus referred to him as "a trained intelligence officer", Mr Bennett conceded that it could have included data on planned stayaways and strikes.

Another reason he gave for visiting Wits Command was to "give council employment application forms" to lieutenants Roestof and Hennig. Mr Marcus rejected this.

The commission has heard that there was an exchange of intelligence between the security department and the military.

Converting swords into ploughshares

They still make supersonic jet fighters and helicopter gunships at the Atlas Aircraft Corporation at Kempton Park. Nowadays, however, there is a new production track in operation — which shows more concern about private motorists than combat commanders.

Atlas's neighbouring associate, Telcast, which manufactures jet-engine turbine blades, is using its high-tech prowess to improve passenger car performance on South African roads — better turbo engines and better fuel injection systems.

The results of research and development programmes will be handed over to the motor manufacturers themselves once they are perfected.

Another Armscor off-shoot, the Institute for Maritime Technology, based at Simon's Town, was originally assigned to develop fool-proof new underwater acoustic/sonar systems to guard South Africa's coastline from intruders.

Treasure chests

The new technology is now being used by trawlers to search for elusive fishing shoals.

It is also being used by a private exploration company to search for treasure chests of sea-bed diamonds under the Atlantic off the south-west coast.

The boffins at two more Armscor operations, Kentron and Elepro, developed new weird and wonderful high-tech systems to steer guided missiles with deadly accuracy in bush warfare.

Now a hard look is being taken into using the identical high-tech know-how to clear the decks for South Africa to make its debut as a manufacturer of microwave ovens — and in the process save at least R200 million a year in import bills.

Kentron and Elepro also made new scientific breakthroughs with night-vision devices that can multiply the power of moonlight or starlight 40 000 times over to spot night raiders.

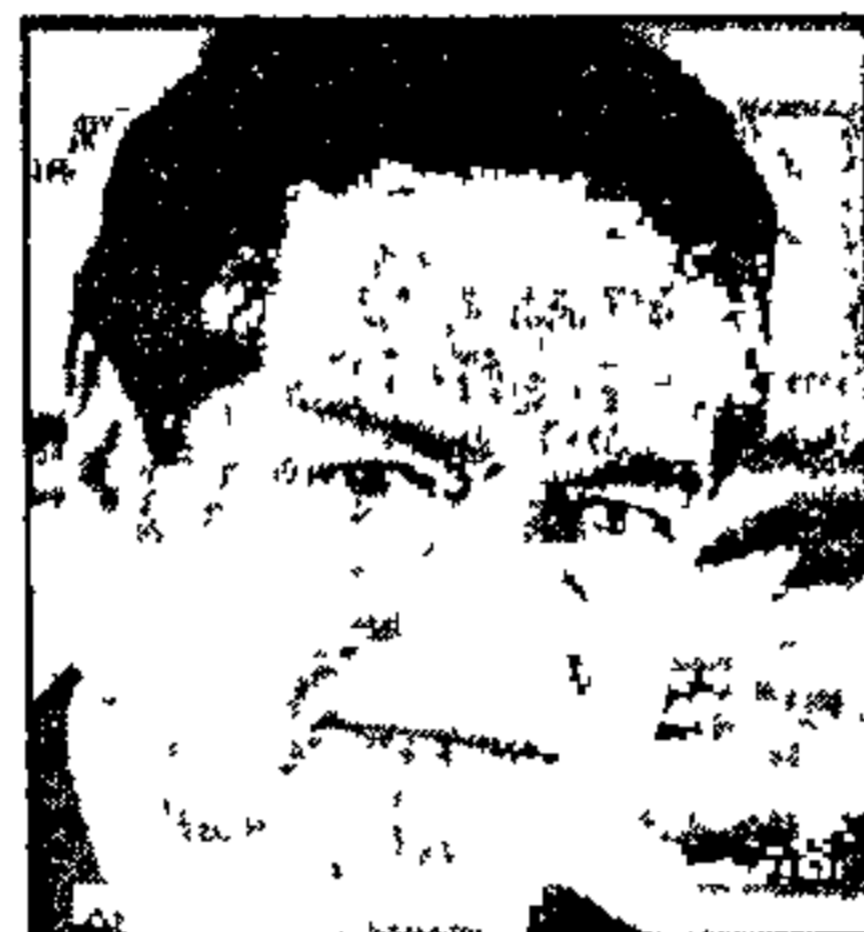
The system has now been used by a private team of wildlife experts in the Kruger Park to take the first photographs on record of the rare and elusive night-hawk, which has until now tantalised the experts as impossible because the bird takes wing only under the cover of complete darkness.

Square-eyed box addicts can thank Armscor technology, cracking the problems of frequency hopping around mysterious wave-bands, for the decoders that bring M-Net programmes to their screens.

The precision engineering developed by Armscor is even being used to design and manufacture thinner and better and cheaper beer cans.

Armscor is digging into the mountain of high technology it

Armscor has possibly amassed the most advanced high technology know-how in the Southern Hemisphere in building an armaments empire. Now, with the prospect of peace settling on SA's borders, its operations are being scaled down — and all the high-tech may be a bonanza for manufacturers in the private sector. **MICHAEL CHESTER** reports



Mr Ron Haywood, deputy director-general of the SA Chamber of Business

has amassed in becoming the biggest armaments producer on the continent for use in less martial roles.

And the potential to boost the high-tech capabilities of the entire industrial sector is seen by economists as tremendous — at a moment of growing nervousness that sanctions, boycotts and disinvestment threaten to leave South African manufacturers trailing further and further behind as giant strides are taken by overseas competitors.

Behind the scenes, Armscor has already leaked to the private sector whole chunks of the high-tech know-how that has been built up in years of isolation that forced it to create a sophisticated armaments industry on its own.

This has occurred as no fewer than 975 outside companies have been engaged in the war machine by sub-contracts to manufacture components.

"Naturally, SA, like virtually every other country on earth, will continue to maintain an effective defence mechanism and remain an arms producer," says an Armscor insider.

"But recent peace settlements all around our borders are almost certain to reduce the pressure on Armscor production lines — as made obvious in the scaling down of operations that has been started.

"Now the high-tech that has been collected and groomed — laser beams and fibre-optics to electronics and metallurgy — can be ploughed into the broader industrial base.

"What now has to be decided is precisely how the future of Armscor should be shaped and where new lines should be

drawn between Armscor and the private sector."

The conversion of swords into ploughshares gives the South African industrial sector a brand-new view about the economic outlook.

"Until lately, there may have been worries that South Africa was going to be left behind in the world-wide race in high technology," says Mr Ron Haywood, deputy director-general of the SA Chamber of Business.

"Because of a blanket of security, most South Africans were largely unaware of what was going on behind the scenes. Now everyone is learning that Armscor has stayed in pace — if not by choice then by sheer necessity."

Major priority

"Naturally, South Africa, like any other nation on earth, must maintain a sound defence system and one expects Armscor to stick with armaments as a No 1 priority.

"The value the high technology and research and developed it has accumulated in the process can now begin to be counted in millions and perhaps billions of rands a year — a superb launch pad for a new South Africa.

There may also be valuable lessons that can be passed on to exporters.

Armscor, running the gauntlet of the worst of all the political flak, now counts sales successes in no fewer than 25 overseas markets, against some of the sharpest competition that can be imagined.

Despite the odds, it now stands as No 1 earner of foreign exchange among all South Africa's exporters of manufactured goods.

Mr Helmoed-Roemer Heitman, a defence analyst and SA correspondent of the authoritative Jane's Defence Weekly, said "The process of building up an arms industry brought South Africa an impressive research and development infrastructure.

"That must now be harnessed to drive technology in civilian applications.

"And that can be done without damaging the country's ability to provide for South Africa's defence — it will only take some imagination."

LISTENING to the evidence in that cinema in South Africa House in London, Justice Louis Harms's thoughts must often have strayed towards southern Africa

Time and again — as the death squads were poised at South Africa's borders — the story of their adventuring was cut short movie trailers for a macabre thriller. These tales, however, must eventually surface if this country is to gain its self-esteem and the sub-continent its confidence

According to his brief, Louis Harms is not designated to investigate political deaths — including Anton Lubowski's — which have taken place outside the Republic

But it would appear that Captain Dirk Coetzee and his colleagues were less bound by legal niceties — for them the country's borders were, as the former policeman affirmed, "just fences"

Every throwaway line in London has been an important piece of evidence for those trying to understand southern Africa's recent history

Gruesome

If the region is a basket-case — and many believe it is — death squads and other political philandering, rather than misdirected economic policies, may have been the underlying cause. Certainly, the circumstantial evidence of their wanton damage seems irrefutable

In the 1980s no other region of the world — the Middle East included — witnessed as much cross-border violence as southern Africa. Its intensity and the magnitude of its cumulative destruction did as much to deplete the region's capital base as did the sanctions applied against South Africa over apartheid

The greatest single temptation to regional mischief-making was its porous frontier. Almost measureless and largely unpatrolled, the borders are as easy to cross and recross today as they have been for centuries. After all, the colonial powers who hacked up the sub-continent were acting against the backdrop of Europe's borders — brief, tidy and easy to secure

In southern Africa only one state, the Republic, possesses the technological know-how to transcend these barriers. In many cases, it literally carries food and clothing to the very doors of its neighbours. Turning access into strategic advantage is not a step

Let's admit it: The season of violence is over

Peter Vale (252)

director of the Centre for Southern African Studies at the University of the Western Cape, looks beyond the Harms Commission evidence

which takes a great deal of imagination

Besides, as the region's leading industrial force, South Africa is able to project its impressive military power deep into the sub-continent

The entitlement to regional delinquency followed Pretoria's belief that its custodians, like Dirk Coetzee, were involved in a jihad in this particular case, a holy war against "total onslaught"

With it came the licence to kill individuals who were viewed as enemies of the existing order. David Webster is a good internal example

Future historians, by the way, will fruitfully probe the psychological links between the evidence given to the Harms Commission in London and that submitted to the Hiemstra Commission in Johannesburg. Both have their roots in the near paranoia which the "total onslaught" deliberately sought to engender

As the violation of regional borders continued, it was impossible to disconnect the paralysis in southern Africa from the intensity and passion of the struggle for a South Africa itself. Not surprisingly, as much as South Africans need healing, so do their neighbours

As South Africa turned this week towards seriously considering its own political future, the moment is ripe to remedy the damage to the neighbourhood too. The Frankenstein monster of regional destabilisation — in all its grisly forms — must be confronted once and for all

Each claim of a border violation made by Dirk Coetzee needs to be followed to its gruesome end. They need to be cross-

checked with three departments of state — Defence, Foreign Affairs and Police — which should have been concerned with what happened

If we are serious, our neighbours will be drawn into the unravelling — which, ironically, will enable them finally to explain a host of things which happened on their own soil

More importantly, perhaps, they will see that South Africans are not afraid to face up to the horror of what occurred, bringing those responsible to book. They will witness that we — as a nation in the making — have the courage to sheath our weapons and halt our compatriots whose very profession has been the business of killing

Desperate

Like it or not, South Africans are considered the region's warriors. It is for us to show that we are prepared to abide by the structural rules which underpin peaceful inter-state relations

The people of southern Africa have much in common. One shared heritage is a body of law which, more or less, straddles our borders. It offers, perhaps, the glue which may eventually hold the region together, occasioning the prosperity its growing population so desperately requires

As things now stand, only Louis Harms — a South African judge whose integrity is beyond any question — can help soothe our neighbours' anguish, by giving them assurances that, in those famous words, "the season of violence is over"

But to do this, his commission must be set free

COURT TOLD OF BEATINGS BEFORE STOMPIE KILLED

By MARION DUNCAN

SENSATIONAL evidence on the gruesome death of a teenage activist has come to light in the murder trial of Mandela football team coach Jerry Vusi Musi Richardson.

Mr Richardson, 41, of Orlando West, is being tried in the Rand Supreme Court on four counts of kidnapping, five of assault with intent to commit grievous bodily harm, one of attempted murder, and one of murder arising from the death of James "Stompie" Mooketsi Sepele, 14, in January last year. The name of Winnie Man-

deli, wife of ANC deputy president Nelson Mandela, has featured prominently in the case.

Mr Richardson has been granted bail of R5 000.

Stompie's partially decomposed body was found in a patch of open veld. A post-mortem revealed that he died from three deep wounds to his neck — made by a double-edged blade.

The examination also revealed internal bruising, extensive external bruises and a

broken collar bone. Stompie was last seen alive on the night of January 1 or 2 last year when he was allegedly taken from Mrs Mandela's home by Mr Richardson.

Mr Richardson has pleaded not guilty to all charges.

But the testimony so far heard by Mr Justice B O'Donovan and two assessors has shocked the country.

Kenneth Kgase, one of four young men allegedly kidnapped by Mr Richardson from the Soweto home of Methodist minister Paul Verryn, alleged

that Mrs Mandela had assaulted him, Stompie and their two friends.

"She grabbed me by the hair and punched me.

"Then she went over to Stompie, grabbed him by the shoulder, chucked him on the floor and interrogated him about his relations with the police."

Mrs Mandela then allegedly punched Stompie before confronting the other two — Bar-end Mono and Gabriel Mekgwe — with allegations of having had sexual relations with Mr Verryn. She then again turned

her attention to Stompie, and "a lot of physical hammering took place", Mr Kgase said.

He claimed Mrs Mandela inflicted yet more punches on all four of them, then asked for sjamboks and beat them.

They were allegedly kicked, trampled, punched and hit on their knees with empty bottles by Mrs Mandela, Mr Richardson and others.

Mrs Mandela told the four they were "not fit to be alive", Mr Kgase said. The court heard that the al-

leged assaults took place at Mrs Mandela's home in Diepkloof, Soweto, in December 1988.

Feelings about the trial are running so high that Mr Kgase and Mr Mono petitioned the court on Thursday for proceedings to be held in camera.

Mr Kgase said he feared for his life if the public attended the trial and the media reported on it.

The judge rejected the applications on the grounds that the witnesses had failed to make out a valid basis for their fears.

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Youth tells court how he fled from Mandela home

A CHURCH worker told on Friday how he escaped from Winnie Mandela's Diepkloof home a week after being taken there and beaten by her and members of her football team

Kenneth Kgase is one of four young men, including James "Stompie" Seipei, allegedly assaulted by Mandela after they were abducted from the Soweto home of Methodist minister Paul Verryn on December 29 1988

He has been testifying at the trial of former Mandela football team coach Jerry Richardson, who has pleaded not guilty to murdering Seipei in January last year.

Richardson, 41, has also pleaded not guilty to four counts of kidnapping, five counts of assault and one count of attempted murder

Last week Kgase described how he, Seipei, Barend Thabiso Mono and Gabriel Pelo Mekgwe were taken from Verryn's house by Richardson and members of the football team

He told the court they were taken to Winnie Mandela's house, where they were assaulted by Mandela and members of the team while being questioned about their alleged sexual misconduct with Verryn.

Seipei had been accused of selling out comrades to the police, he said

On Friday Kgase said after Seipei was taken away by Richardson on January 1, he (Kgase) had been taken by Richardson and members of the team to a house in a Soweto suburb from which they abducted a man

The man was taken to a piece of veld by the group, and Richardson stabbed him with a pair of garden shears, Kgase said.

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SUSAN RUSSELL

He told the court he had helped drag the body into a ditch, after which Richardson told the group they were to split up. He warned them not to speak about the incident.

The person allegedly stabbed by Richardson was Lerotodi Andrew Ikaneng, the subject of an attempted murder charge against Richardson, the court was told.

Guard shift

Kgase told the court he was given a job as a guard on Saturday, January 7, because Richardson and one of the team had been sent to Zeerust where a comrade had apparently been hanged in a tree.

He told the court it was said this comrade had been hanged by the police

Kgase said he was given the 2am-4am guard shift with one other person.

It was during his guard duty that he jumped over the back wall of the Mandela house, Kgase said.

He managed to get to the Baragwanath taxi rank, and obtained a lift to the Central Methodist Church in Johannesburg, where he alerted a caretaker

Kgase said Verryn, who was contacted in Pretoria, had taken him to a doctor.

During cross-examination it was put to Kgase that Mandela had left her house on the morning of December 29 1988 and had only returned a few days later.

Kgase reiterated his earlier evidence that she had assaulted the youths the night the four of them were taken to the house. The trial continues today.

Helping out . . . music teacher Mr Hylton Zarge is one of 400 who
He has been washing 1 000 babies' bottles a day.

Lubowski probe stymied after case is dropped

Star 7/5/90 252

By Dale Lautenbach,
The Star's Africa News Service

WINDHOEK — The Anton Lubowski murder probe is back at square one.

Namibia has withdrawn charges against Mr Donald Acheson (52) the Irishman and former Playboy cartoonist accused of murdering the Swapo advocate.

Mr Acheson was released yesterday in Windhoek. He flew to Jan Smuts Airport last night but was denied entry to South Africa.

He stayed in the transit quarters overnight and is believed to be flying to Swaziland today. His South African girlfriend, Ms Cynthia Leo, joined him in the transit lounge.

Lawyers representing Mr Acheson told The Star at Jan Smuts last night they would apply for a South African work permit for him today.

The charges against Mr Acheson were withdrawn after Namibia had tried but failed to procure four crucial witnesses and two co-accused from SA. The prosecution wanted Mr Staal Burger and Mr Chappie Maree in the dock with Mr Acheson. Both have been linked to the Civil Co-operation Bureau (CCB).

— South African authorities were not convinced Namibia had a *prima facie* case against them.

Namibian Prosecutor-General Mr Hans Heyman had also tried in vain to get South African help in procuring evidence from the four witnesses, who refused to go to Namibia to testify, in spite of an indemnity. They are Mr Ferdinand Barnard, Mr Slang van Zyl, Mr Calla Botha and Mr William Knox.

Like Mr Burger and Mr Maree, they are former policemen. At least three of them have alleged links to the CCB.

Father

Mr Heyman said he had written to the South African Interests Office in Windhoek, seeking a letter of introduction for the Namibian investigators to proceed with investigations in SA and seek out new witnesses.

● Mr Lubowski's father, Mr Wilfried Lubowski, said in Cape Town yesterday the withdrawal of the charges made it appear certain that there will not be a trial of the murderers.

Yesterday Mr Acheson told a Windhoek media conference. "I never done this crime whatsoever, I want to get the hell out of it and just live a normal life." He said he had worked on a freelance basis as a cartoonist for Playboy, Mad magazine and, in London, the Mirror and the Sun.

● See Page 3.

Spied-on union to foot legal bills of 'spies'

81 Day 715190
THE Johannesburg Municipal Employees Association (JMEA) is footing a bill running into thousands of rand for legal representation for council employees who allegedly spied on the union.

The Hiemstra Commission is conducting an inquiry into alleged spying operations by the council's security department.

JMEA president Laurraine Lotter confirmed the union was paying three advocates to represent nine council employees who have been named at the commission as being involved in spying on various organisations, including the JMEA.

Town clerk Manie Venter, public safety director John Pearce, security director

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EDYTH BULBRING

Brig Jan Visser and senior deputy director Frikkie Barnard are being represented by advocate S Burger SC and advocate S van Nieuwenhuizen.

Five other employees — spy handler Martin Hennig, Anthony Bennett who infiltrated the End Conscription Campaign and John Egan, Rick Roestoff and Annetjie Smit, who have yet to give evidence — are represented by advocate J J H Bornman. Lotter said the union's executive had decided to pay the costs because the nine people were members and needed help.

She said the union's constitution pro-

vided for legal representation to all members satisfying certain conditions.

Lawyers said Burger could demand a fee of R10 000 day, while Van Nieuwenhuizen could ask two-thirds of that figure.

Testifying on Friday at the hearing (which started on April 11 and is expected to continue until mid-June), Bennett, who operated as a council spy handler, told how other spies from huge parastatal corporations, including the SABC, had reported on a weekly basis to SADF military intelligence chiefs.

Bennett said he had on occasion attended intelligence exchange meetings at Wits Command.

Alex youths flogged me, says mother

By PHANGISILE MTSHALI

A GROUP of youngsters in Alexandra Township have set up "kangaroo courts" in which people are tortured

The latest victim is Mrs Elizabeth Hlatshwayo (32), a mother of two who lives in 17th Avenue. She was sentenced to R200 or 100 lashes

When she did not pay the fine, the youths took turns in flogging her on the buttocks

After giving her 42 strokes, they told her she would receive the remaining 58 when her wounds had healed.

Hlatshwayo said she had been found guilty of stabbing a man, although this was in self-defence

"Last Monday a man from the neighbourhood broke into my home and tried to rape me," Hlatshwayo said

"In self-defence, I grabbed a table knife and stabbed him on the arm. He ran away and returned with a crowd of 'comrades'. I was taken to the inkundla (people's court) where I was found guilty

I was not allowed to give my side of the story

"I was stripped half-naked in front of the crowd and flogged on the buttocks by 12 of the 'comrades'

"I did not report the matter to the police because of threats that my shack would be burned down if I did," she said

Sowetan 7/5/90

Actions

Alexandra Civic Association general secretary Mr Sydney Hiliza condemned the actions of the "comrades"

He called on other civic structures in the township to address the matter urgently

Several abductions and floggings following "kangaroo court" prosecutions have been reported to the ACA during the past two months, Hiliza said

Terror trial defence attorney seeks ruling

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Sowetan 7/5/90

By SONTI MASEKO

THE Klerksdorp terrorism trial was brought to a sudden halt early on Friday when the defence attorney announced he would seek a Supreme Court ruling to overturn a ruling made by the presiding magistrate.

The application to the Supreme Court would be to order the magistrate to allow a postponement which would give the accused time to prepare for their case.

The case was adjourned to tomorrow to allow Mr Mavundla, appearing for seven of the accused, time to file papers for an urgent application.

Mavundla decided to appeal after the magistrate, Mr J D Pictorius, had rejected two applications for a postponement.

On Thursday, an application by the defence, Mr Imiam Moosa and Mr E D Moseneke, for a two-month postponement due to financial constraints was refused. Moseneke said the defence needed to raise more funds to be able to continue with the case.

The two advocates later withdrew

from the case after informing the court that their mandate had been terminated.

On Friday, Mavundla sought another application to be given time to prepare himself adequately for the case following the withdrawal of the two advocates the previous day. This was also rejected.

Pictorius said Mavundla could continue with the case since he was informed about the progress of the proceedings.

The bulk of the State case had been dealt with, court records were typed and Mavundla or his assistant were at all stages present during the trial; therefore they could continue with the case.

Mavundla then announced that he would apply for a mandamus ruling compelling the magistrate to grant a postponement.

The application is expected to be heard in Pretoria today. The trial continues tomorrow.

Flogged by 'kangaroo court' youths

Star 7/15/90
Staff Reporter

Youngsters in Alexandra Township put a woman on trial in a "kangaroo court" and flogged her when they found her guilty of stabbing a man. Mrs. Elizabeth Hlatshwayo (32), a mother of two, was "sentenced" to a R200 fine or 100 lashes last week.

When she did not pay the fine, the youths took turns in flogging her on the buttocks.

After giving her 42 strokes, they told her she would receive the remaining 58 when her wounds had healed.

Mrs. Hlatshwayo said a man broke into her home last Monday and tried to rape her.

"In self-defence, I grabbed a table knife and stabbed him in the arm. He ran away and returned with a crowd of 'comrades'. I was taken to the inkundla (people's court) where I was found guilty. I was not allowed to give my side of the story. I was stripped half-naked in front of the crowd and flogged on the buttocks by 12 of the 'comrades'.

"I did not report the matter to the police because of threats that my shack would be burnt down if I did," she said.

Several abductions and floggings following kangaroo court prosecutions have been reported to the Alexandra Civic Association recently.

116 arrested after bus is hijacked

After 7/15/90 East Rand Bureau (251)

Brakpan police yesterday arrested 116 people sporting ANC colours after they allegedly hijacked a municipal bus in Tsakane

A police spokesman said the driver, Mr Lucas Madonsella (36), was en route from the Tsakane cemetery to the Methodist church in the township

On a corner a group of about 300 people, all wearing ANC colours, stopped the bus. Many of them boarded the bus and ordered the driver to take them to the FNB football stadium

Police, however, stopped the bus

A special court was held in Brakpan and all 116 accused appeared before a magistrate on an allegation of boarding a bus without permission

The hearing was adjourned until today

Union will pay defence costs of members who spied on it

Staff Reporter

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The Johannesburg Municipal Employees Association had informed the city council's management committee it would be funding the defence of members who allegedly spied on the union, said Mr Paul Asherson.

The bill for legal representation for nine members of the union appearing before the Hiemstra Commission, which is investigating alleged spying activities into various organisations including the JMEA itself, is likely to run into hundreds of thousands of rands.

Mr Asherson, a Democratic Party management committee member, said. "I believe this is acceptable.

"The JMEA took the courtesy of informing our committee of their action and I believe that is democracy, that is how a union works.

"These people including town clerk Mr Manie Venter and director of public safety Mr John Pearce have been members for many years," he said

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MAY 1990

No. 12462

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 86, 1990

KOMMISSIE VAN ONDERSOEK NA DIE VOORVALLE BY SEBOKENG, BOIPATONG, LEKOA, SHARPEVILLE EN EVATON OP 26 MAART 1990

Kragtens die bevoegdheid my verleen by artikel 1 van die Kommissiewet, 1947 (Wet No. 8 van 1947), verklaar ek hierby dat die bepalings van daardie Wet van toepassing is op die Kommissie van Ondersoek na die Voorvalle by Sebokeng, Boipatong, Lekoa, Sharpeville en Evaton op 26 Maart 1990 en vaardig ek hierby die Regulasies (Afrikaans en Engels) in die Bylae vervat met betrekking tot genoemde Kommissie uit.

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Kaapstad op hede die Vierde dag van Mei Eenduisend Negehonderd-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. J. COETSEE,
Minister van die Kabinet.

BYLAE

REGULASIES

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“beampte” iemand wat in die voltydse diens van die Staat is en wat aangestel of aangewys is om die Kommissie by die verrigting van sy werksaamhede behulpsaam te wees;

“dokument” ook ’n boek, pamflet, aantekening, lys, omsendbrief, plan, plakkaat, aanplakbiljet, publikasie, tekening, foto of prent,

“Kommissie” die in hierdie proklamasie bedoelde Kommissie van Ondersoek na die Voorvalle by Sebokeng, Boipatong, Lekoa, Sharpeville en Evaton op 26 Maart 1990;

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 86, 1990

COMMISSION OF INQUIRY INTO THE INCIDENTS AT SEBOKENG, BOIPATONG, LEKOA, SHARPEVILLE AND EVATON ON 26 MARCH 1990

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act No. 8 of 1947), I hereby declare that the provisions of that Act shall be applicable to the Commission of Inquiry into the Incidents at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton on 26 March 1990, and I hereby make the Regulations (Afrikaans and English) contained in the Schedule with reference to the said Commission

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fourth day of May One thousand Nine Hundred and Ninety.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

H. J. COETSEE,
Minister of the Cabinet.

SCHEDULE

REGULATIONS

1. In these regulations, unless the context otherwise indicates—

“Chairman” means the Chairman of the Commission;

“Commission” means the Commission of Inquiry into the Incidents at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton on 26 March 1990;

“document” includes any book, pamphlet, record, list, circular, plan, placard, poster, publication, drawing, photograph or picture;

“inquiry” means the inquiry conducted by the Commission;

GOEWERMENTSKENNISGEWING**DEPARTEMENT VAN JUSTISIE**

No. R. 1042

7 Mei 1990

**AANSTELLING VAN KOMMISSIE VAN ONDER-
SOEK NA DIE VOORVALLE BY SEBOKENG,
BOIPATONG, LEKOA, SHARPEVILLE EN
EVATON OP 26 MAART 1990**

Hierby word vir algemene inligting bekendgemaak dat dit die Staatspresident behaag het om Sy Edele regter R. J. Goldstone as Voorsitter en enigste lid van 'n Kommissie van Ondersoek na die Voorvalle by Sebokeng, Boipatong, Lekoa, Sharpeville en Evaton op 26 Maart 1990 aan te stel.

Die Kommissie se opdrag lui soos volg.

Om al die feitelike omstandighede met betrekking tot die voorvalle wat op 26 Maart 1990 by Sebokeng, Boipatong, Lekoa, Sharpeville en Evaton plaasgevind het waartydens mense gedood of beseer is, te ondersoek en dringend daarvoor verslag te doen

Engeen wat getuienis by wyse van memorandum of mondelings aan die Kommissie wil voorlê, kan skryf aan Die Sekretaris, Kommissie van Ondersoek na die Voorvalle by Sebokeng, Boipatong, Lekoa, Sharpeville en Evaton op 26 Maart 1990, Privaatsak X81, Pretoria, 0001.

GOVERNMENT NOTICE**DEPARTMENT OF JUSTICE**

No. R. 1042

7 May 1990

**APPOINTMENT OF COMMISSION OF INQUIRY
INTO THE INCIDENTS AT SEBOKENG, BOIPA-
TONG, LEKOA, SHARPEVILLE AND EVATON
ON 26 MARCH 1990**

It is hereby notified for general information that the State President has been pleased to appoint the Honourable Mr Justice R. J. Goldstone as Chairman and sole member of a Commission of Inquiry into the Incidents at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton on 26 March 1990.

The Commission's terms of reference are as follows:

To investigate all the factual circumstances with regard to the incidents that took place at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton on 26 March 1990 during which people were killed or injured and to report thereon urgently.

Anyone wanting to submit evidence to the Commission by way of memorandum or orally can write to The Secretary, Commission of Inquiry into the Incidents at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton on 26 March 1990, Private Bag X81, Pretoria, 0001.

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Justisie, Departement van			
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The DEPUTY MINISTER OF DEFENCE

- (1) and (2)(a) As far as could be ascertained the Judicial Inquest and investigation to determine the causes and factual circumstances of the person's death have not been completed by the responsible Department *15/1/90*
- (b) The name supplied by the hon member ~~is~~

Mr R HULLLEY Mr Speaker, arising from the hon the Deputy Minister's answer, could he justify how more than two years could go by without the parents knowing what the cause of death was? They are in possession of a death certificate which simply says of the cause of death 'Being investigated' Could he also tell us what the responsible body or bodies is or are that he has referred to now?

The DEPUTY MINISTER Mr Speaker, I have great understanding for the fact that two years have elapsed since the death of this boy However the investigation is not being done by the SADF, it is an ongoing police investigation I suggest the hon member directs his question to that Department

Robertson Civic Hall, dispersal of crowd

*8 Mr J H MOMBBERG asked the Minister of Law and Order

- (1) (a) What is the rank of the officer in charge of the members of the South African Police who allegedly used bird-shot and teargas to disperse a crowd that had gathered at the Robertson Civic Hall on the night of Wednesday, 11 April 1990, and (b) in terms of what statutory provisions or regulations did he issue instructions to disperse the crowd,
- (2) whether he will disclose the name of this officer, if not, why not, if so, what is his name? *8/5/90*

The MINISTER OF LAW AND ORDER

(1) and (2)
The investigation into this matter by a senior Police officer has been completed and the docket has already been submitted to the Attorney-General for his decision In view of this fact, I do not consider it advisable at this

stage to furnish any information which may possibly anticipate the judicial process

*Mr J VAN ECK, Mr Charman, arising from the hon the Minister's reply where he says that the investigation has been completed, may I ask why this does not seem to be so from the statement of Brig Potgieter who says that the investigation has not been completed and that he is still seeking further information? [Interjections] Brig Potgieter is the person who is investigating the matter He told me this morning that he cannot complete the matter as he needs more information Why then does the hon the Minister say that the matter has been completed? *15/5/90*

The MINISTER I said to the hon member that the investigation had been completed and the docket submitted to the Attorney-General for his decision It may well be that certain statements are still awaited because certain persons were by that hon member—no, perhaps he didn't do it [Interjections] It is because certain persons in the town were advised not to assist the Police with the investigation Not this hon member He offered to help me to obtain statements Therefore I do not want to be unfair towards him If further statements are still outstanding the Attorney-General will call for them We investigated the matter urgently and submitted the docket to the Attorney-General as soon as was possible That is the information at my disposal

Thabazimbi death of certain person

*9 Mr L FUCHS asked the Minister of Law and Order *15/5/90*
Whether any charges were laid in connection with the death on or about 13 December 1982 near Thabazimbi of a certain person whose name has been furnished to the South African Police for the purpose of the Minister's reply, if so, (a) against whom, (b) for what offences, (c) what progress has been made with regard to the investigation of the case and (d) what is the name of this person? *15/5/90*

The MINISTER OF LAW AND ORDER

Yes
(a) to (d)
On 1 April 1985, at the instruction of the Attorney-General, three persons stood trial in

the Regional Court, Rustenburg on charges of murder and kidnapping and were acquitted *Business interrupted in accordance with Rule 180C (3) of the Standing Rules of Parliament*

Thabazimbi: autopsy

*10 Mr L FUCHS asked the Minister of Law and Order *15/5/90*

- (1) Whether an autopsy was held in connection with the death on or about 13 December 1982 near Thabazimbi of a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply, if not, why not, if so, (a) when, (b) by whom and (c) what were the findings,
- (2) whether any evidence suggesting a connection between this person's incarceration by his employer and his death was found, if so, what are the relevant details,
- (3) whether this matter was referred to the Attorney-General, if not, why not, if so, when? *15/5/90*

B874E

The MINISTER OF LAW AND ORDER

(1) to (3)
I refer the hon member to my reply to oral question 9

Removal of crimes from penal code

*11 Mr D J DALLING asked the Minister of Justice *15/5/90*
With reference to paragraph 1.5 (g) on page 4 of the Annual Report of the Department of Justice for the period 1 July 1988 to 30 June 1989, which crimes are currently under consideration for removal from the penal code? *15/5/90*

The MINISTER OF JUSTICE

During the debate on my budget vote in 1987 and 1989 I already indicated that minor traffic offences in particular are under consideration in the whole process of decriminalisation and depenalisation The legislation referred to in the Annual Report is still under consideration

Nthorwane residents moved to schools

*12 Mr P G SOAL asked the Minister of Education *15/5/90*

Whether there are any schools in the area to which the residents of Nthorwane, near Greylingstad, are being moved, if so, (a) what is the (1) name and (ii) pupil capacity of each such school and (b) how many teachers are employed or are to be employed at each, if not, why not? *15/5/90*

The MINISTER OF EDUCATION

No
To date only 16 housing units have been erected by residents in Nthorwane At least 95% of the residents are still living in the old township where there is a school catering for 840 pupils from Sub A to Std 6

Lenasia bus service

*13 Mr P G SOAL asked the Minister of Transport *15/5/90*

- (1) Whether a certain bus service, the name of which has been furnished to the Minister's Department for the purpose of his reply, has a monopoly on bus transport in the Lenasia area, if so, (a) on whose authority, (b) in terms of which statutory provisions or regulations and (c) since when,
- (2) whether his Department and/or the Local Road Transportation Board has received any representations in this regard, if so, what was the (a) purport of and (b) response to each such representation? *15/5/90*

B877E

The MINISTER OF TRANSPORT

- (1) No The following bus companies render services in the Lenasia area
 - * M I Tilly trading as Golden Highway Bus Lines,
 - * A Kandasamy and A K Govender trading as Lenasia South Bus Service, and
 - * Lenasia Bus Service (Pty) Ltd
- (2) Yes
 - (a) A Kandasamy as well as S K Bus Lines applied to the Local Road Transportation Board (LRTB), Johannesburg, for public carrier per-

'People's courts' slammed

JOHANNESBURG — Youths dishing out sentences at kangaroo "people's courts" do not have the experience to do justice and their punishment of citizens often much older than themselves is barbaric and a disgrace, an Alexandra Civic Organisation spokesman said yesterday.

The organisation's publicity secretary, Mr. Obed Bapela, said the organisation had ordered elements of the township's youth to stop the kangaroo courts, which have been running since the beginning of this year, but they had apparently continued.

Mr Bapela said the township's crime problems were being taken to youths instead of the police because residents had lost confidence in the authorities — Sapa.

Prison attacks 'over amnesty'

PT 7mP
5/5/90

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PRETORIA. — Prison gang jealousy over possible amnesty for political prisoners has led to at least two political prisoners in Pretoria Central maximum-security prison being stabbed, the SA Prisons Services confirmed yesterday

Police are investigating the April 26 incident, which Lawyers for Human Rights (LHR) yesterday said was largely due to the expectation of amnesty for political prisoners.

Delmas treason trialist Tintin Masongo and Death Row prisoner Nelson Bos were stabbed last Thursday by members of the "26" prison gang, relatives of the assaulted men told Sapa yesterday.

The prisoners responsible for the conflict were separated from fellow inmates and no other incidents have since been reported, the Prisons Service said in a statement

The statement added that it placed emphasis on the maintenance of order in its

prisons and that "every complaint of alleged assault or harassment, no matter how petty, is regarded in a very serious light"

Responding in a statement to the reported conflict on Death Row, LHR said it had been aware for some time of growing tensions in Pretoria Central — predominantly between various prison gangs and so-called political prisoners.

It adduced this largely to the expectation of a possible amnesty for political prisoners, which had led to resentment from some gang members

"We also believe that much of the tension is a result of insecurity by condemned prisoners as to their future, a natural result of the present moratorium (on the death penalty) combined with months and years already spent awaiting possible notices of executions," said LHR

Before the recent outbreaks of violence, the human-rights organisation had been in contact with the prison authorities on the issue.

They had been assured the matter was

being investigated and every possible measure was being taken to ensure they were not repeated

A temporary solution could be found in the separation of political prisoners and the isolation of those particular gang members causing the problem

"This we believe is temporary, as we look forward to a system of justice which aims to rehabilitate prisoners rather than punish and brutalise, thus causing the problems we are faced with today," the statement said

● Death Row prisoners in Pretoria Central Prison have been allowed to receive a summary of the main points of the recently tabled Criminal Law Amendment Bill, which drastically revises aspects of the death penalty, LHR said in another statement yesterday

The Bill, among other things, allows for an automatic right to appeal against the imposition of a death sentence where, previously, capital punishment had been compulsory under some circumstances. — Sapa

Taylor believed he stole SAAF arms for Inkatha

PRETORIA — One of the accused in the SA Air Force arms theft case, Gene Taylor, 46, and the man who allegedly tried to free him, Johannes Jurgens Dempers, 30, appeared in the Pretoria Regional Court yesterday to apply for bail. (252)

Dempers, who allegedly tried to free Taylor from a police station while pretending to be a member of the National Intelligence Service, said he had done so because Taylor was his friend.

Taylor said he had not been aware of the plan to help him escape and would never have agreed as he had been promised bail. b/dam 8/5/90

He had aided right-winger Piet "Skiet" Rudolph with the theft of the weapons because he was under the impression it was a legal military operation. Rudolph had said it was a clandestine military operation to supply Inkatha with weapons to use against the UDF, Taylor said. Rudolph had told him the operation was ordered by a senior military officer.

Police had since convinced him the arms theft was not a military operation, Taylor said.

Taylor stressed Dempers had not been involved in the arms theft.

Questioned about his reasons for attempting to free his friend, Dempers said he believed if Taylor had been involved in the arms theft, he had not done it for his own gain, but because of his beliefs.

He shared these beliefs, including dissatisfaction with the present political situation, Dempers said. — Sapa.

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Accused said Stompie 'was not going to live'

BIDA
8/5/90

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SUBAN RUSSELL

CHURCH worker Kenneth Kgase told the Rand Supreme Court yesterday that he had repeatedly heard murder accused Jerry Richardson say Stompie Seipei "was not going to live", after their alleged abduction from the Soweto home of Methodist Minister Paul Verryn.

Kgase said this during cross-examination before Mr Justice B O'Donovan and two assessors

He was giving evidence at the trial of Richardson, 41, who has pleaded not guilty to murdering Seipei on January 1/2 last year.

The former coach of Winnie Mandela's football team has also pleaded not guilty to abducting Seipei, Kgase and two other young men, Barend Thaliso Mono and Gabriel Pelo Mekgwe, from Verryn's house and taking them to Mandela's Diepkloof home on December 29 1988

Richardson has also pleaded not guilty to five counts of assault with intent to do grievous bodily harm and one count of attempted murder.

During his three days of testimony, Kgase told the court that he, Stompie and the other two were assaulted by Mandela after she had questioned them about alleged sexual mis-

conduct involving Verryn.

He told the court allegations were also made that Stompie had "sold out" four comrades.

During cross-examination yesterday it was put to Kgase by Richardson's counsel H Joubert that the former coach would testify the four of them were only questioned about the alleged sexual misconduct at Verryn's house.

"No, only two of them were," Kgase said

Joubert. He will deny your allegation that Stompie was accused of selling out four people.

Kgase: That's what he said to him. Joubert put it to Kgase the reason the four of them were kept at the Mandela house was because they wanted to stay there and discuss the matter when Verryn came back from holiday.

"No, we were just taken away like that. We didn't know anything about Mrs Mandela, Jerry, nobody," Kgase said.

Joubert: The accused will say that you people agreed to stay there until Mr Verryn came back.

Kgase: It was nothing like that. The trial continues today.

FINES

Spy ring

...yn came back... were until
gase. It was nothing like that.
he trial continues today.

Cosatu general secretary Ja
formerly Saccola chairman,
amendments to the Labour R
yesterday.

Spy ring inquiry: key witness makes bid to stay silent

(252)

TIM COHEN

THE Heimstra Commission was asked yesterday to require a key witness to answer questions despite the witness's claim that to answer the questions would contravene the Defence Act.

Former spy handler Martin Hennig had — in terms of Section 118 of the Defence Act — refused to answer questions regarding his liaison with the security forces and his military career.

The commission, which is hearing allegations of a spy ring at the Johannesburg City Council, completed its 14th day yesterday.

Hans Bornman, acting for Hennig, said his client would not answer these questions because they fell outside the commission's terms of reference, and to do so would contravene the Defence Act and his military oath.

Section 118(4) of the Act states that any person who discloses secret or confidential information relating to the defence of the republic shall be guilty of an offence unless the disclosure was authorised by the minister or a competent court or the person was under a duty to make the disclosure.

B10am 8/5/90
Allegations

Gilbert Marcus, representing the End Conscription Campaign and other organisations, submitted that any information he might reveal would not affect the capacity of the republic to defend itself, and these submissions therefore did not fall within the ambit of the Act.

The Act also made no reference to the military oath. Bornman said the terms of reference of the commission restricted it to allegations made in the Press, and therefore questions relating to the involvement of the military were not relevant.

Dennis Fine, SC, leading evidence for the commission, said Press reports had suggested military involvement. He also supported Marcus's submission that the commission was not limited by what was revealed in the Press.

Both he and John Campbell, acting for the Five Freedoms Forum, supported Marcus's application. Mr Justice V G Heimstra will give judgment on application today, after which the head of the Johannesburg City Council's security department, Brig Jan Visser, is expected to give evidence.

NATAL UNREST DEATHS

September 1987 — January 1989:	668
February 1989 — May 6 1990:	965
Past 24 hours' official toll:	0
TOTAL:	1 633

Indemnity Bill for exiles to cover political friend and foe — Coetsee

CAPE TOWN — Justice Minister Kobie Coetsee confirmed in yesterday's parliamentary debate on the Indemnity Bill of 1990 that the new legislation would apply to political exiles and their opponents who wished to return to SA.

Introducing the Bill, which grants temporary immunity or permanent indemnity against arrest or prosecution to exiles, Coetsee said it was necessary that members of formerly banned political organisations be allowed to return to SA to become involved in pre-negotiation talks. However, he emphasised that the legis-

lation would also apply to people and groups that had had to leave the country because they had committed offences against members or supporters of the formerly banned and exiled political organisations.

"The aim of this provision is to grant permanent indemnity to people who, in the process of conflict and in the pursuance of a cause, may have committed some or other offence. It is envisaged that indemnity in terms of this clause will only be granted as a result of a process of consultation and consideration based on judicial norms," he

LESLEY LAMBERT

The new legislation was necessitated by the arrangements for talks between the government and ANC officials.

But the extent to which it will apply to other political exiles and prisoners will remain unclear until the working committee appointed by President F W de Klerk and ANC deputy president Nelson Mandela decide on a mutually acceptable definition of a political offence. Coetsee listed three groups that would

be considered for immunity or indemnity: those who had been sentenced and detained, those who were standing trial and those who faced possible charges.

He said that while the first group was subject to the President's existing authority to grant indemnity to prisoners, the application of the legislation to all three groups depended on the definition of a political offence.

In essence, the Bill will empower the President to grant either temporary immunity or permanent indemnity to those exiles who participate in negotiations,

B1224

8/5/90

either conditionally or unconditionally. Notices granting immunity or indemnity will have to be renewed after a year, if necessary. Further renewals will have to be approved by all three Houses.

While CP members expressed strong opposition to the Bill during yesterday's debate, the DP supported it conditionally, saying it was wrong to turn Parliament into a rubber stamp for executive decision-making. Secondly the legislation gave one man absolute power to determine who would be granted indemnity or immunity, and under what conditions.

SA courts must be able to enforce a bill of rights

THE actual introduction of a bill of rights in SA was regarded by the Law Commission as one of the most difficult aspects of its investigation

It was concerned about questions such as the legitimacy of the bill, especially among black citizens, the need for a preliminary process of educating society and the purging of the statute book of laws which would infringe on a bill of rights

To some extent this has been overtaken by recent events. What is now in contemplation by many is the introduction of a bill of rights as part of a constitutional settlement arrived at as a result of the negotiating process which has already been set in motion. This will give the bill a binding force that could never have been achieved by simple parliamentary legislation

Justiciability in a court of law by way of judicial review there obviously must be. There are evidently in

MR JUSTICE M M CORBETT
Chief Justice

various country bills of rights which are not justiciable, but they must be hollow, worthless things

It is of the essence of a bill of rights that it should be justiciable, otherwise there is no real guarantee of the rights which the bill purports to protect. But in which courts?

In the US, the power of judicial review is vested in the ordinary courts. The majority of countries having a justiciable bill of rights, have followed the American example

In a number of other countries, however, interpretation and enforcement of the bill of rights has been entrusted to a special constitutional court. One of the best-known constitutional courts is the *Bundesverfassungsgesicht* of West Germany

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B/Daw 8/5/90

In Zimbabwe constitutional adjudication is vested in the Appellate Division of the Supreme Court. Constitutional questions arising in other courts may be referred to the Appellate Division for decision, and individuals may apply direct to the Appellate Division for redress against contraventions or threatened contraventions of their guaranteed rights

The Law Commission's preliminary report provides for a judicial review jurisdiction to be vested in the various divisions of the Supreme Court, but I understand representations have been made to the Law Commission proposing that original jurisdiction in constitutional matters should be vested in a specially created constitutional division of the Supreme court, with an appeal to the Appellate Division

This is probably a sensible compromise, especially if it is intended that, as in West Germany, litigants

will be entitled to approach the court and have their cases adjudicated on an informal basis

A justiciable bill of rights provides no infallible guarantee that human rights will be respected or that, if infringed, the infringement will be redressed. It all depends on the attitude of the people

If they accept the concept of human rights and their enforcement by the courts, and if all those in positions of power — legislators, government executives and administrators — are willing to bow to the superior authority in this sphere of the courts, that is, if the courts enjoy the power of legitimacy, then a bill of rights can provide a unique form of protection for rights of the individual in a new South Africa

This is an excerpt from Mr Justice Corbett's Hoernle Memorial Lecture at the Institute of Race Relations last night.

Court told of plan to kill youth

Soweto 9/5/90

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By SONTI MASEKO

Mr Kenneth Kgase yesterday told a Supreme Court judge that the former coach of the Mandela United Football Club and some youths took another youth to a place which the coach said was the right one to kill "the dog".

The youth to be killed was Lerotodi Andrew Ikaneng whose throat was cut with a pair of garden

shears

Kgase was giving evidence in the trial of Mr Jerry Vusumuzi Richardson (41) of Orlando West, Soweto, the former coach of the Mandela United Football Club

Richardson faces five counts of assault, four of abduction, one of attempted murder and one of murder

He is alleged to have murdered child activist Mocketsi Stompie Seipei, whose decomposed body was found by the police early last year

Richardson, who is appearing before Mr Justice B O'Donovan and two assessors, has pleaded not guilty to all the charges

Kgase said he, Richardson and other youths had gone looking for Ikaneng whom they found walking up a street with a friend he knew as Moss

Ikaneng had agreed to come with them but at

some point tried to run away. He was caught and taken to a bridge near a road which Richardson said was the right place where they should kill the dog

He, Slash, Thabiso and Pelo held him down while Richardson sat on his chest

Richardson then ordered Isaac to stab Ikaneng with a blade he had between his hands. Isaac was trembling and it seemed he was not sure of what to do

He said Richardson then shouted at Isaac to give him the blade and he (Kgase) said he saw Richardson's arms moving as he cut Ikaneng's throat

At one stage Richardson stopped and remarked that "the dog is not dead" and repeated the movement

He said he was then ordered to throw the body in a ditch

Counsel for the

defence, Mr L C J Van Vuuren, put it to Kgase that Richardson went to fetch Ikaneng because he had taken a soccer jersey from him

Van Vuuren also said Richardson would say at the bridge Ikaneng had started resisting and pulling back and he (Richardson) became angry, pulled out his knife, and stabbed him

Although there were garden shears, they were not used on Ikaneng and were taken from Mrs Mandela's house because Slash wanted to take them to his girlfriend's house (proceeding)

Civic body slams people's courts

YOUTHS sentencing citizens at "kangaroo people's courts" do not have the experience to carry out justice and their punishment is barbaric and a disgrace, an Alexandra Civic Association spokesman said yesterday. Publicity secretary Mr Obed Bapela said the ACA had on several occasions ordered elements of the township's youth to end the kangaroo courts, which have been running since the beginning of this year, but they had apparently continued.

Bapela said the township's crime problems were being taken to the youth instead of the police because residents had lost confidence in the authorities.

"We say no, the youth cannot solve your problems. Crime in Alexandra is escalating every day but that the kangaroo court is a crime in itself."

The ACA will hold an anti-crime conference on May 13. - Sapa

Sowetan 815790

Coetzee planned bombing - claim

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From CHRIS WHITFIELD
Sowetan Foreign Service

LONDON - Mr Dirk Coetzee planned to bomb Security Police headquarters after fleeing South Africa, the Harms Commission heard yesterday.

The alleged hit squad leader also wrote a letter to a friend in which he said he might one day return as chief investigator in a "post-war Nuremberg trial"

The commission's eighth day of its London hearing began with Mr Sam Maritz, appearing for various policemen, reading from a statement by a Mr James Stevens, who



HARMS
PROBE
INTO
HIT
SQUADS

had been sent on a mission into South Africa by the ANC but handed himself over to the police

Plan

Stevens said Coetzee had worked out a plan to blow up Security Police headquarters. The ANC, however, said he should wait because such action would jeopardise negotiations

Coetzee refuted the claim but agreed that he still felt it might one day be a "privilege" to head a Nuremberg-style investigation, as he had written in an intercepted letter to his brother-in-law, Mr Chris Krause

Maritz said he had in his possession a transcript of a call in which Coetzee used "abusive language" against senior policemen. He said this indicated

how Coetzee was filled with hatred for the police and this feeling had fuelled his confessions

Coetzee wrote in another intercepted letter that he thought the commission was in danger of becoming "a circus"

Spies

He explained yesterday he did not see how the "truth can easily come out if this is the way the Security Police are going to mislead the commission"

Coetzee said he was to be used in intelligence by the ANC and claimed the organisation had spies within the Security Police and at Vlakplaas, the alleged hit squad base



GOLDSTONE

Sebokeng shootings probe ~~278~~ tomorrow ²⁵²

By ALI MPHAKI

THE judicial commission of inquiry into the shootings at Sebokeng and other areas in the Vaal Triangle will begin tomorrow in Vereeniging.

The commission is to investigate and report on all the circumstances relating to incidents on March 26 at Sebokeng, Boipatong, Lekoa, Sharpeville and Evaton in which people were killed or injured.

Altogether 17 people were killed at Sebokeng when police fired shotgun rounds at peaceful protest marchers on March 26. *dowden 8/5/90*

The commission will conduct its inquiry in the Vereeniging Community Centre.

The head of the commission, Mr Justice Goldstone, invited anybody with evidence or those who wished to make representations to contact the commission's secretary, Mr J A Meyer, at (011) 834-2940.

Written representations could be addressed to The Secretary, Commission of Inquiry, Private Bag 1, Johannesburg 2 000.

Probes to cross paths as Pretoria hearing reopens

The first direct link between the Harms and Hiemstra commissions will come to the fore when the Harms Commission resumes its South African sittings in Pretoria today.

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The Harms Commission



The commission has been hearing evidence in London from self-styled hit squad members Mr Dirk Coetzee and Mr David "Spyker" Tshukulungu.

One of the witnesses due to testify before Justice Harms is Mr Hannes Gouws, a former Johannesburg City Council security department training officer, who has admitted to having given to The Star documents detailing the existence of a spy ring within the department.

It is understood that the first witness to take the stand today will be Brigadier Floris Mostert, commander of Witwatersrand Special Investigations.

He is to be followed by an alleged SADF Civil Co-operation Bureau (CCB) operative known as "Christo Brits" and by former Brixton Murder and Robbery Squad commander Mr Staal Burger.

Mr Gouws is expected to testify after these men and will probably be followed by Mr Joe Verster, the managing director of the CCB.

Hiemstra to decide on

By Helen Grange
and Louise Burgers

Mr Justice V G Hiemstra will hand down a ruling today on a challenge to a section of the Defence Act, which was used by key witnesses in refusing to answer questions before the Hiemstra Commission

Mr Gilbert Marcus, for the End Conscription Campaign and other parties, brought an application challenging former spy handler Mr Martin Hennig's refusal to answer questions in terms of the Defence Act, Section 118

Former ECC spy Mr Anthony Bennett also refused to answer questions regarding his military career

Mr Hennig was recalled to the witness stand for the fifth time yesterday, the 14th day of the Commission of Inquiry, chaired by Mr Justice Hiemstra, who is investigating The Star's revelations of a spy ring in the Johannesburg City Council

Assaults

Information Mr Hennig refused to give to the Commission yesterday included

- The names of police officers he had liaised with while in the Council security department
- Details about military intelligence personnel involved in a special "team" named by key witness Mr Hannes Gouws (Mr Gouws said earlier the team was responsible for assaults and intimidation of "leftist radicals" He claimed one of the team members, a Mr Paul de Swardt, had killed activist Dr David Webster)
- Information about a farm where Military Intelligence officers and security department personnel allegedly met

Mr Marcus also quizzed Mr Hennig on the military oath he claimed restricted him from answering questions on the Defence Force

Mr Hennig said the oath stated that no Defence Force member could release any information regarding the Defence

The
Hiemstra
Commission



Force, its personnel and activities

Mr Hans Bornman, for Mr Hennig, placed on record that no questions would be answered by his client on his liaison with security forces because answers to such questions were "irrelevant", restricted in terms of Section 118 of the Defence Act and forbidden by his military oath

Mr Marcus submitted that any information Mr Hennig had regarding the Defence Force did not affect the capacity of the Republic to defend itself — one of the grounds for secrecy and confidentiality in Section 118

"If one asks a person what his rank is, or whether he visited a certain place, that does not affect the defence of the Republic of South Africa," Mr Marcus said

"If I see Mr Hennig in his military uniform with two pips on his shoulder, I can identify him as a lieutenant. That is not secret or confidential"

Mr Marcus also pointed out that Mr Gouws had already divulged "secret" information about a "gang" made up of military personnel and security department officials

He said there was no reference in the Defence Act to the military oath Mr Hennig said he was bound to secrecy by

Mr Denis Fine, SC, leading evidence for the commission and Mr John Campbell for the Five Freedoms Forum, supported Mr Marcus's application

Mr Bornman said the commission of inquiry was bound by its terms of reference, which restricted it to exposures in the press and therefore questions relating to military involvement in the council security department were not relevant

Mr Marcus replied that the commission could not be cir-

cumscribed by press reports

It would be "astomishing" if the commission were bound by The Star's exposure of the spy network or by what The Star's editor or other newspapers deemed to be relevant.

Mr Fanie Naude, a technical officer in the city council, testified yesterday that quotations had been requested by security department director Mr Frik Barnard for video cameras and monitors

The quotation for the portable video equipment was dated October 7 1989 and Mr Naude said he had submitted it to Mr Barnard in February this year

The equipment — three times the size of a credit card — could be "hidden in a location, undetected by people", Mr Naude said "Mr Barnard said it (the video equipment) had to be very mobile and portable There were no wires"

He agreed with Mr Lotter Wepener, leading evidence for the commission, that such equipment was not normally used by the Johannesburg City Council Its equipment was visible

Thefts

Under cross-examination by Mr Solly von Nieuwenhuizen, for Mr Barnard, Mr Naude said Mr Barnard had told him the hidden cameras were to be placed at council installations where thefts had taken place, and were therefore used for criminal investigation

Mr Naude told the commission that a day after he last gave evidence (a week ago), he had been transferred to a new position under Mr Martin Hennig, former spy handler

When asked by Mr W van den Berg, assisting Mr Justice Hiemstra, whether the new position was a promotion, Mr Naude replied that it was part of "rationalisation" in the council

The commission adjourned early yesterday after a witness failed to appear Brigadier Jan Visser, former security deputy director, is expected to take the stand today

Defence Act silence

8/5/90

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NEWS

'I thought arms raid was work of SADF'

Pretoria Correspondent

One of the accused allegedly involved in the arms raid on Air Force Headquarters yesterday told the Pretoria Regional Court that he was under the impression that the raid was a clandestine Defence Force operation.

According to Mr Gene Taylor (46) of Pretoria Gardens, the arms would have gone to Inkatha for their use in the struggle against the UDF, an ANC front.

Mr Taylor and the man who tried to help him in an escape bid, Mr Johannes Jurgens Dempers (21) of Pretoria North, were appearing before magistrate Mr F J Poolman in an application for bail.

In his evidence, Mr Taylor said he was told by Mr Piet Rudolf — the man police are still seeking in connection with the theft — that he (Mr Rudolf) had been approached by a high-ranking Defence Force official to carry out the operation.

Concerning his part in the theft, Mr Taylor said his car was to have been used, but it was not necessary.

He said he did not ask where the weapons were going. He said no one mentioned stealing weapons, there was only talk of "fetching" the arms.

Mr Taylor no longer believes it was a military operation. He said Mr Rudolf had misled him.

Senior State Prosecutor Mr A Ackerman asked Mr Taylor if he did not find it strange that Mr Rudolf would be approached for this type of operation.

He replied if the Defence Force wanted to get

at the ANC, Mr Rudolf was an appropriate choice.

Mr Taylor said he would stand his trial.

He added he believed he was refused bail on April 23 because of an attempt to help him escape.

He said he was unaware of the escape bid and had given his co-operation to the police.

Mr Taylor said he did not agree with armed violence against the State.

Mr Dempers, the manager of a second-hand shop in Pretoria North, said he would stand his trial.

He stated he had trust in the country's legal system, but not in the Government.

When asked by Mr Ackerman whether he connected the Government with the legal system, Mr Dempers said he did not want to answer.

He refused to answer a question concerning his role in the escape. He also refused to answer various questions concerning the identity of his accomplices and whoever had forged the documents.

He said he had political convictions but he was not a political activist.

Mr Dempers said he tried to aid Mr Taylor in escaping out of friendship. He said Mr Taylor was being charged with the theft of weapons and if he had committed the crime, it was for his convictions, not for his own gain.

He said if the hands of the police were bound, it was the duty of every citizen to take steps.

The hearing continues.

Focus in industrial relations shifting from political needs

15/Dec 91/5190

MATTHEW CURTIN

INDUSTRIAL relations in SA were entering a new depoliticised phase in the aftermath of President F W de Klerk's February 2 speech, labour consultant Andrew Levy said yesterday.

Addressing the Levy, Prion and Associates (ALJP) labour law seminar in Johannesburg, Levy said as legitimate forums now existed for organisations such as Cosatu and the ANC outside the workplace, there would be a de-escalation of political-motivated activity on the shopfloor.

Political issues which affected workers might still result in industrial action, but the experience of the Saccola/Nactu/Cosatu agreement on the Labour Relations Act signed on Monday demonstrated new-found capacity for compromise in industrial relations.

But Levy said rising political and economic expectations among the black labour force had already signalled greater union militancy with a projected three-fold increase in strike incidence this year.

The spotlight would be increasingly on industrial relations, mainly in the public sector where state, provincial and municipal workers were poorly organised and underpaid. The hospitals strike showed industrial action was being brought to the doorstep of the ordinary citizen, he said.

FORCES

Everite group affairs and industrial relations manager J P Landman said the shifts in SA labour affairs — only seven years ago union control over provident funds, now commonplace, was rejected outright by employers — were not as dramatic as South Africans painted them. Rather SA was moving closer to the position of established industrial countries.

Landman stressed SA players in the field of industrial relations were increasingly influenced by international forces. The International Labour Organisation (ILO) was keen to play a role in SA as demonstrated by an ILO-convened confer-

ence in Harare this weekend, to be attended by union and National Manpower Commission delegates.

Multinational corporations were playing a role too. All West German-owned companies in SA had signed a West German labour code guaranteeing workers' unlimited right to strike, freedom from dismissal and freedom to picket, moves far ahead of SA legislation.

Landman said as unions became more assertive, employers had to negotiate future legislation today. The price of multilateral employer/employee agreements for management was meeting the rising expectations of all those concerned.

He suggested future strike law would be based on the concept of the "protected strike". The conditions for such a strike would be the correct balloting and mandating of strikers, the exhaustion of conciliatory procedures, the subject of the strike being within the ambit of union and employer control, and legislative structures outlawing the destruction through industrial action of the employer.

Black minorities threatened, says economist

BILLY PADDOCK

IMPORTANT black minorities may suffer in a future SA unless a liberal, multiparty democracy emerges, economist Charles Simkins says in the latest SA Institute of Race Relations newsletter.

The first group is the rural minority which is becoming a smaller part of the population and, as shown in the Carnegie Commission, is suffering much worse poverty than that in urban slums.

He says that with the homeland leaders being accused as collaborators, "the scene is set for an increase in urban bias in SA." Should this happen rural dwellers will effectively be shut out of participating equally in state support and a new patronage boundary will be erected.

Simkins says such oppression will consist of pressure for conformity exerted by a political elite in its own interests, but passed off as what is required for black emancipation, as the general will.

"Has one not already seen the mechanisms ostracism, cultural desks deciding

of this frontier," Simkins says

The other group, he says, is a smaller but also important one, consisting of well-educated people working in management and the professions — under threat if one dominant group entrenches itself in power.

Their oppression would be subtler and more "exquisitely frustrating".

which art does and does not aid the cause of liberation, the threat — and performance — of physical violence?"

He warns that if this develops further it will have a material as well as spiritual cost by inhibiting the innovation so necessary to economic growth.

Simkins calls for a debate about how to eliminate poverty, which he says is worse than at any time since the 1930s. He says it is necessary to devise policies that are affordable, bearing in mind that SA is "rather a poor country", belonging with Malaysia, Lebanon and Brazil in the \$2 000 per capita GNP category.

Call for SA to avoid 'catastrophe' of Death Row in US

GERALD REILLY

PRETORIA — The Death Row catastrophe afflicting the US should be avoided by SA, Unisa criminology department head C M B Naude said in a study released here yesterday.

The present American system where thousands languished on Death Row for years was "inhuman".

He warned that a large number of vital factors would have to be investigated before any decision was taken in SA to abolish the death sentence or retain it only for the most serious crimes.

It was vital, Naude said, that any discriminatory judicial practices that occur be investigated and remedied as far as possible as a biased and unjust legal system was detrimental to all.

SA was a multi-racial country in which the administration of justice based on a Western model was largely administered by whites.

Accusations of racial discrimination especially in cases of capital punishment were often made.

There was also continual and powerful pressure on government to abolish the death penalty, especially from a racial injustice point of view.

After a 1967 ruling by the US Supreme Court that the death penalty was a cruel and unusual punishment many states abolished it. By 1985 37 of the 50 states had reinstated it.

Naude said studies had shown only about 2.5% of reported murderers in SA were executed.

The Criminal Law Amendment Bill now before Parliament incorporated measures which could contribute to a more just and humane judicial system in SA.

They included an automatic right of appeal in the case of a death sentence, an automatic appeal court review where no appeal was lodged, an automatic plea for clemency to the State President and certain discretionary powers for the Supreme Court.

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Mandela sent lawyer to remove youths, court told

6/Day 915790

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NELSON Mandela sent lawyer Ismael Ayob to his wife Winnie's house to remove two young men days after they were allegedly abducted from the home of the Rev Paul Verryn and assaulted by her and members of her football team, the Rand Supreme Court was told yesterday

This was the evidence of Barend Thabiso Mono, one of the two youths Ayob was instructed to take into his care by the then imprisoned ANC leader. Mono was testifying at the murder trial former Mandela football coach Jerry Richardson.

He has pleaded not guilty to murdering James "Stompie" Seipei on January 1/2 last year

Richardson, 41, has also pleaded not guilty to kidnapping Mono, Seipei, Gabriel Pelo Mkgwe and Kenneth Kgase from the Soweto home of Methodist minister Verryn on December 29 1988 and assaulting them at the Mandela house

The former coach has also pleaded not guilty to attempting to murder Lerotodi Andrew Ikaneng on January 3 last year

Mono yesterday told the court Seipei was taken away by Richardson on Sunday, January 1, after he was told he was being taken home

"Stompie's face was swollen and his eyes were not as wide open as usual," Mono said.

SUSAN RUSSELL

Mono testified the remaining three were taken on an expedition by Richardson and members of the team to a house in Soweto, from where a man fetched them. He said he had held one of the man's legs while Richardson stabbed the man in the neck.

Asked by State counsel Chris van Vuuren why he had participated in the attempted murder of Ikaneng, Mono replied he had done it because the coach had instructed him to do so "I was afraid of him at the time."

He told the court the three of them were told to stand guard at the Mandela house after this incident

Impression

Guard duty was done in pairs, he said, and he, Pelo and Kgase were paired with people who had been at the house before their arrival.

"He (Richardson) said if any of us three escaped he did not know what would happen to those who remained"

Van Vuuren How did you understand this?

Mono By then I'd seen what type of person he was and what he'd done. The impression I got was that should one of us escape, those remaining would be dumped"

Mono said after Kgase escaped,

Richardson did not want to leave Pelo and himself alone

Some days later Ayob arrived at the house and they were introduced to the lawyer by Winnie Mandela

"Ismael Ayob told Winnie that (Bishop) Peter Storey wanted to see her," Mono said

Ayob then returned to the house a day or two later. Richardson told him and Pelo they were supposed to be going to another place with Ayob and were to refuse to do so.

At this stage attorney Krish Naidoo arrived

He said Richardson told them they were to make a statement to Naidoo and should tell him Verryn used to sleep with them. Mono said Richardson also told them not to say anything about the assaults

Mono testified that the next day Ayob arrived and told Richardson he was instructed by Nelson Mandela to take the pair to stay with him (Ayob).

After being removed from the house by other people there for short while, they were returned there and delivered to Ayob's house on Winnie Mandela's instructions.

He and Pelo were eventually taken to Naidoo's offices in town on January 16. From there they were taken from to a meeting in Soweto by Storey. He told the court he gave the meeting an account of what had happened to him as he had told the court

The trial continues today

Webster's name with 100 others on CCB list

B/Day 9/5/90

252
100

WITS lecturer David Webster's name was only one of more than 100 on Civil Co-operation Bureau (CCB) lists seized by investigating officers of the Harms Commission

Lt-Col Johan Petrus Wright, who yesterday appeared as a witness, confirmed he had confiscated files from the offices of the CCB in Voortrekkerhoogte on March 29 and March 30

Wright said he had found two notes carrying details of journalist and ECC member Gavin Evans, as well as details of more than 100 other people from around the country

Included were names of people involved in a broad spectrum of organisation, ranging from the Five Freedoms Forum (FFF) to Idasa. Webster, Winnie Mandela, Alex Boraine and Business Day reporter Sylvia du Plessis were listed among them.

Information on Evans included his savings account number at the Wits branch of Nedbank and his military registration number.

Notes on him and ECC secretary Roz Monat originated from a Leon van Graan and were dated January 20 1989.

Home and work phone numbers as well as job descriptions also featured next to those named on the lists.

Other people appearing included East London city councillor and former security policeman Donald Card, Idasa Transvaal representative Prof Dirk

LINDEN BIRNS

Meerkotter, and Idasa research consultant and University of Port Elizabeth lecturer Gavin Bradshaw.

Also on the list is Tony Bennet, named in the Hiemstra Commission as an alleged Johannesburg city council spy. He is named as education subgroup chairman of the Wits University branch of the FFF.

Yesterday's hearings were held to investigate Brixton Murder and Robbery Squad chief Brig Floris Mostert's progress in probing CCB links to the murders of Swapo member Anton Lubowski and Webster

Conclusion

The commission heard that Mostert's deductions that the CCB was involved in the Lubowski and Webster murders were based on guesswork.

"Ferdie Barnard was linked to Donald Acheson and the CCB. Calla Botha was also linked to Acheson," said Mostert.

"Botha and Barnard were involved in the monitoring of Bruce White and White was in contact with Dr Webster," he told Free State Attorney General Tim McNally.

"The Early Learning Centre in Athlone was bombed by the CCB and Gavin Evans was monitored by the CCB. If I take all this information into account I cannot reach any other conclusion but

that the CCB was involved"

Mr Justice Louis Harms warned Mostert "I have a problem with the difference between presumption, based on factual information, and factual information"

Mostert also read an affidavit from Black Sash regional chairman Beva Runciman, who claimed that on September 18 1989 she received an anonymous phone call from a man with an Afrikaans accent.

She said the caller told her "the Namibian assassination was carried out by the same person who committed the Webster murder"

The caller added that the acts were carried out by somebody driving a Cape Town-registered car. This person was described as "the head of a reaction unit responsible only to the Minister".

Runciman said the caller told her he had been a member of this reaction unit and had left it because "the person in charge had so much power he was a danger to the stability of the country".

In cross-examination by counsel for the Defence Force Adv Burger, Mostert was challenged on the reliability of his sources and on his procedure in following up information gleaned from them.

Mostert's cross-examination will continue this morning, and former Johannesburg security chief Hannes Gouws is expected to appear before the commission later this week.

'BUG' CAUSED VOTE MIX-UP

-mll
tjby

CAPE TOWN — The NP's chief whip and one of his deputies were left with red faces yesterday when their names were recorded in the parliamentary minutes as having voted with the CP against government on the Indemnity Bill on Monday

Keppies Niemann and his Cape deputy Adriaan Jordaan were listed among the "no" voters along with their arch rivals, the Conservatives

There were only 31 members of the CP — the only party to oppose the measure — in the House of Assembly late on Monday night when the vote was taken. But when the result was announced the CP had somehow managed to get 33 votes

Political Correspondent

But CP hopes that it had captured two NP defectors, both of whom were party organisers under former President P W Botha, were short-lived.

It was all a mistake. A virus or bug had crept into the electronic voting system.

"We know all about it. They're fixing it," Niemann's secretary assured the media before passing the buck to officials who confirmed they were indeed attending to the computer.

The two whips are to be returned to the fold in a corrected version of the minutes.

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6.10am 9/5/90

Law Commission hears calls for power devolution

WILSON ZWANE 252

SOUTH Africans needed flexibility to be able to draw up a suitable post-apartheid constitution, during the transitional phase, Groundswell SA consultant Leon Louw said yesterday.

Louw was giving evidence on behalf of Groundswell SA to the SA Law Commission in Pretoria. Groundswell was founded to promote "participatory democracy".

The SA Law Commission was empowered by President F W de Klerk on February 2 to investigate constitutional models for a post-apartheid SA. The commission was hearing evidence in an attempt to identify a variety of possible democratic constitutions for the future.

In their three hours before the commission, Louw and partner Frances Kendall concentrated on the devolution of power, limited central government, a Bill of Rights and direct democracy.

"Provided state or canton borders are not race-based and freedom of movement is guaranteed in a Bill of Rights, devolution allows the expression of diversity, gives communities direct control over local issues and introduces competition in the political marketplace," Louw said.

Kendall said the post-apartheid cabinet should consist of all major parties instead of only the largest to ensure the interests of all South Africans were considered.

Louw said a Bill of Rights was necessary to protect individual, group and property rights.

SA Law Commission deputy-chairman Mr Justice P Olivier said the commission would draw up a report and present Groundswell's constitutional model to government.

We have facts on killings - top cop

POLICE had information that alleged Civil Co-operation Bureau members Mr Ferdie Barnard and Mr Calla Botha were involved in the assassinations of Swapo executive member Mr Anton Lubowski and Dr David Webster, the Harms Commission heard yesterday

This was said by Col Floris Mostert, officer investigating the death of Wits academic Dr David Webster

Mostert said he had information that the CCB was involved in both killings and that Botha and Barnard were implicated

He told the commission's sole member and chairman Mr Justice Louis Harms that so far the information - and not evidence - had implicated



By Sowetan Correspondent

the men in the deaths but had not said they were the murderers

In a statement made on April 5 this year Mostert said an anonymous caller had told police on June 9 and August 29 last year the people who killed Webster on May 1 last year had links to 'one or other department of the Special Forces section of the SA Defence Force'

Another call was received early in Septem-

HARMS PROBE INTO HIT SQUADS

ber from Cape Town saying the person who killed Lubowski was the same person who had murdered Webster

Editor

Asked by Mr Tim McNally who is leading evidence for the commission whether he would identify the source of the information or the name of the caller, Mostert refused.

The name of Sowetan Editor Aggrey Klaaste appeared in a CCB file that was confiscated by offi-

cers of the Harms Commission

Klaaste's name was underlined along with the names of UDF official Mr Andrew Boraine, sociologists Mr Wilmot James and Dr Neville Alexander and Professor Herman Gilliomee

The file, marked "Region 6 and 9", contained the names and telephone numbers of all the officials of the Institute for a Democratic Alternative in South Africa the Johannesburg-based Five Freedoms Forum and the End Conscription Campaign

His name was linked to the Nation Building campaign

Lieutenant-Colonel Johan Wright told the commission yesterday he had confiscated the file in the CCB's offices at Special Forces Headquarters in Pretoria - Sapa

EX-SPY HANNING DECLARED IN CONTEMPT

By Louise Burgers and Helen Grange

Former spy handler Martin Hennig has been found to be in contempt of the Hiemstra Commission of Inquiry after refusing to answer questions about his military career. The matter has been referred to the Attorney-General.

Mr Justice V G Hiemstra said yesterday that Mr Hennig — who has twice refused to answer questions referring to his association with the Defence Force — was guilty of contravening Section 7 of the Commissions Ordinance.

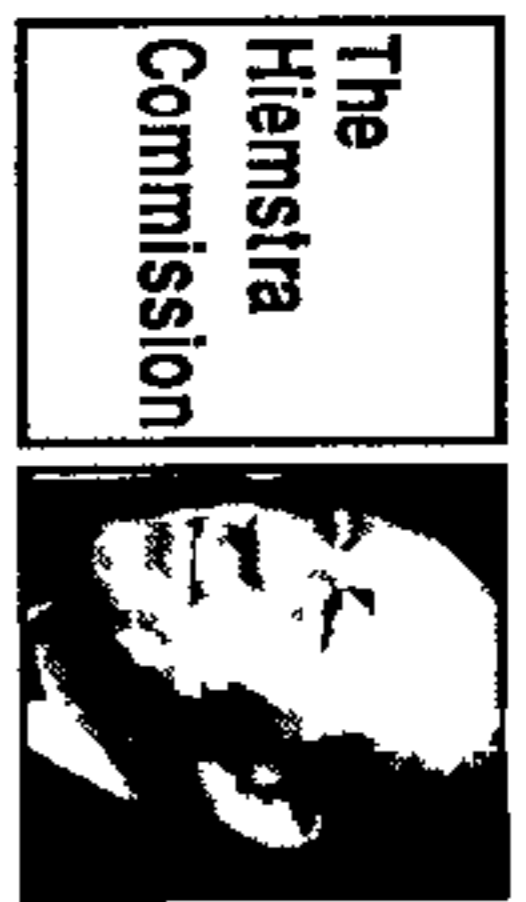
However, it was not in the power of the commission to impose fines or imprisonment. The commission would therefore continue with its investigation, pending the Attorney-General's decision.

The use of Section 118 of the Defence Act to prevent certain information from being revealed has caused much controversy at the Hiemstra Commission, which has been appointed by the Administrator of the Transvaal to investigate irregularities in the Johannesburg City Council after The Star's revelations of a council spy ring.

Mr Justice Hiemstra said "Mr Hennig was acting on the advice of his advocate, Mr Hans Borman, who has said that none of his clients will answer questions regarding their military careers. If we do not act firmly this could be a serious curtailment of our duties."

In a lengthy statement prepared for the Commission, Brigadier Jan Visser, former city council deputy director of security, who took the stand for the first time, said his expertise as a former policeman dealing with informants had been a major motivation for the use of informants in the city council.

The idea of using spies was first introduced during an informal talk after a lecture on security, shortly after Brigadier Visser joined the security department in 1985.



The Hiemstra Commission

had approved the concept of using informers after Brigadier Visser had approached security chief John Pearce.

Security reports from sources had been handed directly to the late Dame van Zyl, former chairman of the management committee, Brigadier Visser said.

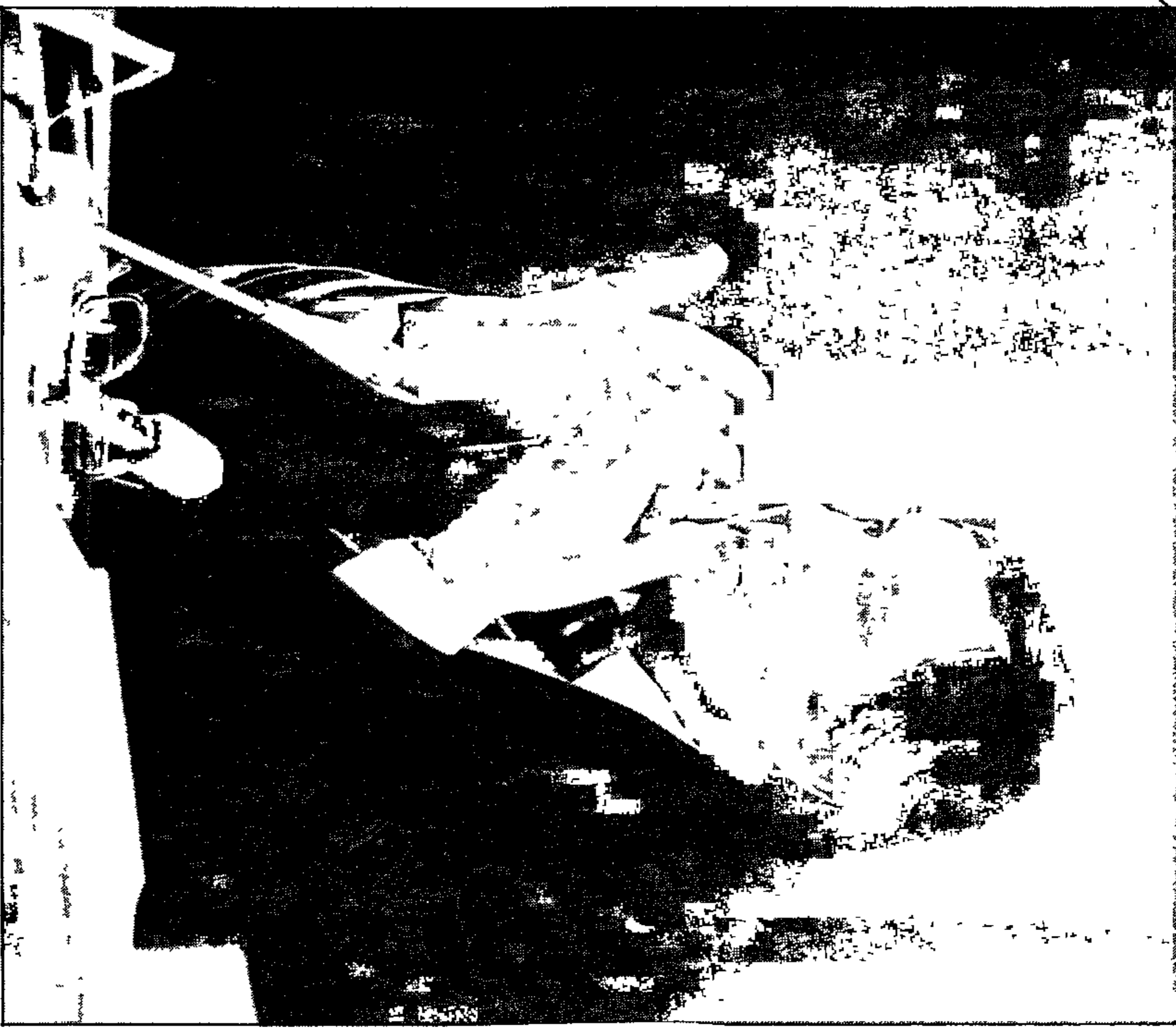
Personality

In earlier evidence, it was heard that a special security committee had been formed to run activities in the security department. Of the management committee, only Mr van Zyl had sat on this committee. Other members were top security department officials.

Brigadier Visser said Mr van Zyl had requested information on former city councillor and personality Pat Rogers and the organisations to which he belonged.

It also emerged in evidence yesterday that the Johannesburg City Council had kept a list of "revolutionary days", such as May Day and Soweto Day, on which stayaways could be expected. Brigadier Visser said informers were used to furnish this information in spite of it being widely publicised in the press.

The brigadier repeatedly denied that party politics had played a role in the department's



Brigadier Jan Visser, deputy director of security... "would not allow spy unit to be a Defence Force front".

He said that by mid-1988 he formed the opinion that informants were not giving much more information than could be gleaned from the daily press. Brigadier Visser said he was aware of spies in the ECC and Five Freedoms Forum, but was unaware of a military group which worked with the security department. He said he would not have allowed his department to become a Defence Force front, or allow staff to use bugging devices

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Probe into Sebokeng shooting starts today

By Stan Hlophe

The Goldstone commission of inquiry into the Sebokeng shooting on March 26, in which at least 16 people died when thousands marched on the Vereeniging police station to present a petition, begins its sittings today

Mr Justice R J Goldstone will, judging by media reports on the shootings, hear vastly different versions of what happened that day

Herbert Mabuza, The Star photographer who was at the scene 10 minutes before shooting started, says

"There was a volley of shots. Then silence. The police started laughing. The crowd seemed frozen for a second — then they started screaming, turned, and ran, fighting and jumping over each other to get away from the police

"As quickly as the shooting started it ended. As the people ran a cloud of dust rose up, mixing with teargas

"Those who were injured struggled frantically to crawl or get up and run"

A committee member of the Vaal Civic Association says.

"We were returning to the crowd after handing over a memorandum to the police station commander, Lieutenant Colonel O Mazibuko. Suddenly the police opened fire, we didn't know why. I and other organisers and leaders had our backs to the police"

Mr Isaac Rantsasi, who headed the march, says

"I was about 20 m from the police when they started shooting. People carried sticks but there was no threat"

Oupa Tsotetsi (17), a Std 7 pupil, says

"I was part of a human chain formed by marshals to stop the crowd from surging forward after the leaders had given Colonel Mazibuko the memorandum, when the police started firing"

The police say

"Police opened fire on a crowd of 50 000 armed people — killing five and injuring hundreds in the Vaal Triangle's Sebokeng township after SAP members were attacked by the mob screaming 'Kill the Boers'

"In another incident in the same township police shot dead three people who plundered a bottle store

"The crowd was armed with sticks, rocks, bricks, knobkieries, and other weapons. Police opened fire in self-defence. Two people were killed at the scene, another three died later in hospital, 130 were hit by birdshots and 170 were injured when they were trampled in the rush to get away. Thirty people were admitted to hospital

"The crowd was warned to disperse several times and was allowed to hand over a petition to Colonel Mazibuko, the station commander. The crowd was then ordered to disperse

"The crowd, which acted in a threatening manner, surged forward and refused to disperse. Police were attacked and opened fire in self-defence"

Court told of Mandela bid to help youths

Nelson Mandela, while still in prison, had made a fruitless attempt to have two kidnapped youths — allegedly assaulted by his wife Winnie at her Soweto home — placed in the care of his attorney, the Rand Supreme Court heard yesterday.

This was said by Thabiso Mono (20), testifying in the trial of Jerry Richardson (41), who is charged with the murder of teenage activist James "Stompie" Mokeksi Seipei.

Mr Richardson (41) has pleaded not guilty to the murder charge and to four counts of kidnapping, five counts of assault with intent to commit grievous bodily harm and to the attempted murder of Andrew Ikageng.

In his evidence-in-chief before Mr Justice B O'Donovan and two assessors, Mr Mono said Mr Mandela had instructed his attorney, Ismail Ayob, to remove the youths from the Mandela home, where they were allegedly being kept against their will. Mr Mono said he, Stompie, Kenneth Kgase (31) and Pelo Mekgwe (21) had been taken to Mrs Mandela's house on December 29 1988.

Stompie was accused of being a police informer and the others were accused of having slept with the Reverend Paul Verryn in whose house they lived.

Mrs Mandela had told them they were "not fit to be alive". She asked them some questions then

punched each of them with her fists. Then all four of them were assaulted by a number of people, but Stompie was the most severely beaten, he said.

Mr Mono said Mr Richardson used the word "dump" to describe what he was going to do to Stompie.

The next day Mr Richardson said he was taking Stompie home. "That was the last time I saw Stompie," Mr Mono said. The court has heard that Stompie's decomposing body was found on January 6, last year, and that it had stab wounds in the neck.

Stabbed in throat *9/5/90*

Mr Mono said he and other people who had been living in Mrs Mandela's house had forced a man in a red shirt — identified as Mr Ikageng — to accompany them into the veld, where Mr Richardson hit him on the head.

Mr Richardson also allegedly told the man he was going to be "dumped".

Mr Mono said he held one of Mr Ikageng's legs while Mr Richardson stabbed him in the throat, because Mr Richardson had instructed him to do so and he was afraid of Mr Richardson. Mr Ikageng was thrown into a ditch, and they returned to Mrs Mandela's house.

He could not remember the date, but knew that Mr Kgase had escaped, Mr Mono said.

A few days later, Mr Ayob arrived and told Mrs Mandela that Bishop Peter Storey of the Central Methodist Church wanted to see her. Mr Mono said he and the others were told by Mr Richardson that Mr Ayob would ask them to accompany him but they were to refuse. A second attorney, Mr Krish Naidoo, also arrived.

"Jerry told us to make a statement to Mr Naidoo but we should not mention the assault. We were told to tell him that Paul (Mr Verryn) used to sleep with us, and we must mention that was the reason we went to Winnie's place. I was afraid of Jerry so I carried out his instructions while I was in that place," Mr Mono said.

He said Mr Ayob had told Mr Richardson and a woman identified only as Xoliswa that he (Mr Ayob) had been told by Mr Mandela to take Mr Mono and Mr Mekgwe away with him.

Mr Richardson told Mr Ayob he could not agree.

Mrs Mandela's name does not appear on the list of witnesses attached to the indictment. Usually the accused is informed of the names and addresses of people who will be called to testify. The three complainants' names are on the list but their addresses are not supplied.

Stel 9/5/90 (252)

Judge refers advice to Bar Council

Staff Reporters

Mr Justice VG Hiemstra has asked the Bar Council to take cognisance of proceedings in the Johannesburg spy commission in which a legal representative instructed his client not to answer questions

Mr Justice Hiemstra said the Bar Council should "take note" of the actions of Hans Bornman, who instructed his client, spy handler Martin Hennig, not to furnish information on his military career

Mr Hennig was yesterday found to be in contempt of the Commissions Ordinance

His refusal was referred to the Attorney-General for a decision by Mr Justice Hiemstra, who is investigating The Star's revelations of a spy network in the Johannesburg City Council

Mr Justice Hiemstra said "He (Mr Hennig) was fully supported by his advocate, Mr Bornman

"The refusal is on three grounds

"The first is that the questions are irrelevant, the second is that answering the questions would be in contravention of Section 118 of the Defence Act and the third is that he took an oath of secrecy in the Defence Force

"He further indicated that if his objections were found not to be valid, he would still refuse to answer any questions on the SADF

"This last attitude is obviously a contravention of Section 7 of the Commissions Ordinance of 1960. That an advocate associates himself with such an attitude, and even advises, seems to me to be a matter the Bar Council should take note of," Mr Justice Hiemstra said

He said further witnesses would be called and possibly questioned on the military angle of the municipal security network, and questions on the SADF were unavoidable

Johannesburg Bar Council chairman Louis Goldblatt said, when contacted by The Star, he had not received a complaint about Mr Bornman's conduct

However, should this happen, a sub-committee would be appointed to investigate the alleged irregularities

'Council spy network gathered personal details on unionists'

810am 10/5/90
THE Johannesburg City Council's alleged spy network collected personal information about trade union leaders, including their passport numbers and details about their family and friends, Brig Jan Visser testified at the Hiemstra Commission of Inquiry yesterday.

The former head of the council's security department also admitted yesterday that he worked for the NP for about six months during the 1981 elections and the subsequent Piketberg by-election.

Visser testified earlier that he had been asked to compile a report on DP councillor Pat Rogers by the now deceased management committee chairman Danie van Zyl.

During cross-examination by Gilbert Marcus, acting for the End Conscription Campaign and others, Visser said the infiltration of the trade unions was necessary to prevent strikes and to maintain a healthy and sound relationship with the unions.

Visser admitted to authorising the drawing up of profiles on union members and said these included the passport numbers and the addresses of the trade union leaders concerned.

He said this had been done to provide a complete picture on these unionists.

Marcus then referred Visser to a personal profile on the former Transport and General Workers' Union general secretary

TIM COHEN

Catherine Jane Barrett.

He said the report included the name and address of Barrett's father, and the names and occupations of her relatives and friends.

Visser said the addresses of Barrett and her father were included "as a method of communication... (but) that wasn't the only reason we collected the information".

Visser denied knowing the city council had purchased bugging devices — including a ball point pen transmitter — but testified that a private company, Security Services Consultants, had been paid R5 000 to check that council offices had not been bugged.

Denied

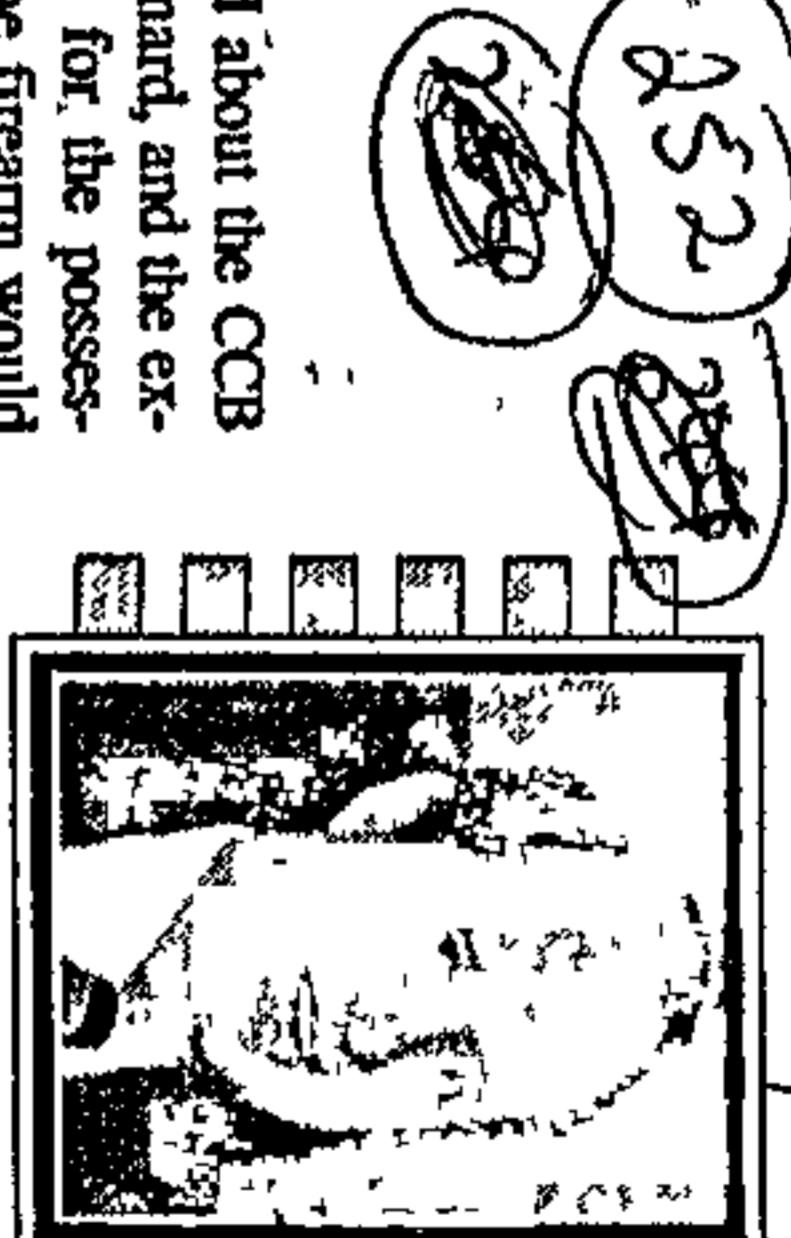
Visser said if it was true that security department spy chief Frikkie Barnard had purchased bugging devices, as suggested in earlier evidence, his actions would have been highly irregular.

At the start of yesterday's hearing Advocate Hans Bornman denied he had advised a key witness not to give evidence before the commission.

Mr Justice V G Hiemstra said on Tuesday Bornman had associated himself with witness Martin Hennig's stance and had advised the Bar Council to take note.

Webster killing link

Sowetan 10/5/90



HARMS
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INTO
HIT
SQUADS

denied

IT was reasonably certain that none of the three Civil Cooperation Bureau members held by police had been involved in the assassination of Dr David Webster, Brig Floris Mostert said in a dramatic turnaround in the Harms Commission hearing yesterday.

He made the turnaround in his evidence under cross-examination by Mr Henrie Goosen, who is appearing for Barnard.

When asked if any or former members of the CCB were involved in Webster's death, Mostert replied: "I am reasonably sure those (CCB members) we know were not involved in the murder."

Mostert, head of SA Police special units for the Witwatersrand and the officer in charge of the Webster murder investigation, yesterday said neither Mr Ferdie Barnard nor Mr Calla Botha seemed to be involved in the May 1, 1989, shotgun slaying of the Wits social anthropologist.

At Tuesday's hearing Mostert said he had information from more than one source that Barnard and Botha had been "involved" in the Webster murder but were not the killers.

He added that he was "reasonably sure" the third CCB member or former member to be detained by police early this year, Mr Abraham "Slang" van Zyl, was also not involved.

Mostert said this during his second day of evidence to the Harms Commission of Inquiry into alleged state involvement into politically motivated violence.

Goosen put it to Mostert that despite having received a lot of information from Barnard the brigadier had not spent that much time with him personally.

Mostert said this during his second day of evidence to the Harms Commission of Inquiry into alleged state involvement into politically motivated violence.

Much of the information received had been "passed on", Mostert conceded.

Goosen asked Mostert why he had driven almost 500km to see Barnard on

January 28 - his only visit during the month - from Hartbeesfontein to see the prisoner on a Sunday.

asked Barnard whether the rifle had come from the SA Defence Force. Mostert said he had not wanted to put words into Barnard's mouth.

Mr Justice Harms said the question would have been a logical one as the brigadier, at that stage, had heard about the CCB from Barnard, and the explanation for the possession of the firearm would have been a reasonable one.

Mostert admitted speaking of the AK-47 but denied trying to link the Defence Force or al-

He denied making the visit to get some sort of explanation concerning an AK-47.

It was put to him that he wanted to implicate the Defence Force in Barnard's possession of the assault rifle.

The commission chairman, Mr Justice Louis Harms, asked Mostert if he could have

A VAAL Triangle businessman and a salesman with a leading Johannesburg cigarettes company was shot dead in his posh home in Sebokeng on Tuesday.

Mr Solomon Fumalebe Arie (40), of 553027, Zone 3, was shot four times in the mouth and body when he opened the door for a stranger.

Arie, who owned a grocery and vegetable shop in Sharpeville, was also employed by Rembrandt Cigarettes Company.

Arie's sister, Mrs Rebecca Ramotsoenyane, said the family was watching television in their lounge when there was a knock at their kitchen door at about 8,15pm. Her brother went to open the door.

"Suddenly we heard shots fired. I went to check what was happening and found my brother lying near the stove. Four empty cartridges were found near his body."

We later took him to Sebokeng Hospital where he died after admission," she said.

"After the shooting we were afraid to go out. A white combi was seen driving at high speed from the house.

No funeral arrangements have been made and police are investigating.

By JOSHUA RABOROKO

Vaal businessman shot dead

Winnie took youths on a shopping trip, court told

SUSAN RUSSELL

WINNIE Mandela took two young men shopping for clothes, days after they were allegedly abducted from the house of the Rev Paul Verryn and assaulted by Mandela and members of her football team, the Rand Supreme Court heard yesterday.

One of the two youths, Barend Thabiso Mono, gave an account of the shopping trip during evidence at the murder trial of former Mandela football team coach Jerry Richardson.

Mono is one of three youths allegedly abducted with teenager James Stompie Seipei by Richardson on December 29 1988.

Richardson, 41, has pleaded not guilty to murdering Seipei on January 1/2 last year.

He has also pleaded not guilty to kidnapping Mono, Seipei, Kenneth Kgase and Gabriel Pelo Mekgwe.

The former coach has pleaded not guilty to five further counts of assault with intent to do grievous bodily harm and one count of attempted murder.

During five days of evidence the court has heard testimony that the youths were beaten by Mandela and other people staying at the house while they were questioned about allegations of sexual misconduct with Verryn and that Seipei was a police informer in Parys.

Evidence has also been heard that Seipei was taken away by Richardson on Sunday, January 1, after he was told he was going home.

Kgase escaped some days later.

Mono told the court that in addition to his and Mekgwe's shopping trip with Mandela, they had left the house a number of times.

He said on one occasion he and Mekgwe were taken to a funeral and on another to clean Richardson's house.

They had also took part in a soccer game outside the Mandela house, he said.

Mekgwe began his evidence yesterday.

He told the court he and the others were forced to leave Verryn's house by a group of strangers who had entered the premises.

Verryn was not at home.

At the Mandela house the four were separated and given food.

At a later stage, when they were all in one room together, Mandela entered and after they were introduced to her, she accused him, Kgase and Mono of sleeping with Verryn.

Mandela also accused Seipei of being an informer in Parys, Mekgwe said.

"After we were introduced Winnie started assaulting us," he said.

Asked by State counsel whether Mandela had said anything to them at that stage, Mekgwe replied: "I remember the words she said. She said we are not fit to be alive. She started hitting us with open hands, fists as well and also with a sjambok."

The trial continues before Mr Justice B O'Donovan and two assessors.

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Commission is told pages were cut from CCB diary

2/10/90

252

LINDEN BIRNS

THE Harms Commission heard yesterday that pages were cut out of a Civil Co-operation Bureau (CCB) diary, and procedures allowing access to CCB files were changed at the start of the investigation into the activities of the organisation.

The co-ordinator of the CCB's Region 6, appearing under the assumed name of "Christo Brits", gave evidence.

He refused to answer questions relating to the bombing of the Early Learning Centre in Athlone, the "Apie" project, Abdullah Omar or Gavin Evans, as he felt his answers could be self-incriminating.

Free State Attorney-General Tim McNally, leading evidence for the commission, showed Brits a file of certificates for the release of funds, a cash book, a diary and computer statements with details of project names, agents, amounts paid out and dates.

Brits identified four code names in the diary, saying "Berg" was Staal Burger; "Stefan" was Chappie Marree; "Deon" was Calla Botha and

"Jack" was Joe Verster.

When asked why certain pages and parts of pages (relating to September) were missing from the diary, Brits said he often cut out notes he had made to put on file.

He confirmed procedures to provide access to CCB files had been changed, saying Verster had ordered the changes on the grounds they would give regional co-ordinators greater control over their files.

While he was the sole holder of the combination codes to the cases containing the files, he had not had access to them since January as Verster held the keys to the locks.

He denied the CCB was involved in the murder in May last year of Wits lecturer and Five Freedoms Forum (FFF) member David Webster.

Investigating officer Brig Floris Mostert, under cross-examination by Adv Hennie Goosen acting for Ferdi Barnard, said CCB members Barnard, Botha and Abraham "Slang" van Zyl were not involved in the murder.

He retracted his Tuesday statement, in which he claimed Botha and Barnard were involved in the killing, after Goosen challenged the basis of his deductions.

"I am convinced Botha, Barnard and Abraham 'Slang' van Zyl were not involved in Dr Webster's murder," he said.

A second set of identikits — composed after the murder but not released — did not depict Botha, Barnard, Van Zyl, Theuns Kruger or Verster, he said.

Under cross-examination by Adv Paul Pretorius, Mostert said the original identikits issued after the murder were incorrect and based on misleading information supplied by a national serviceman.

The second set of identikits had not been released "for tactical reasons".

Pretorius put it to Mostert he had created an impression the investigation was progressing, whereas in fact there was little factual evidence forthcoming.

Mostert replied "No, in respect of the CCB we have enough facts we can go to court on, but in respect of the Webster case we have not."

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GOLDSTONE

Inquiry begins

252
254

Sowetan 10/5/90

By THEMBA MOLEFE

THE Goldstone commission of inquiry into the March 26 Sebokeng shootings began in Vereeniging yesterday.

No evidence was led and chairman of the commission Mr. Justice RJ Goldstone spent the day visiting Sebokeng and Evaton, where the shootings took place.

Seventeen people were killed and more than 400 wounded when police opened fire on thousands of residents who were marching to deliver a petition of grievances to the National Party offices in Vereeniging.

More than a dozen lawyers representing residents, police and the State spent the day inspecting the scenes of the shootings and property damaged after the killings.

Residents in Sebokeng and Evaton lined the streets as the long procession of cars accompanying Goldstone wended its way through the township.

Among buildings inspected were municipal offices, the gutted garages of former Lekoa mayor Mr Esau Mahlatsi, and Evaton mayor Mr Sam Rabotapi.

The formal hearing begins on May 16.

Star 10/5790 (252)



On the spot . . . Mr Justice Goldstone (left) listens as Etienne du Toit, for the Department of Law and Order and the Police, makes a point. Partly obscured between the two is George Bizos.

Picture by Karen Fletcher.

Judge visits scene of Sebokeng shootings

By Michael Shafiq

The curved sign above the gate says "Sondela". In Zulu it means, "Come nearer".

And, as one observer put it yesterday, as the Goldstone Commission of Inquiry into the Sebokeng shootings made an inspection *in loco*, "they came".

The sign is that of the Sondela Brewery in Sebokeng. The crowd of some 50 000 who were to have marched on Vereeniging that day, never got that far. They were stopped by a police roadblock less than 500 m from the brewery — ironically, within little more than a stone's throw of the Sebokeng Hospital.

There after an edgy confrontation, at least 12 were left dead and 57 wounded when police opened fire.

Mr Justice R G Goldstone, who is conducting the one-man investigation into the shootings on March 26, was there yesterday, surrounded by members of the legal teams — including George Bizos, SC, for the families of the deceased as well as the wounded Etienne du Toit represented the Minister of Law and Order and the SA Police.

The judge — dark-haired, shortish and with steely eyes — stood beside the red and white minibuses that had transported them to the site, against a background of tall winter-whitened grass.

They moved on to other points where the marchers had assembled in defiance of a ban by the Vereeniging Town Council and the local chief magistrate.



The commission's presence in Sebokeng was the last act of a brief opening session of the Goldstone inquiry, which started yesterday in the horseshoe-shaped Vereeniging Council Chamber. Formal proceedings would get under way next Wednesday, Mr Justice Goldstone announced.

Mystery

Even before the start of the inquiry, an element of mystery has surfaced. The Vaal Council of Churches claims 17 people died in the shootings. Sebokeng Hospital records put the figure at 14, but Mr Bizos yesterday confirmed that he would be appearing for the families of a deceased 12.

Mr Bizos stole the show in the council chamber. With expressive hands providing just the right accompaniment, he told the judge that while he appreciated the suggestion that the proceedings be as informal as possible, "I would prefer to stand when addressing the commission. I find that when I sit I get tongue-tied."

10/5/90

Winnie and
others beat
me, witness
tells court

By Cathy Stagg

Pelo Mekingwe (21) was kidnapped with "Stompie" Seipei and taken to Winnie Mandela's house where he was accused of being a police informer and having slept with the Rev Paul Verryn, the Rand Supreme Court heard yesterday

Mr Mekingwe was then assaulted by several people, including Mrs Mandela, the court heard

Mr Mekingwe was testifying during the trial of Jerry Richardson (41) who has pleaded not guilty to four kidnappings, five assaults, the murder of Stompie and the attempted murder of Andrew Ikaneng

Mr Mekingwe described being kidnapped on December 29 1988 with Kenny Kgase, Thabiso Mono and Stompie. He said they were taken to Mrs Mandela's house where Stompie was accused of being a police informer in Parys and the other three of having slept with Mr Verryn

He described an assault during which Mrs Mandela and many others took part. The next day Stompie was taken away by Mr Richardson, Mr Mekingwe said, and when Stompie left, his eyes and face were swollen from the previous beating. They did not see Stompie again.

Stabbed

He described how the remaining three young men had to assist in forcing Mr Ikaneng to accompany a group of men who lived at Mrs Mandela's house.

Mr Richardson stabbed Mr Ikaneng in the neck, he said, then instructed them to throw him into a ditch. Back at Mrs Mandela's house, the three young men were warned not to speak about the stabbing.

Later, Mr Kgase escaped. After that, lawyers Ismail Ayob and later Krish Naidoo visited Mrs Mandela's house.

After a number of visits to both lawyers and one to Bishop Peter Storey at the Central Methodist Church, Mr Mekingwe was taken to a church in Soweto where he disregarded the instructions which he said Mr Richardson had given him, and told the meeting what had happened to him, Mr Mekingwe said.

Earlier yesterday, Thabiso Mono said under cross-examination he had attended a funeral and had been to Mr Richardson's house during the period he alleges he was kept against his will at Mrs Mandela's house.

Mr Mono (20) denied that Mr Richardson had taken him shopping but said he did remember a trip into Johannesburg with Mrs Mandela, her daughter Zinzi and several men in a minibus.

The hearing continues.

'Court' roasted over Alex beating

8th
10/5/90 Staff Reporter 252

The Alexandra Youth Congress (AYC) yesterday distanced itself from a "people's court" action in which a 32-year-old mother of two was "sentenced" to 100 lashes on the buttocks after being tried by youngsters in the township.

The organisation's publicity secretary, Victor Kgobe, told The Star members of the AYC had not taken part in last Monday's assault on Elizabeth Hlatshwayo, who was lashed after she could not pay a "fine" of R200 for having stabbed a man she claimed had broken into her house.

"We condemn in the strongest possible terms those who took part in the beatings and we fully support the anti-crime conference to be held this Sunday at the Eastbank Hall in Alexandra," he said.

Quiet companion (252)

Where was Winnie Mandela on the night of December 29 1988? (25)

She says she was away from her Diepkloof Extension home Kenneth Kgase says she was not only at home but beat him and three others — including Stompie Mooketsi Sei-

F/M 11/5/90 (25) (252)

pei, the 14-year-old activist who died a few days later, allegedly at the hands of Jerry Richardson, coach of the so-called Mandela football club

Kgase and Barend Thabiso Mono testified before Judge Bryan O'Donovan at Richardson's trial in the Rand Supreme Court that they were kidnapped, along with Stompie and Gabriel Pelo Mekgwe, from a Methodist Church home in Soweto on December 29 by Richardson and members of the team, which acted as Mandela's bodyguard

They said they were taken to the plush Mandela home where they were accused of having had sex with the Rev Paul Verryn, the white Methodist minister who ran the church home Stompie was also accused of being a police informer, Kgase testified

Richardson is accused of killing Stompie and dumping his body in the veld near Soweto where police found it on January 7 1989 He has pleaded not guilty to murder and charges of kidnapping, grievous assault and attempted murder

Early last year Richardson told a Johannesburg newspaper that he did assault the four but Winnie Mandela didn't know anything about it "I gave them a few smacks to make them tell the truth," he told *City Press* He also claimed that Stompie ran away from Winnie's house and he never saw him again

Winnie Mandela figured prominently in the first week of the trial though she has not been charged with any crime and did not testify ■

Why is South Africa's judiciary so white?

W/Mail 11/5 - 17/5/90

(252)

CURRENT political developments and the granting of judicial discretion over the death penalty might soon see more white advocates committed to "human rights" accepting appointments to the bench

But it's likely to be some time yet before black advocates agree to serve as judges

The question of black judges has long been a controversial issue in the profession

While the judiciary is criticised for being "all white and largely conservative", influential legal groups such as the Black Lawyers Association and the National Association of Democratic Lawyers (Nadel) have taken firm decisions against their members sitting on the bench

When Hassan Mall, SC, accepted an appointment as acting judge in the Durban courts a couple of years ago he came under pressure not to do so again

Although advocates of his standing are regularly asked to take temporary appointments, he has not acted again, clearly indicating that he has felt the time was still not right to accept

This week the *Weekly Mail* approached a number of senior members of the profession as well as Nadel and the BLA for their views on whether circumstances had changed enough to warrant a re-think on the issue

Asked whether the time had now arrived for black counsel to consider accepting appointments to the bench, they all discussed two major issues the numbers problem and the political principle

There are only three black "silks" (senior counsel) in the country. As judges are almost always drawn from the ranks of practising senior counsel, the problem is obvious. If there are to be black judges, there will also have to be more black silks

There is little disagreement about the reasons for there being so few black senior counsel

For historic reasons related to the standard of Bantu Education and economics, few black lawyers have become advocates although this is now beginning to change

Even fewer have been at the bar for the 10 to 15 years' experience required before an advocate can seriously think of applying to take silk

For those approaching the required length of experience there is another problem the kind of experience which black counsel is able to obtain

To qualify as a senior, advocates must have established a large practice involving a wide variety of work. Many black advocates, however, complain that attorneys representing commerce, industry and other major clients like city councils, tend to be white and tend to brief white counsel

"You brief the guy who belongs to the same club as you do," a Johannesburg attorney confirmed, his comments also partly explaining why there is only one practising woman silk in the country

"You give work to the guy you play golf with, that you went to school with,

The South African judiciary is criticised for all its judges being 'white and largely conservative'

But black legal organisations discourage their members from sitting on the bench. There are also very few blacks who are practicing senior counsel, the group from which judges are drawn. **CARMEL RICKARD** reports

that you socialise with over weekends"

One result has been that black advocates have tended to specialise in the work black attorneys provide for them — largely criminal cases, particularly political trials. Many do comparatively little civil work which puts them at a disadvantage when it comes to applying for silk

Justice Moloto, director of the BLA's legal education centre said that black advocates taking silk also ran the risk of "pricing themselves beyond the reach of their (black) clients"

There seems to be general agreement that the "numbers problem" is gradually being solved several suitable juniors are close to having the requisite number of years' experience, and officials of several bar councils said they expected other black silks would be appointed over the next few years

Chairman of the General Council of the Bar, Milton Seligson, SC, said once a political settlement was achieved it could signal a decline in the number of political trials, thus allowing black advocates to balance the expertise gained in this field, with experience in other areas

The General Council of the Bar and other legal bodies are also trying to interest more suitable people — particularly black people — in the profession, and it is hoped that this encouragement at the school level, as well as bursary assistance during university, articles (for attorneys) and pupillage (for advocates), will begin to redress the balance

The political principle, however, is more delicate and the solution does not lie in the hands of the profession

Both Nadel and BLA officials said recent political developments were still inadequate to change their organisation's attitudes on the issue

Moloto said "Black judges would still be called in to administer laws they had no part in making — and about 90 per cent of these laws are unjust

"They would be cogs in the machinery of their own oppression"

Nadel president Pius Langa commented "The country is undoubtedly in a period of transition now but the so-called new South Africa has not yet taken shape

"It is a question of participation. Once the machinery for participation at all levels has been created, then it would be OK (for our members to accept judicial appointments)"

While this attitude appears to be prevalent, there are other voices. Charles Dlamini, an advocate and dean of the

law faculty at the University of Zululand, agrees the dismantling of apartheid is a "real priority", but argues the appointment of blacks as judges "is part of that process"

Dlamini's view is that black judges could express their views on unjust laws and might influence their colleagues

They would also be more likely, when confronted with a choice to rule in favour of the liberty of the individual rather than in favour of the state

One of the three black silks, asked whether he would be prepared to accept an appointment, said there were a number of problems

"For the time being there would still be pressure (not to accept). We are still at a stage of talks about talks. I personally hope some reconciliation will be possible, but we will go through a difficult period before settlement. In that period of transition there could be ugly scenes along racial lines

"At this stage I might not be influenced to take an appointment. But if the talks reached a further stage with a coming together of the major points of view, one might then consider it"

An official of the Department of Justice said the minister of justice had called on black lawyers "to prepare themselves so that they could be available in greater numbers for appointment in judicial and other legal posts"

Official policy was that all judicial appointments should be made on merit with the race of prospective appointees playing "no role", he said

Members of the profession have no doubt there are black advocates who would "grace the bench"

Foremost among them must be Ismael Mahomed, SC, who is already a judge of appeal in Swaziland and Lesotho and is currently serving on the Namibian bench

Then there are his two colleagues, Mall and Louis Skweyiya, the most recent silk of the three

In Natal other names mentioned as likely silks and therefore as members of the pool from which judges will be chosen include Zac Yacoob, who acted in the Delmas trial, Nadel's Langa and Marumo Moerane, in the Cape Dullah Omar and Siraj Desai, while in the Transvaal Dikgang Moseneke, who spent 10 years on Robben Island and has seven years experience as an advocate, is widely recognised as a candidate for high office in the future

Although advocates are presently bound by accepted bar practice, for example on the length of service required before taking silk, these rules could be bent considerably in the future if there is enough pressure for the appointment of black judges

A case in point is that of Zimbabwe's Chief Justice Enoch Dumbutshena, who had less than 10 years experience, and who had not formally taken silk at the time of his appointment to the bench

Since then he has served Zimbabwe with exceptional distinction, winning international recognition including a rare honorary degree from Oxford

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W/Mail 11/5 - 17/5/90

(252) 

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Justice Moloto, director of the BLA's legal education centre said that black advocates taking silk also ran the risk of "pricing themselves beyond the reach of their (black) clients"

There seems to be general agreement that the "numbers problem" is gradually being solved: several suitable juniors are close to having the requisite number of years' experience, and officials of several bar councils said they expected other black silks would be appointed over the next few years

Chairman of the General Council of the Bar, Milton Seligson, SC, said once a political settlement was achieved it could signal a decline in the number of political trials, thus allowing black advocates to balance the expertise gained in this field, with experience in other areas

The General Council of the Bar and other legal bodies are also trying to interest more suitable people — particularly black people — in the profession, and it is hoped that this encouragement at the school level, as well as bursary assistance during university, articles (for attorneys) and pupillage (for advocates), will begin to redress the balance

The political principle, however, is more delicate and the solution does not lie in the hands of the profession

Both Nadel and BLA officials said recent political developments were still inadequate to change their organisation's attitudes on the issue

Moloto said "Black judges would still be called in to administer laws they had no part in making — and about 90 per cent of these laws are unjust.

"They would be cogs in the machinery of their own oppression"

Nadel president Pius Langa commented "The country is undoubtedly in a period of transition now but the so-called new South Africa has not yet taken shape

"It is a question of participation. Once the machinery for participation at all levels has been created, then it would be OK (for our members to accept judicial appointments)"

While this attitude appears to be prevalent, there are other voices. Charles Dlamini, an advocate and dean of the

law faculty at the University of Zululand, agrees the dismantling of apartheid is a "real priority", but argues the appointment of blacks as judges "is part of that process"

Dlamini's view is that black judges could express their views on unjust laws and might influence their colleagues

They would also be more likely, when confronted with a choice to rule in favour of the liberty of the individual rather than in favour of the state

One of the three black silks, asked whether he would be prepared to accept an appointment, said there were a number of problems

"For the time being there would still be pressure (not to accept). We are still at a stage of talks about talks. I personally hope some reconciliation will be possible, but we will go through a difficult period before settlement. In that period of transition there could be ugly scenes along racial lines

"At this stage I might not be influenced to take an appointment. But if the talks reached a further stage with a coming together of the major points of view, one might then consider it"

An official of the Department of Justice said the minister of justice had called on black lawyers "to prepare themselves so that they could be available in greater numbers for appointment in judicial and other legal posts"

Official policy was that all judicial appointments should be made on merit with the race of prospective appointees playing "no role", he said

Members of the profession have no doubt there are black advocates who would "grace the bench"

Foremost among them must be Ismael Mahomed, SC, who is already a judge of appeal in Swaziland and Lesotho and is currently serving on the Namibian bench

Then there are his two colleagues, Mall and Louis Skweyiya, the most recent silk of the three

In Natal other names mentioned as likely silks and therefore as members of the pool from which judges will be chosen include Zac Yacoob, who acted in the Delmas trial, Nadel's Langa and Marumo Moerane, in the Cape Dullah Omar and Siraj Desai, while in the Transvaal Dikgang Moseneke, who spent 10 years on Robben Island and has seven years experience as an advocate, is widely recognised as a candidate for high office in the future

Although advocates are presently bound by accepted bar practice, for example on the length of service required before taking silk, these rules could be bent considerably in the future if there is enough pressure for the appointment of black judges

A case in point is that of Zimbabwe's Chief Justice Enoch Dumbutshena, who had less than 10 years experience, and who had not formally taken silk at the time of his appointment to the bench

Since then he has served Zimbabwe with exceptional distinction, winning international recognition including a rare honorary degree from Oxford

The nick of time

Failure by Justice Minister Kobie Coetsee to act on an urgent letter may finally have ruined a last-minute attempt to have Anton Lubowski's alleged murderers stand trial

The letter was delivered to Coetsee last week by lawyers acting for the family of the assassinated Swapo executive member Dated May 3, and written by attorney Henk Smith (of Mallinck Ress Richman & Clo- senberg), the letter urged Coetsee to inform the Windhoek trial court that he would consider making Section 7 of the Foreign Courts Evidence Act applicable to Namibia. This would have enabled the prosecution to serve subpoenas on witnesses now in SA and thus possibly persuade the judge to extend his deadline

Coetsee was asked by Smith to reply by 10 am on Monday — which Acting Judge Ismail Mohammed had decided was the cut-off day to decide on accused Donald Acheson's fate. He had been in custody since September.

After Judge Mohammed's ruling, Namibian Deputy Justice Minister Vekuil Rukoro claimed SA authorities had undermined the trial

Smith confirmed to the *FM* this week that Coetsee's office had failed to reply to his letter by the requested time on Monday — or by the time the *FM* went to press. Smith said he personally ascertained Coetsee received the letter on Friday, May 4

Meanwhile, the *FM* has learnt Namibian Prosecutor-General Hans Heyman received a letter from SA authorities on Monday. It claims that a previous letter from their Namibian counterparts, in which further particulars had been furnished, was not regarded as authentic — it did not carry the diplomatic seal nor adhered to the normal diplomatic formalities

Earlier statement

This followed Coetsee's earlier statement that the extradition of Staal Burger and Chappie Maree would be considered as soon as further particulars of charges against them were received from Namibian authorities. Coetsee's statement was made after Namibian President Sam Nujoma asked President FW de Klerk (on April 21) to extradite Burger and others. A letter with further particulars, as requested, was then sent to SA on April 26

Coetsee reacted to Rukoro's statement on Tuesday. He told the *FM* that the Namibians' response, received by his department on May 4, did not comply with requirements put to them. Apart from the "non-authentication of the documents, the required prima facie evidence connecting the persons con-

cerned with the commission of the alleged crime was still lacking"

Coetsee says the principle of reciprocity underlies all extraditions and it appears appropriate that an extradition agreement should be concluded. The SA government indicated that Namibia's response would have been appreciated, says Coetsee, there was, however, no indication of reciprocity from Namibia

But Heyman told the *FM* from Windhoek this week that he had handed over the letter containing further particulars to the head of SA's interest office in Namibia, John Sunde. "He assured me that it would be in order," says Heyman

No avenue

Coetsee says no measure exists by which witnesses can legally be taken to Namibia. "The Namibian authorities were informed accordingly, and it was suggested to them that their attorney-general consider making use of existing provisions in their Criminal Procedure Act to obtain the evidence sought by way of a commission in SA

"Meanwhile, the reciprocal application of the Foreign Courts Evidence Act, which provides for the cross-border service of subpoenas, remains on the agenda for negotiation with Namibia at a time convenient to them"

However, Coetsee has not explained why he did not reply to the attorney Henk Smith's request by Monday 10 am

The Lubowski family reacted this week

after learning the case against Acheson had been withdrawn. Referring to a previous statement by De Klerk, in which he said Namibia would be helped to ensure justice would be done, the family believes it is now certain there will be no trial for Lubowski's alleged murderers

"We, the family of Anton, cannot help but gain the impression that there are attempts being made to prevent the question of who killed Anton Lubowski, and on whose orders they did so, from being answered"

The family says it was up to authorities here to ensure the speedy extradition of Burger. This has not happened. "Nor have the witnesses, at least one of whom is still in the employ of the SA Defence Force, come forward to assist the prosecution"

In a statement to the Harms Commission on April 4 in Pretoria, Calla Botha said he was still a member of the SADF and had not resigned

It now looks that Lubowski's murder, like the details of his alleged involvement with Military Intelligence, will remain a badly handled mystery

□ The case against Irish citizen Donald Acheson was withdrawn on Monday after failure to extradite Acheson's two fellow-accused former Brixton Murder and Robbery Squad chief Staal Burger and Civil Co-operation Bureau member Slang van Zyl. In sworn statements presented earlier to the court, important State witnesses Slang van Zyl, Calla Botha and Ferdi Barnard (all confessed CCB members) refused to testify in the Namibian Court

Eddie Botha



Coetsee ... denies SA undermined the trial

8/10/90 11/5/90

Youth said he learnt to kill — court told

SUSAN RUSSELL (252)

THE first thing a young church-worker told the Rev Paul Verryn the day he escaped from the home of Winnie Mandela was: "I learnt to kill".

The youth had allegedly being abducted and assaulted by Mandela and members of her football team, the Rand Supreme Court heard yesterday.

Verryn said when he saw Kenneth Kgase at the Central Methodist Church in Johannesburg on January 7 last year the youth had a bloody eye, a swollen lip and about 20 marks on his back which were beginning to heal.

"The first thing he told me was that he had learnt to kill. What he told me was quite confused and all over the place," Verryn said.

The Methodist minister was testifying at the trial of former Mandela Football Team coach, Jerry Richardson, 41, who has pleaded not guilty to murdering teenage activist James Stompe Seipei on January 1 or 2 last year.

He has also pleaded not guilty to kidnapping Seipei, Kgase, Bar-end Thabiso Mono and Gabriel Pelo Mekingwe from Verryn's Soweto house on December 29 1988, and other related charges.

Kgase, Mono and Mekingwe have testified they and Seipei were abducted from Verryn's house by Richardson and members of the football team and taken to Mandela's house.

Yesterday Verryn denied any incidents of sexual misconduct had occurred at his house.

Kgase, he said, came to the manse because he did not have anywhere to go during his leave. Mono and Mekingwe were staying there because they had been traumatised by detention.

Verryn said there had been two incidents which caused trouble at the house. In one, Seipei had been accused of being a sell-out.

"After we had a house meeting it was decided he would continue to stay in the house"

Verryn said Mono and Mekingwe had also told him that Xoliswa Falati — a woman living in the house with her daughter — had threatened them with the football team because they were not prepared to wash dishes

Verryn said he left the manse on December 22 to go on leave and returned briefly on December 28 on his way to Potchefstroom.

That was the last time he saw Stompe, he said.

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Whites to appear in court over killings

(252) WILSON ZWANE

TWO white men are to appear in the Pretoria Magistrate's Court on Monday on charges of killing two black men and injuring another, police spokesman Col Steve van Rooyen said yesterday.

The two men — both in their late twenties — were arrested on Tuesday after an intensive investigation by Pretoria police.

Two black men — Simon Koba, 27, and Petrus Makena, 28, — were shot dead at point-blank range and a third man was seriously injured when four white men forced their vehicle off the road near Mamelodi last weekend.

The third man is in a serious condition at Kalafong Hospital in Mamelodi.

The victims were allegedly searched by white men, who said they were policemen, and asked if they knew about the "Wit Wolwe" before they were shot.

Van Rooyen did not believe the incident was linked to the Wit Wolwe. "There is only one Wit Wolf — Barend Strydom — and he is in prison. We have no reason to believe that there is a group of whites calling themselves Wit Wolwe." Barend "Wit Wolf" Strydom shot dead six people in Pretoria last year.

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UDF leader predicts lifting of emergency

B 10 11 5790
SIMON BARBER

WASHINGTON — The state of emergency would be lifted in June when it came up for renewal, eastern Cape UDF leader Mkhuseleli Jack predicted yesterday.

But he made it clear he did not altogether welcome the prospect.

It would "deliver a confusing blow to the international community" and potentially result in easing pressure on Pretoria, he told a forum at the Carnegie Endowment for International Peace in Washington.

He was candid about ANC strategy, in particular its efforts to deny KwaZulu Chief Mangosuthu Buthelezi a seat at the negotiating table.

He said Buthelezi and his "imperialist backers" were trying to "neutralise the liberation movement" to show there was legitimate black opposition to the ANC.

Any attempt to bring him into a peace process in Natal would only lend him credibility.

"We are broadening our social base — there is a battle going on. We are even trying to break the National Party into pieces... We are drawing everybody towards us."

The ANC had been successful in enlisting the trade unions. "We managed to get into the unions and change them in the right direction"

Thorny issues (H2)

Government has, for the first time, formally accepted the concept of political offences committed by members of the ANC and similar groups in trying to achieve their aims F/M 11/5/90

This was confirmed during this week's parliamentary debate on the Indemnity Bill by Justice Minister Kobie Coetsee. He agreed with the CP's Frank le Roux that the NP will participate in talks with the ANC and other groups to define what is a political offender. Le Roux argued it was a term that had up to now been rejected with contempt by the NP. Coetsee acknowledged it was a new concept.

Up to now, government argued that people jailed for politically motivated offences (such as Nelson Mandela and his ANC colleagues) were security prisoners. It also argued that even if crimes were politically motivated they had to be regarded as criminal and not political.

Coetsee said though no existing statute provided for "purely political offences," certain actions could now be considered as such in terms of the Bill. "Certain offences may be recognised as purely political, for instance treason directed solely against the State and not involving a common crime such as murder. In certain circumstances a common law crime, yes, even murder, may be a political offence."

He added that one of the principle factors to be considered in common law crime, "even a very serious crime," was the motive of the offender.

The Bill, supported by all parties in parliament except the CP, allows the president to grant a pardon or temporary immunity to people convicted of political offences, standing trial or awaiting trial for such offences, or suspected of such offences. It means members of the ANC and other groups can either be released from prison or return to SA without fear of prosecution to participate in

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F/M 11/5/90 (252) (H2)

talks to "remove obstacles" to further negotiations (SOPA) (H2)

It also allows for the granting of indemnity against civil actions. Government has consequently made provision in the Bill for ex gratia payments to people who may have been in a position to make civil claims against people granted indemnity.

Coetsee says an acceptable definition of political offences and political offenders will be agreed by a working group comprising members of government, the ANC and other interested parties.

The Bill provides for both temporary and permanent immunity, including immunity against civil or criminal action in any court, as well as against detention in terms of any law. People granted immunity will still be subject to other laws.

A more permanent arrangement on how to deal with alleged offenders outside SA, as well as members of organisations serving prison terms for "political" offences and the possibility of a general amnesty, will be negotiated but is unlikely to be implemented for some time.

The Bill is simply an interim measure aimed at promoting the current peace talks between government and the ANC. ■

In the know (252)

Sasol, the SABC and Post Office were sucked into the Johannesburg City Council spy network investigation when a former spy alleged they exchanged information with the military in weekly sessions.

During testimony at the Hiemstra Commission of Inquiry into alleged irregularities in the city's security department, Anthony Bennett said the three organisations (among other State-controlled sectors he did not name) co-operated with the SADF, possibly passing along information on stayaways and strikes. FIM 11/5/90

In what it termed a prudent move in the light of its vulnerability to sabotage, Sasol confirmed this week that it did indeed participate in information-gathering with the SADF to protect facilities and employees. Sasol says in the past 10 years its installations have suffered four major attacks with weapons ranging from limpet mines to large calibre rockets.

Sasol spokesman Jan Krynauw says. "Only standard sources such as the information routinely supplied to national keypoints by the security services is used in this process."

Officials at the Post Office and SABC were not available for comment. ■

Asvat's death tied to sex abuse claim

b/04/18/790

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COMMUNITY leader Dr Abu Asvat was murdered because he was the only man who could prove allegations that Methodist minister Paul Verryn had sexually abused a young boy living in his house, a witness at the Jerry Richardson trial claimed yesterday.

This evidence was given by Xoliswa Falati, who was resident at Verryn's Soweto home when teenage activist James "Stompie" Seipei and three other young men were allegedly kidnapped from the house by Richardson.

The court has heard Falati reported to Winnie Mandela on the alleged acts of sexual misconduct by Verryn.

Richardson, 41, has pleaded not guilty to murdering Seipei on January 1/2 last year. He has also pleaded not guilty to kidnapping Seipei and three youths from Verryn's house and assaulting them.

Falati claimed one of the boys had been sexually abused by Verryn, and the others were practising homosexuality among themselves. "It was a school for that and the teacher was Paul," she said.

Falati said Seipei told her he had been sexually molested by three boys, including Thabiso and Pelo.

"I scolded them. Then Father Paul Ver-

SUSAN RUSSELL

ryn came out of his room. He said Xoliswa, why do you behave like a 14-year-old?"

Falati said she went to the Mandela house on December 29 and told Mandela what had happened. Mandela instructed her to bring the youth to see her.

"After I told her she said, so this white reverend is still doing this."

Falati said she took the teenager to the Mandela house. "Mrs Mandela said the child was traumatised and suggested we take him to a doctor." They took him to Dr Asvat.

Falati said Asvat took the youth into his room. Afterwards he said he would arrange for a psychiatrist to see both the youth and Verryn. The doctor, she said, also told them he would contact attorney Krish Naidoo.

Falati said Asvat was aware of a previous incident involving Verryn and a 14-year-old youth staying at the manse.

She had informed Richardson of what had occurred, and after he had discussed it with the youths it was decided the boys involved should stay with them until Verryn returned from his holiday. Falati's cross-examination continues today.

No plan to disrupt unions, hearing told

JOHANNESBURG City Council deputy security head Friek Barnard denied at the Hiemstra Commission yesterday that his department disrupted union activities, assaulted union

TIM COHEN

members or performed political favours by spying on councillors.

Under cross-examination by Advocate Wim Trengove for the Five Freedoms Forum (FFF), Barnard was referred to a surveillance report which suggested a wedge could be driven between Transport and General Workers' Union (TGWU) members as a result of the low credibility of one of the union leaders. Barnard admitted he had written next to this suggestion "must be exploited", but denied that by doing so he had intended disruption.

Examined by Advocate Dennis Fine SC, for the commission, Barnard admitted he had told key witness Hannes Gouws to "sort out" a "troublesome" council guard, but denied this

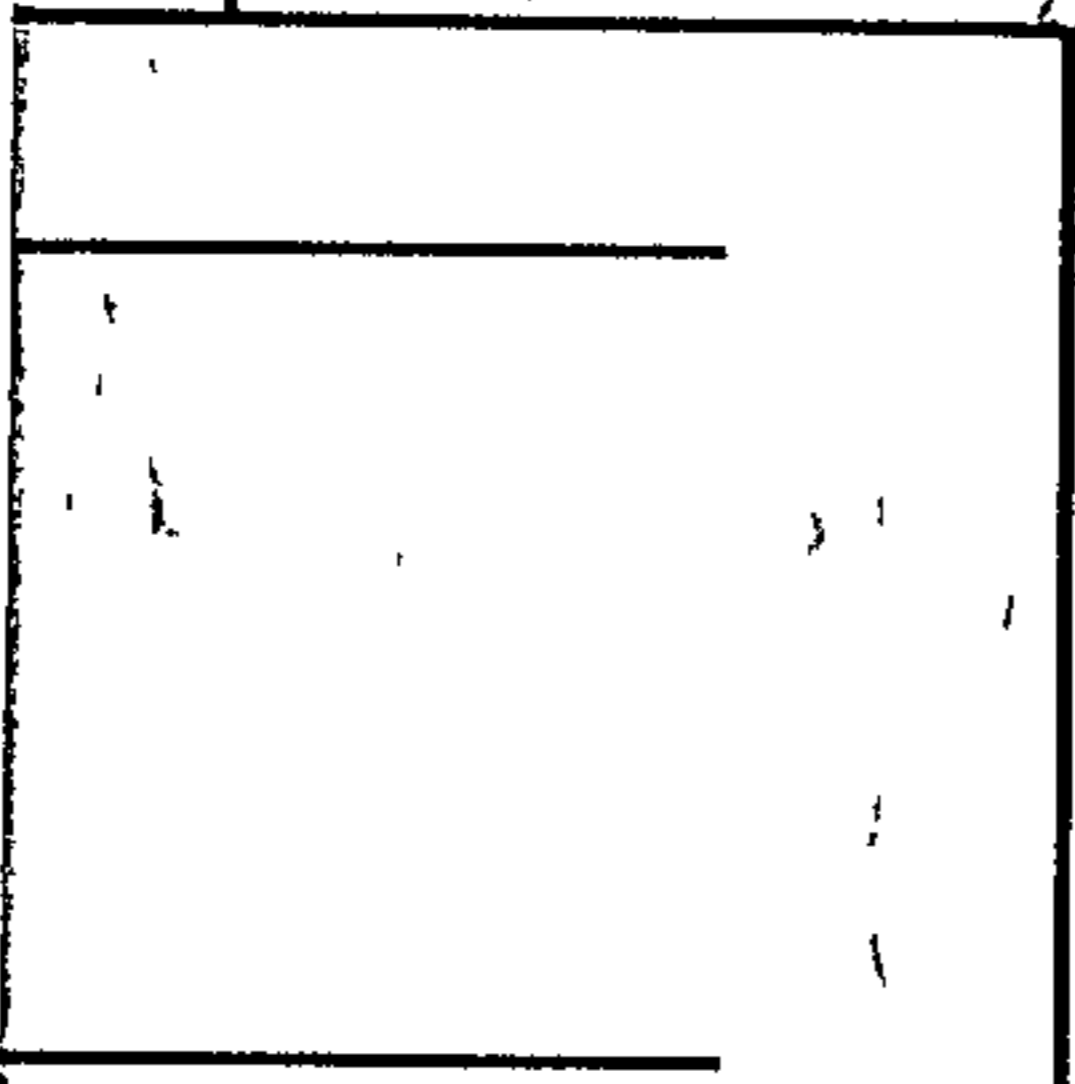
implied the guard should be assaulted. Gouws testified earlier in the commission that Barnard had told him "It doesn't matter if he dies", a statement Barnard denied. He intended Gouws to talk to the guard and find out his problems.

Barnard admitted he heard later that the guard had been locked in his house and teargas thrown through the window. He said he had reprimanded the four people concerned.

Fine asked whether, as a former major in military intelligence, he had not realised the men concerned were prima facie guilty of a criminal offence. Barnard said he could not say, and denied being a major in military intelligence.

Barnard, who earlier had said he had "infiltrated" the NP, said he had also "monitored" NP members on two or three occasions.

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Harms told about missing safe keys

KEYS to the Civil Co-operation Bureau's safes were left behind a gatepost at Special Forces base in Voortrekkerhoogte.

This was revealed to the Harms Commission yesterday afternoon when CCB administration manager Braam Cillier (code name) took the stand.

Cillier was asked who now possessed the keys to CCB's safes as they might hold financial and project files sought by the commission.

"I took the keys on the orders of the managing director to a specific place in Pretoria West and left the keys behind the second gate-post after the entrance", Cillier said. The keys were to have been picked up by Joe Verster.

When asked to identify the spot, Cillier said it was at "Special Forces" in Voortrekkerhoogte.

The commission also heard how records of file routings had disappeared along with files on CCB projects and funding.

Cillier denied knowing where the missing documents were, but confirmed Christo Brits's statement on Wednesday that with the announcement of the Harms Commission of inquiry, access procedures to CCB files had been changed.

SAP investigating officer Lt-Col Johan Wright earlier testified that while waiting to be let onto CCB premises, he saw two women leave the offices with suitcases which apparently contained personal files of CCB members.

Under further questioning yesterday, Christo Brits confirmed that the chairman of the CCB gave orders to Staal Burger, code name Berg, that alleged ANC bomber Hein Grosskopf had to be chased and his

LINDEN BIRNS

supporters eliminated.

This referred to a diary entry on August 1 last year in an official CCB document compiled by Brits. In the same entry the name G Evans was written. The two entries were not linked, Brits said.

However, advocate E C Bertelsman, for the Webster Trust, maintained that in June/July last year Evans attended a Five Freedom Forum conference in Lusaka that Grosskopf also attended.

Brits was asked if the CCB chairman had been aware of this and that Evans had covered the conference for The Weekly Mail, which also published a picture of Grosskopf.

"I can't say he'd have knowlege of it," Brits said.

Bomb

Brits was asked to look at the diary and explain certain entries. He confirmed that the 12/13 December was missing from the diary, that the top half of the page for August 31 had been neatly cut out.

Brits said he had cut them out to put the notes on file, but he could not remember which file.

Bertelsman said that on August 31 the Athlone bomb went off. Brits: "If you say so, I'm not sure".

"And on September 12 1989 advocate Lubowski was killed," said Bertelsman. "Yes" replied Brits.

Brits was then asked what he had actually written on August 31. Brits said he could not say.

The hearing continues.

Twist in CCB probe rocks judge

THE South African Defence Force is holding its own investigation into the covert Civil Co-operation Bureau (CCB), an astonished judge heard in Pretoria yesterday.

The Harms Commission also heard that important files detailing CCB foreign activities were missing as the result of "a blitz evacuation" of its offices when the Com-

Sowetan Reporter

mission was established on February 2.

Mr Justice Louis Harms said the SADF probe smacked of "mak-

ing a joke' of the Commission as well as of orders by the Auditor General that all financial files should be made available

He ordered Mr PA Hattingh, representing the CCB, to ascertain the position and report back.

'Brits'

The revelation about the probe came during questioning of Sector 6 co-ordinator "Christo Brits". The name is not his real one and his true identity may not be divulged in terms of a ruling made by Mr Justice Harms.

The Commission is investigating alleged politically motivated murders.

"Brits" told the Commission he was "just an officer" in the SADF and subjected to military dis-



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cipline even though he was classified as a civilian working for the CCB.

The judge asked "Brits" - who was again heavily disguised with a false beard and wig - about files which were marked top secret.

On Wednesday, Mr Justice Harms had ordered the files to be produced yesterday.

Files

It was said in testimony by "Brits" that the files appeared to be missing from a safe, of which he was the only person who had the combination

The CCB was centralised at Special Services Unit of the SADF. There was also an office in Pretoria West.

"If a project is ended, are the files held at Special Services?" asked the judge. "And if it is ongoing, where are they held in that case?"

The witness: "In both instances at Special Services"

Referring specifically to Sector 6 files, the judge said he understood that financial files had been kept in a safe on January 20 "but on January 27, the files were missing. Can you explain?"

"Brits" said he could not and added that someone may have made a mistake by not returning files to the safe.

He revealed that all CCB activities had now been halted and that no financial files were being kept

(Proceeding)

Spy probes begin to overlap ²⁵² but their styles remain at odds

w/Hand 115-1715/90

FURTHER revelations concerning co-operation between the Johannesburg city council and shadowy agencies of state security are expected in the wake of Mr Justice VG Hiemstra's ruling on Tuesday that the Defence Act could not be used to shield military intelligence from the inquiry

The decision is in stark contrast with the other commission of inquiry into security force spying, that headed by Mr Justice L Harms. In hearing evidence he has repeatedly allowed Civil Co-operation Bureau members to refuse to divulge details regarding intelligence operations

In ruling on the issue Mr Justice Hiemstra said that given the nature of the city council spy operation, questions regarding the South African Defence Force were "unavoidable". He accepted argument from advocate Gilbert Marcus to the effect that such revelations would not affect the capacity of South Africa to defend itself as the Defence Act requires

The judge also asked the Bar Council to take note of the actions of advocate Hans Bornman who instructed spy handler Martin Hennig not to divulge information on his military associations

Mr Justice Hiemstra said Hennig's refusal to answer questions relating to the SADF had been demonstrated to be fully supported by Bornman

Referring to Hennig's refusal and the manifest support of Bornman for this refusal the judge noted "He (Hennig) further indicated that if his objections were found not to be valid, he would still refuse to answer any questions on the SADF

"The last attitude is obviously a contravention of section 7 of the Commissions Ordinance of 1960. That an advocate associates himself with such an attitude, and even advises, seems to me to be a matter the Bar Council should take note of," Mr Justice Hiemstra said

Bornman later disassociated himself from Hennig's refusal to answer, saying he was acting under instruction from his client

The judge said "Mr Hennig was acting on the advice of his advocate, Mr Hans Bornman, who has said that none of his clients will answer questions regarding their military careers. If we do not act firmly this could be a serious curtailment of our duties"

On Thursday details of liaison between the council spy operation and National Intelligence, the Bureau for Information, the SADF and the South African Police were given by Brigadier Jan Visser, former senior director of council security. He said in-

Evidence before the Harms and Hiemstra commissions has overlapped — but the two inquiries have markedly different styles. KATHY STRACHAN and IVOR POWELL report

formation was exchanged between the council and these parties

Earlier in the week Bornman argued that the commission was bound by its terms of reference, which restricted it to disclosures made in the press and therefore questions relating to military involvement in the council security department were not relevant

Marcus responded by saying it would be "astonishing" if the commission were bound by what newspapers deemed relevant to print

The Defence Act controversy arose when Marcus brought an application challenging Hennig's refusal to answer questions in terms of section 118 of the Defence Act

Hennig refused to answer questions about his military associations on the grounds that it was prohibited in terms of the Defence Act and that he was under a military oath which restricted him from giving any information regarding the Defence Force, its personnel and activities

Marcus said the information required was not secret as spy handler Hannes Gouws had already revealed "secret" information about a "gang" made up of military personnel and security department officials

He said there was no reference in the Defence Act to the oath that Hennig claimed he was bound by

Mr Justice Hiemstra said Hennig's refusals to answer questions referring to his association with the Defence Force placed him in contravention of section 7 of the Commissions Ordinance

It is not in the commission's power to impose fines or imprisonment, so the matter has been referred to the attorney-general for a decision

This places Hennig in the illustrious company of Albert Hertzog, Beyers Naude and Connie Mulder, who have all refused to answer questions put to them by various commissions

Mr Justice Hiemstra's ruling on the Defence Act has far-reaching implications for the rest of the investigation. He said further witnesses would be called and possibly questioned on the military angle of the municipal security network

Anthony Bennett, who spied on the End Conscription Campaign, also refused to answer questions regarding his military career

Winnie won't be called for Stompie trial

Winnie Mandela will not testify in the Rand Supreme Court where Jerry Richardson, the Mandela football team coach, is charged with the murder of teenage activist Stompie Seipei. Mandela had been mentioned on numerous occasions in the evidence.

Richardson also faces four charges of abduction, five counts of assault and a charge of attempted murder. He has pleaded not guilty to all charges.

LCJ van Vuuren, for the state, told the *Weekly Mail* "Mrs Mandela is not on the state's list of witnesses. And she will not be called by the state."

Witwatersrand attorney general Klaus von Lieres said he had given no instructions for Mandela to be called as a witness. He added that the prosecutor did not have an obligation to subpoena every name mentioned during evidence.

The defence team also confirmed they would not subpoena Mandela to testify.

Three of the boys allegedly abducted, Kenneth Kgase, Thabiso Mono and Gabriel Pelo Mekgwe, said they were forcefully taken to Mandela's house in Diepkloof extension and that Mandela was the first to sjambok them and Stompie.

This was followed by assaults from other team members, including Richardson.

Stompie's corpse was found on January 6, 1989 in an open field between Noordgesig and New Canada, near Soweto. He is said to have died from wounds to the neck and subcutaneous contusion.

On January 16, 1989 a community meeting in Dobsonville near Soweto decided that community leaders would approach Mandela to discuss Stompie's disappearance after the meeting had heard the testimonies of Mono, Mekgwe and Katiza Cebekhulu concerning the alleged abduction and assault.

This evidence was given in court

Despite being mentioned often in the Stompie case, Winnie Mandela won't be appearing, reports CASSANDRA MOODLEY

yesterday by Methodist minister Paul Verryn. The boys were allegedly abducted from Verryn's Orlando West manse. Apparently Mandela also accused the boys of sexual misconduct with Verryn before beating them. Verryn denied these allegations yesterday.

Relating his first contact with the boys after the alleged kidnapping, Verryn said that on January 7, 1989, he received a telephone call from the Central Methodist Church informing him of Kgase's escape.

He found Kgase at the church, with a bloodshot eye, a swollen lip and 20 scars on his back.

"The first thing he (Kgase) told me was he had learned to kill," Kgase also intimated to Verryn that Stompie was no longer alive.

Earlier this week Mono and Mekgwe recounted the events leading to their release from the Mandela home.

According to their evidence, Nelson Mandela's lawyer, Ismail Ayob, visited the house on two occasions during their alleged captivity. The first time Ayob came he informed Mandela the Methodist bishop Peter Storey wanted to see her, Mono said.

On the second occasion Ayob brought a message from Nelson Mandela in prison that the boys should be released and allowed to stay at his (Ayob's) house. Apparently Richardson refused this second request saying he would not agree to "his players being taken to a place unknown to him."

According to the boys Winnie Mandela's lawyer, Krish Naidoo, also visited the house and Richardson instructed them to tell Naidoo that they

were at Mandela's house because of sexual misconduct in Verryn's home.

Later that day Mandela did order Richardson and Xoliswa to take the boys to Ayob's place, Mono said.

But Richardson wanted to remain with the boys at Ayob's place. Ayob said they should return with the boys if they were not prepared to leave them there.

On January 16, Mono, Mekgwe and Cebekhulu were taken to Dr Nthato Motlana's house in Soweto, and at 1pm Motlana took them to Verryn's house, which was empty.

Motlana then took them to Naidoo's offices where Bishop Peter Storey met them. Apparently Richardson told Storey his name was "Manyways Maseko". They were then taken to the Dobsonville meeting.



WILFRIED LUBOWSKI OOR MET MOOR GAAN ONS NIE AKKOORD

Probing ... Wilfred Lubowski, left, and Professor Laurens du Plessis at a press conference calling for a broadening of the Harms probe

Lubowski's father hopes for a broader Harms probe

By GAYE DAVIS
 Cape Town

THE father of slain Namibian advocate Anton Lubowski is pinning his hopes on a campaign calling for the Harms Commission's brief to be extended to include murders committed outside South Africa's borders.

Wilfried Lubowski sees the campaign — launched in Cape Town by a group of largely Afrikaans-speaking professionals and academics and now supported by the Democratic Party and End Conscriptio Campaign — as his last hope in getting to the bottom of his son's murder.

Two high-ranking police officers have stated under oath that they suspected Civil Co-operation Bureau involvement in Lubowski's murder. Evidence has been led before the commission that the CCB monitored and followed Lubowski and held a meeting in a Johannesburg hotel to discuss planned activities in relation to him 11 days before his death.

This week, as Irish national Donald Acheson walked free from the Windhoek court where he stood charged with Lubowski's murder, Namibian Deputy Minister of Justice Mr Vekuii Rokoro accused the South African government of "lacking the political will" to extradite key witnesses.

The Lubowski family was earlier assured by De Klerk that he would consider their request to widen the commission's brief if facts suggesting improper involvement by the South African authorities emerged during Acheson's trial.

Wilfried Lubowski now believes the SADF's actions in the matter are geared to "protect its higher echelons and government ministers": evidence led before the Harms Commission indicated they were aware of CCB activities, he said. And perhaps significantly, Mr Justice Harms and Brigadier Floris Mostert, the policeman heading the investigation into the CCB, have also complained about a lack of co-operation from the SADF.

"Despite the state president's assurance that everything will be done to ensure that the legal process takes its due course and that justice will be done, it now appears certain that there will not be a trial of Anton's murderers," Lubowski said.

"We cannot help but believe that there are attempts to prevent the question of who killed him and on whose orders they did so, being answered."

Organisers of the Campaign for a Judicial Inquiry into Hit Squads this week sent a letter to De Klerk calling on him to extend the commission's brief.

The "absurdities" that could result from the limitation of the commission's scope of inquiry were exemplified by the course of the Lubowski case, they said.

Shel 11/5/90

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NEWS

By Louise Burgers and Helen Grange

'Black union planned to bomb Visser'

former top Johannesburg City council security official, Brigadier Jan Visser, was the target of a planned bomb attack by a municipal union, it was claimed yesterday.

Schalk Burger, SC, appearing in court yesterday, said senior council officials implicated in the spy network, said a bomb attack was aimed at the Fort, headquarters of the security department.

This information had come from a source and a report had been compiled by the security department.

Mr Burger said one of the black municipal unions had planned the attack because it was dissatisfied with the treatment it had received since Brigadier Visser joined the council in 1985. It had apparently lost several labour actions in which it was involved with the city council.

Questioned by A Rour, for the Defence Force and the Minister of Defence, Brigadier Visser said there was nothing sinister in the recruitment of seven out of 10 employees in the security department from national intelligence services.

The commission is investigating the Star's revelations into a municipal spy network under the chairmanship of Mr Justice Henstra.

Brigadier Visser said he had followed orders without question when told by the late chairman of the management committee, Mr Dame van Zyl, to investigate former city councillor and TV personality Pat Rogers.

The Henstra Commission



Names of those with whom the city council spy operation liaised in National Intelligence, the Bureau for Information, the SA Defence Force and the SA Police were given by Brigadier Visser.

He said information was exchanged between the council and these parties. The security section had liaised with the former head of the SADF in Johannesburg, a General van der Westhuizen, General L Erasmus at John Vorster Square and a man named as "Mr Postmus" and Faan Botha from National Intelligence.

The deputy director of security, Frik Barnard, had liaised with Commandant Kotze at Wit Command.

He said he was not aware of such an organisation as the Civil Co-operation Bureau.

not regarded as an enemy. Information was not supplied to the police after Dr Webster was murdered because "they would have had the same information", said Brigadier Visser.

Yesterday, Mr Justice Henstra rejected a submission by legal representative Hans Borman that he had not advised his client, Martin Hennig, to refuse to answer questions on his military career.

Mr Justice Henstra said the matter would be reported to the Johannesburg Bar Council.

Mr Hennig, a former spy handler, was this week found in contempt of the Commissions Ordinance for refusing to furnish information.

Mandela team used as threat, court told

Star 11/5/90
By Cathy Stagg

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A day before four young men were taken from the Orlando West Methodist Church's manse, two of them told the Rev Paul Verryn that they had been threatened that the Mandela Football team would be called because they had refused to wash the dishes.

This evidence was given in the Rand Supreme Court yesterday by Mr Verryn during the trial of Jerry Richardson (41).

Mr Richardson has pleaded not guilty to four kidnappings, five assaults with intent to commit grievous bodily harm, the murder of teenage activist Stompie Seipei and the attempted murder of Andrew Ikageng.

Mr Verryn said he was aware of allegations of sexual misconduct at the manse but said he knew nothing of such goings-on.

He said about 20 people lived in the three-bedroomed house. Every bed was shared and peo-

ple also slept on the floor. In December 1988 Kenneth Kgase, Thabiso Molo, Pelo Mekingwe, Stompie and Xoliswa Fulati lived there.

Mr Molo and Mr Mekingwe had both been traumatised by detention and Stompie was brought to him by Mr Martin Chaskalson, who did part-time work at the attorneys' firm Priscilla Jana, Mr Verryn said.

No further suspicion

He said there had been a house meeting after an allegation that Stompie was a "sell-out".

"I felt a 14-year-old could not be held responsible for decisions taken by adults. We agreed that he would not leave the house so that there would be no further suspicion," said Mr Verryn.

On December 28 1988 Mr Verryn, who was on leave, called at the manse.

Mr Mono and Mr Mekingwe told him Miss Falati had threatened them with the Mandela Football Team.

When Mr Verryn spoke to her, she confirmed she had difficulty with the two young men who resisted her discipline. He told her not to call on the team.

On January 7 last year, while still on leave, he received a telephone call and as a result went to the Central Methodist Church.

There Mr Kgase told him a confused story of events, including an escape from Winnie Mandela's house.

Mr Kgase's face was swollen, one eye was bloodshot and he had about 20 scabs on his back.

Mr Verryn said that at a community meeting in Dobsonville on January 16 last year Mr Kgase, Mr Mono, Mr Mekingwe and Mr Ikageng gave evidence and a decision was taken that a group of community leaders would try to see Mrs Mandela

A brief truce - but now the dirty war has begun again

W/Mogano 1115-17/5/90

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Seven activists died last month in attacks which were clearly politically motivated. Other forms of 'dirty tricks' have included malicious pamphlets, reports
GAVIN EVANS

A NEW wave of assassinations and political intimidation may have marked the end to the brief respite in death squad-type activities.

Human rights groups note that the style of the attempted assassination of ANC priest Father Michael Lapsley is almost identical to that of four previous parcel or letter bombings of ANC members

Last month three separate attacks were made on leading anti-apartheid activists in which seven people were killed.

ANC member and Anglican priest Father Michael Lapsley lost both hands and an eye two weeks ago when a parcel bomb, apparently addressed to him, exploded. The sight in his other eye and his hearing have been affected

The parcel he received was accompanied by another containing a religious book and was preceded by a letter on an ANC letterhead which the ANC denies sending him

The attack follows a similar pattern to the parcel and letter bomb murders of exiled ANC members Jeanette Curtis in Angola, Ruth First in Mozambique, John Dube in Lusaka and the attempted murder of leading ANC member Phyllis Naidoo in Lesotho, in which she and a priest were severely injured.

Former police captain Dirk Coetzee claimed in his account to the *Vrye Weekblad* that the Schoon and First murders were the work of the security police.

Lapsley was expelled from South Africa for his anti-apartheid activities in the 1970s and from Lesotho after

Fake pamphlets war

OVER the past weeks several fake pamphlets in the names of the ANC, PAC and Azapo have appeared

One pamphlet, issued in the name of the ANC, quoted Idi Amin to justify racial violence. Another suggested that Africans who slept with Indian women would be cured of Aids.

A false PAC pamphlet attacking the ANC was issued in Kagiso, which was the scene of conflict between the two organisations, and one in the name of Azapo, also attacking the ANC, was issued in Bekkersdal where supporters of the two organisations had clashed.

In each case the ANC, PAC and Azapo denied responsibility for the pamphlets.

the South Africa-backed coup there in 1986.

"This attack appears to have been carried out with considerable expertise and follows the pattern of previous murders which we now know were the work of the CCB or the security police," said Dr Max Coleman, of the Independent Board of Inquiry into Informal Repression.

"It therefore does not appear to me to be the work of the extreme right. More likely is that it was carried out by units set up by the state and working within cells originally set up with state sanction."

Jack Curtis, whose daughter Jeanette and granddaughter Katryn were murdered in a letter bomb attack in Angola in 1985, also notes similarities in the attacks.

"Two A4 envelopes addressed to her husband Marius Schoon arrived. She opened one or both and the explosion was so powerful it blew the room to pieces.

"There is only one possible source for these attacks and we know what it is. Obviously they were carried out by experts"

Exiled Pan Africanist Congress

member Sam Chand, his wife Hajira, their sons Redwan, Amna and Imran and a night watchman were shot in Sikwane, Botswana, on April 20. Shortly afterwards their house was razed by a powerful bomb.

According to neighbours, Chand was active in PAC politics and they believe this is why he was murdered.

Both the ANC and PAC believe the attacks were the work of the State, and that elements within the security forces may be trying to use them to exacerbate tensions between the two organisations

In the past four months the Human Rights Commission has listed several attacks on anti-apartheid activists in the country, one of which was the assassination of Alexandra Youth Con-

gress activist Aldo Mogano.

According to the HRC, Mogano was on his way home from watching a video at a friend's house on April 7 when he saw two men at the gate.

"According to an eye-witness he asked who they were but the two men didn't respond. He went inside the house to awaken his younger brother but immediately after Aldo went outside again his brother heard three shots," an HRC representative said.

Mogano was involved in the Congress of South African Students until its banning five years ago, and played a prominent role in the formation of the Transvaal Student Congress.

He was detained for several months under the Emergency regulations and was restricted upon his release.

REPUBLIEK
VAN
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MAY 1990

No. 12457

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 85, 1990

BESOLDIGING VAN REGTERS

Kragtens die bevoegdheid my verleen by artikel 2 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 1989 (Wet No. 88 van 1989), bepaal ek hiermee die skaal, soos in die meegaande Bylae aangedui, waarteen salarisse met ingang van 1 April 1990 aan regters betaalbaar is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vier-en-twentigste dag van April Eenduisend Negehonderd-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. J. COETSEE,
Minister van die Kabinet.

BYLAE

Naam van amp	Salaris per jaar
Hoofregter van Suid-Afrika	R216 000
Appèlregter	R200 500
Regter-president	R199 000
Adjunk-regter-president	R195 000
Regter	R193 000

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 85, 1990

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REMUNERATION OF JUDGES

Under the powers vested in me by section 2 of the Judges' Remuneration and Conditions of Employment Act, 1989 (Act No. 88 of 1989), I hereby determine the rate, as indicated in the attached Schedule, at which salaries are payable to Judges with effect from 1 April 1990.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-fourth day of April, One thousand Nine hundred and Ninety.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

H. J. COETSEE,
Minister of the Cabinet.

SCHEDULE

Designation of office	Salary per annum
Chief Justice of South Africa	R216 000
Judge of Appeal	R200 500
Judge President	R199 000
Deputy Judge President	R195 000
Judge	R193 000

New evidence of attacks on Eastern Cape activists

W/Mail 1/15-17/5/90 (252)

By GAVIN EVANS

FRESH support for Dirk Coetzee's allegations of hit squad-type activity in the Eastern Cape emerged this week when a man cited by the former police captain as a victim of a fire-bombing confirmed the incident.

Coetzee told the Harms Commission in London that in late 1981 he and a local white security officer had tried to set fire to a Volkswagen Beetle and a truck which belonged to a "hippie community" at Rhodes Village near Barkley East. He told the commission he believed the attempt on the truck was successful.

Andy Grewer, who at the time of the incident was living at Rhodes Village, said that on the night of September 5 1981 his VW Beetle and a truck belonging to a friend Rob Sacco, as well as a farmer's truck, were fire-bombed.

The following day the police arrived and "removed the footprints from army boots" from around the melted metals of the burnt-out vehicles.

Grewer, now a post-graduate student, said the police investigators appeared to have no interest in the fire-bombings and instead spent most of the day questioning them on Sacco's politics.

On December 19 that year Sacco's Rhodes Village house was also gutted by fire while he was on holiday. Sacco has been living in Zimbabwe for the past six years, and is now headmaster of a high school in Chimanimani.

Meanwhile, research by the *Weekly Mail* has provided support for the view that United Democratic Front

activists Matthew Goniwe, Fort Calata, Sparrow Mkhonto and Sicelo Mhlawuli, who were assassinated in June 1985, may have passed through a police roadblock near to where their bodies were found, on the night of their murders.

This week Barbara Butters, a farmer from the Paterson area, told the *Weekly Mail* that on the night of their murder she and her driver passed through a roadblock near to where their four bodies were found.

"I can remember it very clearly. It was a Thursday night and we were travelling on the Grahamstown road when we were stopped by a massive police and army roadblock after Bluewater Bay and before the Markham township turnoff.

"They stopped some people, but not us. When we heard about the Goniwe murder I discussed it with my driver Geelbooi. I remember it very clearly, because I think the roadblock was just about exactly where they said the bodies were found."

Several Port Elizabeth community activists told the *Weekly Mail* that three policemen recently murdered in a limpet mine attack had been involved with Askari-type hit squad activity, and feared their killing may have been designed to prevent further Coetzee-style disclosures.

According to a police report "three policemen and an informer" were killed when a limpet mine exploded in their car 25km from Port Elizabeth on December 14 last year.

Refusenik's case to be heard



DOUGLAS TORR: Will appear in court on Monday.

THE first conscientious-objection case to be heard since the March 30 appeal judgment on David Bruce and Ivan Toms will take place in the Johannesburg Magistrate's Court on Monday

The Rev Douglas Torr (26), an Anglican priest and conscientious objector, will appear on a charge of contravening the Defence Act by refusing to serve in the SA Defence Force

Johannesburg-born Mr Torr, one of the founder members of the End Conscription Campaign in Grahamstown, has not served in the army at all — he refused to serve in the SADF when called up at the end of July 1989

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SUE OLSWANG

Ordained as a priest in February this year, Mr Torr has said his role as a believer and as chaplain of a children's home makes it impossible for him to take part in acts of aggression and violence

A vigil of support for Mr Torr will be held at Christ the King, corner Hamilton and Harmony streets in Coronationville from 6 pm to 8 30 pm tomorrow

● International Conscientious Objectors Day on Tuesday May 15 will be marked with solidarity actions organised by the ECC and the Conscientious Objectors Support Group

KwaZulu minister 'formed hit squad to kill opponents'

By S'BU MNGADI

PINETOWN police are searching for two missing members of the KwaZulu Police, known only as Vela and Vusi, who allegedly carried out assassinations in Clermont, Durban, between 1985 and 1989 on the instructions of KwaZulu's Deputy Interior Minister, Samuel Bhekizwe Jamile.

Jamile, 60, a senior member of Inkatha's Central Committee and the KwaZulu Legislative Assembly, was last week charged with five counts of murder, seven of attempted murder and three of incitement to murder. His co-accused, Msizi Hlophe, 19, is implicated in all the charges.

The case is set down for hearing in the Maritzburg Supreme Court on June 4.

Jamile, a prominent herbalist who operates his muti business in Kranskloof, Clermont, was arrested at his Ulundi ministerial home on February 19 — a day after an exclusive article in *City Press* had linked him to the assassinations of five Clermont community leaders and plots to kill others.

Hlophe was arrested weeks earlier. Both men have been repeatedly refused bail.

UDF co-president Archie Gumede is named as one of the people Jamile allegedly tried to kill.

Vela and Vusi are implicated in three murders and plots to kill many other people.

The indictment cites disagreement over the proposed incorporation of the freehold suburb of Clermont into KwaZulu between 1982 and 1985 as having led to the killings.

The defunct Clermont Advisory Board (Cab) under the chairmanship of attorney Aubrey Nyembezi, was opposed to incorporation.

Jamile favoured incorporation.

During September/October 1985, Nyembezi stood for election to Cab while Deputy Minister, and stood for

election to the Inkatha committee against advocate Vuka Tshabalala.

On the night of October 10, 1985 Jamile's men, including Hlophe, fired shots at Nyembezi's house and set it alight with Nyembezi and his wife inside.

Jamile was also a member of the Inyanda Chamber of Commerce and Industry, of which businessman and anti-incorporation activist Obed Mthembu was a chairman, while Pearl Tshabalala — wife of advocate Vuka Tshabalala — Zazi Khuzwayo and Emmanuel Khuzwayo, both Cab members, were also members.

On various occasions, the indictment alleges, Jamile clashed with Mrs Tshabalala and Mthembu. One of these incidents resulted in him being ordered by Mthembu to leave the meeting.

Jamile procured a group of men, including Hlophe, Vusi and Vela, and incited Thokoza Paulos Ntshalintshali to join the group.

Joseph Bhekuyise Khumalo, who was staying in the Inkatha leader's house, told Richard Phili of the plot.

On hearing this Jamile, accompanied by Vela and two others, allegedly took Khumalo and his girlfriend Thoko Shabalala to a deserted spot in the Mamba Valley in Riverside, where Khumalo was shot three times in the head.

Shabalala's throat was cut with a blunt instrument and she was dragged into the bush and left for dead, but she survived.

On October 15, 1989, on Jamile's instructions, Hlophe fatally gunned down Pearl Tshabalala.

Four days later a group that included Hlophe shot at Obed Mthembu and his wife several times before Mthembu's house was set alight, but the couple escaped.

It is also alleged that Hlophe and another man, acting on Jamile's instructions, killed Clermont taxi operator Nicholas Mkhize on July 15, 1988.

By MARION DUNCAN

MRS WINNIE MANDELA, wife of ANC deputy president Mr Nelson Mandela, will not be called to testify in the murder trial of Mandela football team coach Jerry Vusi Musi Richardson.

Both the prosecutor, Mr Chris van Vuuren, and the defence counsel, Mr H H Joubert, said her testimony "was not required"

Mrs Mandela's name continued to feature prominently this week in evidence in the Rand Supreme Court where Mr Richardson, 41, is charged with kidnapping, assault, attempted murder and murder

Church worker Kenneth Kgase, one of four young men allegedly abducted from the Soweto home of Methodist minister the Rev Paul Verryn on December 29

last year and subsequently assaulted by Mrs Mandela in her home, ended a week of testimony by telling how he "escaped" from the Mandela house

He had done so, he said, because he feared for his life

He jumped over the back wall during his "guard shift", ran to the Baragwanath taxi rank and hitched a lift to the Central Methodist Church in Johannesburg, from where he contacted Mr Verryn

The second witness, Mr Barend Mono, described how he had been abducted, beaten and held against his will in Mrs Mandela's home

She had accused the four of having a homosexual relationship with Mr Verryn, he said, and had also accused young activist Stompie Seipei of having "sold-out" four "comrades" to police in Paris

"After we had been introduced (to Mrs Mandela), Winnie started assaulting us," Mr Mono said. "She hit us with her fists and a sjambok"

Blood

Mr Mono was threatened with death if he tried to escape from the house. He and his friends had been forced to wash their blood from the floor and windows of the room where they were beaten

He said he and Mr Gabriel Mekingwe, also allegedly beaten and held prisoner, were forced to clean Mr Richardson's house

Mrs Mandela then took them shopping for new clothes

Mr Mono also testified that Mr Nelson Mandela, who was still in Pollsmoor prison at the time, then became involved. He sent his lawyer, Mr Ismael Ayob, to Mrs Mandela in an attempt to remove both Mr Mono and Mr Mekingwe to the lawyer's home

Mr Richardson initially refused, saying he would not agree to "his players" being taken to a place unknown to him

Later he told the youths to take their belongings and leave to give Mr Ayob the impression we had been



WINNIE MANDELA

freed" But the two were taken to the wrong house and then returned to Mrs Mandela's home

They were eventually escorted to Mr Ayob's house a day or two later on Mrs Mandela's instructions, but were taken from there to the offices of Mr Krish Naidoo (Mrs Mandela's attorney) and

then to a meeting in Soweto with Bishop Peter Storey

Evidence was also given by Mr Verryn, who denied any sexual misconduct at his home

He said he had seen Mr Kgase after his "escape" from Mrs Mandela's house and had noticed the youth's bloody eye, a swollen lip and about 20 marks on his back which were starting to heal

"The first thing he told me was that he had learnt to kill. What he told me was quite confused," Mr Verryn said

Bishop Storey then testified that Mrs Mandela's involvement in the kidnapping and assault of the young men had made the situation "extremely sensitive". For that reason, police had not been called in

Lawyers say they don't need Winnie to testify in Stompie case

THE ROSENTHAL WITNESS

~~12/1/90~~ 252 ~~12/1/90~~

Prison warders appear in court

TWELVE prison warders and three women, who were arrested in the aborted Police and Prison Civil Rights Union (Popcu) march last week appeared in the Johannesburg Regional Court.

William Shalong, 46, Alexandra; Mavis Dlamini, 49, Soweto; Alfred Mojela, Kempton Park; Gladys Xabamiga, 27, Joubert Park; Tozamile Tana, 32, Pimville; Thokozani Madondo, 33, Protea North; Michael Mhlanga, 30, Rockville; Mondzi Gungubele, 33, Phomolong; Samule Maseko, 28, Evaton; Freddie Janjie, 22, Sebokeng; Glory Ramphosi, 24, Sebokeng; Petrus Molelekoa, 28, Johannesburg; and Thina Mlambo, 24, Evaton; appeared before Mr Be P Luyt.

Bail of R1000 each was fixed. The case resumes on June 7. C/Prxs 13/5/90

Rightwing attacks on innocent blacks are spreading rapidly throughout the country. Just days after the government-ANC talks at-out talks at Groote Schuur, numerous such attacks have been reported in areas such as Pretoria, Boksburg and Welkom in the Free State.

■ Two men were killed and another seriously wounded by whites who had forced their car to stop 3km outside Mamelodi township in Pretoria. The whites hurled racial abuse and spoke of the Wit Wolwe.

■ Three people were killed when a car ploughed into a group of people waiting for a bus in Boksburg. Police have said this incident was not related to the rightwing, but blacks in Boksburg think otherwise.

■ In Welkom, fears are rising that a racial conflict is imminent as blacks are being killed for supplying invalids' meals for being on the streets at night. Blacks have retaliated with a boycott of white businesses.

In these special reports, *City Press* focuses on the racial tension that has gripped our country in the past few days.

Rightwingers to be in court for murder

By ELIAS MALULEKE

A PRETORIA Murder and Robbery Squad unit this week arrested two white rightwing activists for the alleged "Wit Wolf-style" killing of two black men and the shooting of a third last Saturday.

Col KJ "Suiker" Britz said they were arrested on Wednesday in Pretoria after an around-the-clock investigation. The suspects are aged 27 and 28.

They were arrested in connection with the shooting of three black men, all De Beers mineworkers, in Cullinan.

The white men allegedly demanded to see the identity documents of their victims and before shooting them asked if they knew the "Wit Wolwe" and the Afrikaner Weerstandbeweging (AWB).

The two who died are from Lebowa. One rented a backyard room in Mamelodi and the other lived in the mine hostel. The third, who survived, is from Soweto.

They were Petrus Prince Mbakena, 28, from Kgobokwane; Simon Kobo, 27, the driver of the car and father of five children from Friendship, near Ellisras; and Xavier Lekgoete, 28, a father of two from Moletsane, Soweto, who is being treated at Kalafong Hospital under tight security.

Mbakena and Kobo were shot in the face and stomach and died instantly. Lekgoete was shot three times. Two bullets hit him in the left of his rib cage

and came out through the stomach, and a third broke his left arm.

The arrested men will appear in the Pretoria Magistrate's Court tomorrow.

Swathed in bandages and in great pain, Lekgoete told *City Press* that at the Cullinan-Pretoria-Moloto-Mamelodi intersection Kobo, who was driving, decided to fetch clothes from his room in Mamelodi.

"We only drove a few metres when this car approached and objects started to rain on

our car, shattering the windscreen, and then they forced us off the road.

"Two white men sprang out, forced us out and demanded to see our identity documents," he said. One of the men wore khaki clothes.

"They made racist remarks and asked if we knew the "Wit Wolwe" and the AWB. Then one of them went to their car and asked if 'ons moet hulle laat loop?' Then before the man in the car could answer, shots rang out."

Lekgoete was hit twice in the rib cage and in the left arm before he fell down and "played dead". When the guns turned on his friends, Lekgoete crawled out of sight.

The "Wit Wolf" then realised he was gone and started to search for him, but an oncoming car forced the men to rush to their car and speed off.

"I stopped the oncoming car, a white BMW with blacks in it, but they refused to help and said they would report the matter to the police."

Lekgoete, seriously injured as he was, managed to drag himself behind the steering wheel and drove 3km into Mamelodi.

"The last thing I remember was stopping at a bus-depot and slamming the hooter," Lekgoete said.

Rebecca Lekgoete at home with the children. Pic: TLADI KHUEL



Horror assaults

at people's courts

c/ken 13/5/90

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A 40-YEAR-OLD Alexandra man is lying seriously injured in Tembisa Hospital after youths whipped him over 200 times as a "punishment" decreed by a kangaroo court

Josiah Madonsela, of 137 17th Avenue, Alexandra, was saved from possible death by neighbours who found him, three weeks after the assault, lying in his tin shack so badly injured he could not call for help. His assailants had left him for dead.

The neighbours took him to the hospital, where he is likely to have to spend the next two months before he recovers enough to go home.

Madonsela is one of scores of people who have been tortured in Alexandra's mushrooming "people's courts" which have sent shock-waves through the townships and left residents living in fear of their lives.

City Press investigations follow an expose of the torture of a woman in a kangaroo court.

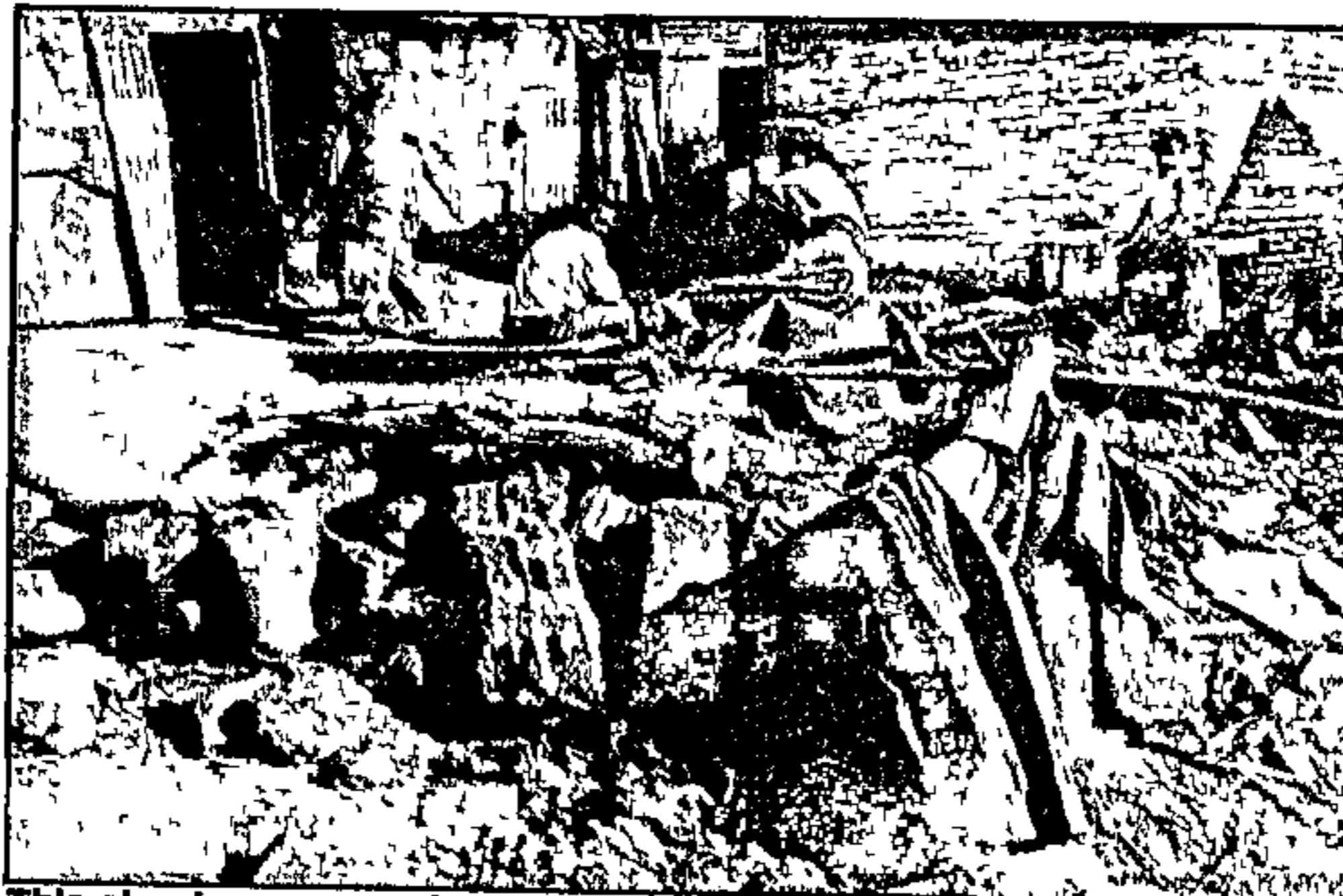
Elizabeth Hlatswayo, 32, a mother of two teenagers, was last week sentenced to 100 lashes or a R200 fine in the court. When she could not raise the money, she was savagely sjambokked.

The "comrades" could only manage to lash her 42 times before she fainted. The balance of her sentence is still pending.

Her "crime" was using a bread-knife to fend off a man who attacked her in her tin shack. The would-be attacker had minor scratches on his left arm. She says the man tried to rape her.

Madonsela, who was assaulted on Easter Monday, is being treated for lash wounds on his buttocks, some of which had turned septic.

A coalyard assistant and father of one child, Madonsela told City Press his "crime" was trying to stop a love affair his common-law wife was having with another man.



This clearing was used as a "people's court". ■ PICS: ANDRIES MCINEKA

Woman sjambokked and man assaulted by 25 people

Reports by ELIAS MALULEKE



Josiah Madonsela



Elizabeth Hlatswayo

Following an argument with his wife and her lover on Easter Monday, a group of "comrades" confronted him at his shack and took him to the "court".

"They accused me of starting a fight and then sentenced me to 200 lashes. There were about 200 people there and I was not given the opportunity to defend myself," he said.

After he was forced to take off his trousers, he was assaulted by about 25 people who took turns in

beating him with sjamboks, sticks and wire clothes hangers. He lost consciousness and awoke in his room the following day but could not walk or seek help.

Nurses said it would take some time before he could walk properly.

Alexandra organisations have distanced themselves from the atrocities committed by the "people's courts".

A spokesman for the Alexandra Youth Congress (Ayco), Victor Kgobe, said his organisa-

tion supported the "people's courts" but members had nothing to do with assaults. "We only encourage the sitting of courts to solve domestic problems and we distance ourselves from the use of violence," said Kgobe.

Alexandra Civic Association general secretary Sydney Hliza has condemned the kangaroo courts and called on other organisations to address the matter urgently.

Mzwanele Mayekiso, organising officer of the Alexandra Civic Organisation, said the Mass Democratic Movement in the township had nothing to do with the assaults on residents.

He blamed the apparent inability or reluctance of the police to deal with crime in the township for giving rise to people's courts. He said police often turned away complainants at the charge office.

This was refuted by Ministry of Law and Order spokesman Capt P Bothma.

He appealed to residents for information to enable police to stamp out these acts of barbarism.

Fear of necklacing prevents victims reporting attacks

VICTIMS of "people's courts" are frightened reporting these assaults for fear of being necklaced, say the police.

And Alexandra residents told City Press believed criminals had hijacked the "people's courts" to line their own pockets and that they feared it would spark more black-on-black violence.

To most senior locals the "people's courts" had sad memories of a similar anti-crime campaign that gave birth to the Mzomi Gang in the fifties.

The "courts" revolve around civic organisations which have all distanced themselves from the beatings of residents.

Alexandra has several civic organisations to represent the majority of residents in the area.

The most popular of them, with a rank-and-file membership of youths, are the Alexandra Action Committee and the Alexandra Civic Organisation, UDF affiliates led by Moses Mayekiso. The third is the Alexandra Civic Association led by Mike D.

The Alexandra Civic Association has already urged the other organisations to stamp out "people's courts".

Mzwanele Mayekiso, of the Alexandra Civic Organisation told City Press this week that his organisation had no links with the people's courts.

For example, he said, a group of taxi drivers recently hauled three car thieves into a kangaroo court of their own.

"The drivers chained the alleged robbers next to the main road and sjambokked them. Police have past several times but did not stop," said Mayekiso.

Mayekiso said if the police were firm on crime, "people's courts" would not exist.

The police said they could not act against "people's courts" because victims and witnesses did not come forward. "They fear being necklaced,"

Law and Order Ministry spokesman Capt P Bothma said this fear forced them to back off in court.

"Judges" and "prosecutors" in "people's courts" are said to be as young as 10 years old. They mete out punishment to offenders, who are never given opportunity to defend themselves. And there is appeal once sentence has been passed.

According to Victor Kgobe of the Alexandra Youth Congress, the "people's courts" in the township were started in 1984 to fight crime.

"Most of those involved are not members of our structures."

Kgobe said the "courts" were needed to sort out petty problems like domestic squabbles.

"We completely distance ourselves from barbaric acts of flogging."

Vlok may be called before Harms inquiry

LAW and Order Minister Adriaan Vlok may be called before the Harms Commission of Inquiry into the activities of the Civil Co-operation Bureau (CCB)

This follows allegations by former CCB agent Pieter Botes that he told Vlok about the CCB and its activities last August

The former acting manager of CCB Region 2 claims two police generals were present during his talk with Vlok

Commission secretary Chris Erasmus said yesterday "We must first see what Botes says and test his evidence before we can say if Mr Vlok is implicated."

Police spokesman Brig Leon Mellet said Vlok would not comment as the commission was in progress and any statement

LINDEN BIRNS

from him might prejudice its findings

DP law and order spokesman Tian van der Merwe said if the allegations were true, Vlok should resign

Botes's claim was published in the Vrye Weekblad Erasmus said the newspaper could also face prosecution for disregarding Mr Justice L Harms's instruction not to photograph or positively identify CCB chief Joe Verster *by Day 14/5/70*

No official complaint had been lodged with the attorney-general but Erasmus said "Nothing has been decided by the commission yet, but it is possible that oth-

er legal parties will lodge a complaint"

Attorney-general Klaus von Lieres said an investigation would take place if a formal complaint was lodged

Erasmus also said legal action might be taken against CCB administrative manager Braam Cilher for misleading the commission However, he said, the commission had to finish its inquiry before deciding what action should be taken

On Friday the commission heard how Special Forces commander Maj-Gen Eddie Webb was misled by Cilher when he tried to obtain vital files for scrutiny by the commission

● See Page 2

HOUSE OF ASSEMBLY

QUESTIONS

†Indicates translated version

For written reply

General Affairs

Medical waste

249 Mr M J ELLIS asked the Minister of National Health and Population Development

Whether consideration is being given to amending legislation relating to the disposal of medical waste, including human tissue, by (a) hospitals, (b) general practitioners, (c) pathology laboratories, (d) veterinarians, (e) clinics and (f) any other specified individuals or organisations, if not, why not, if so, (i) what legislation is involved, and (ii) what amendments are being considered, in each case?

Answer 14/5/90

B639E

The MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

(a), (b), (c), (d), (e) and (f) No,

no amendments to the Health Act, 1977 are being considered at present. All relevant local and international information regarding "medical waste" is being studied continuously and further action will be taken as and when the need arises,

(i) and (ii) fall away

Court appearances without legal representation

305 Mr L FUCHS asked the Minister of Justice

Whether his Department maintains statistics on the number of persons who appeared in courts in each province in 1989 without legal representation, if not, why not, if so, what are the relevant details?

Answer 14/5/90

B785E

The MINISTER OF JUSTICE

Statistics of persons who appeared in criminal proceedings in district courts (excluding minor traffic offences) without legal representation have been recorded since 1 December 1989. Similar statistics in respect of the regional

courts have been recorded since 1 February 1990, whilst none are being kept in respect of the Supreme Court. Answer 14/5/90

The available statistics for the period 1 December 1989 to 28 February 1990 in respect of the district courts are as follows:

Cape Province	49 671
Orange Free State	11 615
Natal	20 619
Transvaal	39 498

I may add that, without detracting from the value and desirability of legal representation in general, indications are that a large number of persons are acquitted without legal representation. Indicative of this is that it is estimated that one out of five accused are convicted and committed to prison. Until we arrive, therefore, at the ideal system of complete legal representation, it is in a sense reassuring to know that accused appearing in courts are not necessarily prejudiced by a lack of legal representation. Our system of adjudication of criminal matters provides for various intrinsic safeguards to prevent miscarriages of justice.

Pollution of the sea by oil

327 Mr R J LORIMER asked the Minister of Environment Affairs - Answer 14/5/90

- (1) How many cases of pollution of the sea by oil occurred in 1989,
- (2) (a) what was the cost of combating such pollution in that year and (b) what amount was recovered from the owners of the vessels concerned?

B817E

The MINISTER OF ENVIRONMENT AFFAIRS

- (1) 130 oil spills were reported
- (2) (a) R247 692 was spent on responding to and combating potential or actual oil spills

- (b) The full R247 692 has or is being recovered from the insurers of the vessels, while R97 000 was collected in the form of admissions of guilt paid by vessels caught illegally discharging oil at sea

Kruger National Park by-products
 328 Mr R J LORIMER asked the Minister of Environment Affairs

- (1) What was the total value of the products produced by the by-products depot in the Kruger National Park in the 1989-90 financial year,
- (2) what was the profit or loss shown by the depot at the end of this financial year?

Heuserd 14/5/90
 B818E
THE MINISTER OF ENVIRONMENT AFFAIRS

- (1) R4 327 530
- (2) A total profit of R2 533 244

Kruger National Park, culling
 329 Mr R J LORIMER asked the Minister of Environment Affairs

Whether any animals were culled in the Kruger National Park in 1989, if so, how many head of each species?
 B819E

THE MINISTER OF ENVIRONMENT AFFAIRS

Yes
 Elephants 248
 Buffalo 2 366

Regional Services Councils overseas delegations
 333 Mr P G SOAL asked the Minister of Planning and Provincial Affairs

- (1) How many regional services councils sent delegations overseas during the past 18 months, (b) (i) to which countries, and (ii) for what purposes, were they sent in each case, (c) on whose authority did these overseas visits take place and (d) what was the (i) cost and (ii) composition of each of these delegations?
- (2) whether any regional services-councils plan to send delegations overseas in the next 12 months, if so, (a) which regional services councils and (b) (i) at what cost, and (ii) for what purpose, in each case,
- (3) in respect of what date is this information furnished?

Heuserd 14/5/90
 B823E

THE MINISTER OF PLANNING AND PROVINCIAL AFFAIRS

Cape Province
 (1) (a) One, namely the Western Cape Regional Services Council
 (b) (i) United States of America
 (ii) To attend the Sixth Intra-national Conference on Aids

(c) The Regional Services Council, with the approval of the Administrator
 (d) (i) R20 000 was estimated
 (ii) The delegation consisted of the Medical Officer of Health only

(2) Only one application has been received up to date

(a) The Western Cape Regional Services Council
 (b) (i) R63 532 was estimated
 (ii) Attendance of the Annual congress of the International Institute of Municipal Clerks

(3) 25 April 1990

(1) (a) Two Regional Services Councils
 Pretoria
 West Rand
 (b) (i) Canada, USA and Portugal
 (ii) Pretoria Regional Services Council

Attending the International Institute of Town Clerks' Congress and International Parks Congress in the USA and Canada
 West Rand Regional Services Council
 Attending the International Housing Congress in Oporto, Portugal

(c) The Pretoria Regional Services Council decided to send a delegation abroad
 The West Rand Regional Services Council, obtained approval in terms of section 79(33) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) from the Administrator of the Transvaal to send a delegation abroad

(d) (i) Pretoria Regional Services Council — R50 000
 West Rand Regional Services Council — R96 377,72
 (ii) Pretoria Regional Services Council
 Mr P Delpoit (Chairman)
 Mr H J Tshungu (Member of Executive Committee)
 West Rand Regional Services Council
 Mr F Mulder (Chief Executive Officer)
 Mr K Nel (Deputy chairman)
 Mr H Jacobs (Chairman Management Committee, West-area)
 Mr J Beard (Mayor of Khutsong)

(2) Yes
 (a) Pretoria Regional Services Council
 West Rand Regional Services Council
 East Rand Regional Services Council
 (b) (i) Pretoria Regional Services Council — R32 500
 West Rand Regional Services Council — R233 000
 East Rand Regional Services Council — R172 500
 (ii) The objectives of the visits are as follows

Pretoria Regional Services Council
 Attending the International Institute of Town Clerks' Congress and International Parks Congress

Participation in "Citizen Ambassador Programme Of People To People International"

Two day visit to London to inspect a light rail transport system (GEC Trachon Company) with a view to the regional transport function

Heuserd
 B823E

East Rand Regional Services Council
 (a) Attending the Congress of the International Institute of Municipal Clerks to promote the idea of regional services councils
 (b) Gathering information about fire brigade and computer services on a regional basis
 (c) Attending of a seminar on land use planning and transport services in metropolitan areas
 (d) Studying methods and technology for the recovery of urban waste for recycling
 (e) To promote the recovery of usable materials from waste, and to establish a consistent demand in the open market for such materials on behalf of the industry

West Rand Regional Services Council
 Attending, among others, the congress of the International Institute of Municipal Clerks in Little Rock, Arkansas, USA

Natal
 (1) (a) No Regional Services Councils have been established in Natal and the question is therefore not applicable
Orange Free State
 (1) (a) None The rest falls away
 (2) No The rest falls away
 (3) 25 April 1990

Advocates: Latin qualification
 337 Mr D J DALLING asked the Minister of Justice
 Whether he intends to introduce legislation in 1990 to abolish the requirement of a qualification in Law for admission as an advocate in the Supreme Court, if so, when, if not, why not?
THE MINISTER OF JUSTICE
 No

However, the Admission of Advocates Amendment Bill, 1990, which was introduced in Parliament on 25 April 1990 relaxes the language requirement in respect of Latin required at present by the Act. The following minimum standards are laid down in the Bill

(a) Matriculation Latin at the higher level as required by the Joint Matriculation Board, or *Handwritten: A 1415190*

(b) a special course in Latin which is prescribed or recognised by a university in the Republic for a *baccalaureus* degree which is not a law degree. *Handwritten: 252*

This Bill is presently receiving the attention of the Parliamentary Joint Committee on Justice

Legal Aid Board, suspension of legal aid services

339 Mr D J DALLING asked the Minister of Justice *Handwritten: 1415190*

Whether any legal aid services were suspended by the Legal Aid Board in 1989, if so, (a) (i) which services and (ii) for what period and (b) why were these services suspended?

B829E

The MINISTER OF JUSTICE *Handwritten: [Signature]*

Yes

- (a) (i) The suspensions were applicable to the following matters
- 1 Criminal and civil appeals
 - 2 Civil matters where the quantum of the claim amounted to R2 000 or less
 - 3 Instructions to advocates in the lower courts and senior advocates in the Supreme Court
- The Board also had to impose restrictions on legal costs for the duration of 1989 in the following cases
- 1 The legal costs in respect of divorce cases and related cases were restricted on legal aid tariff to a maximum of R750 if one attorney was involved and R1 000 if two attorneys were involved. Provided that if permission was granted for the institution or defence of interlocutory actions, the legal costs thereof could be allowed in addition to that of the main action

(2) (a) how many (i) White, (ii) Coloured and (iii) Indian group areas were re-proclaimed in that year and (b) for which race groups were they re-proclaimed in each case?

B832E

The MINISTER OF PLANNING AND PROVINCIAL AFFAIRS

(1) (a) and (b) See Annexure A

(2) (a) and (b) See Annexure B

Transvaal

Town	White (ha)	Coloured (ha)	Indian (ha)
Pietersburg			8,7
Piet Retief	15	47,45	46,8
Kimross		70	124
Bronkhorstspuit	None	132,45	179,5

Summary

Transvaal

White: None

Coloured: 3 areas — 132,4 ha

Indian: 3 areas — 179,5 ha

Cape Province

Town	White (ha)	Coloured (ha)	Indian (ha)
Ladismuth	1,68		
Macassar	3,3		
Blanco	8		
Elandsbaai	1,1		
George Sandkraal	213		
Idavallei	11		
Goedwood	2,2		
Cloeterville		33	
Koekenaap		6	
East London		55	
Somerset West		35	
Leeu-Gamka		0,12	
Elliot		69	
Kylemore		130	
Postmasburg		37	
Macassar		127	
Retreat		1,2	
Heidelberg		37	
Op Die Berg		18	
Wellington		0,38	
Ocean View	130,2	126,4	
Kirkwood		330,7	
Prieska		2,5	
Jansenville	132,4	1 246,38	2

Summary

Cape Province

White: 2 areas — 132,4 ha

Coloured: 22 areas — 1 246,38 ha

Indian: 1 area — 2 ha

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B829E

The MINISTER OF JUSTICE

Yes *252*

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B832E

The MINISTER OF PLANNING AND PROVINCIAL AFFAIRS

(1) (a) and (b) See Annexure A

(2) (a) and (b) See Annexure B

Transvaal

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Petersburg		15	8,7
Piet Renef		47,45	46,8
Kinross		70	124
Bronkhorstspuit	None	132,45	179,5

Summary

Transvaal	White	Coloured	Indian
None	3 areas — 132,4 ha	3 areas — 179,5 ha	

Cape Province

Town	White (ha)	Coloured (ha)	Indian (ha)
Ladismith	1,68		
Macassar	3,3		
Bianco	8		
Elandsbaai	1,1		
George Sandkraal	213		
Idasvaller	11		
Goodwood	2,2		
Cloeteville		33	
Koekenaap		6	
East London		55	
Somerset West		35	
Leeu-Gamka		0,12	
Elliot		69	
Kylemoore		130	
Postmasburg		37	
Macassar		127	
Retreat		1,2	
Heidelberg		37	
Op Die Berg		18	
Wellington		0,38	
Ocean View		126,4	
Kirkwood	130,2	330,7	
Priska		2,5	
Jansenville			
	132,4	1 246,38	2

Summary

Cape Province	White	Coloured	Indian
2 areas — 132,4 ha			
22 areas — 1 246,38 ha			
1 area — 2 ha			

TPA - funds for upgrading of Venterspos
 353 Mr P J PAULUS asked the Minister of Planning and Provincial Affairs †
 (1) Whether the Transvaal Provincial Administration has requested funds for the upgrading of Venterspos, if so, (a) when and (b) what amount has been requested,
 (2) whether funds have been allocated for this purpose, if not, why not, if so, (a) by whom or what body, (b) when and (c) what amount has been allocated?
 Hansard 14/5/90 B860E

The MINISTER OF JUSTICE Hansard 14/5/90
 (1) Yes, for a protest march on 11 October 1989
 (a) The magistrate considered all relevant facts and circumstances, including a recommendation by the South African Police who were not opposed to the march taking place along the route and during the period determined by the magistrate. The magistrate personally went to great lengths to defuse a tense situation in the interest of the safety of the public. He held several discussions with the applicants and persuaded them to change the route of the protest march away from the main street and to shorten the duration of the protest march
 (b) The town council of Uitenhage refused permission for the protest march
 (c) 10 00 - 12 30
 (d) According to the estimate of the South African Police about 16 000
 (e) 569 members of the South African Police
 60 members of the South African Defence Force
 (32 Traffic Officers also assisted)
 (f) (i) It is not possible to make an estimate of the cost
 (ii) Falls away
 (2) Yes
 (3) No The time allowed was exceeded by approximately one hour
 (4) No

The MINISTER OF JUSTICE (252)
 Hansard 14/5/90
 The records of the inquests and documents pertaining to the deaths in which Mr Van Schoor allegedly features are still being studied by the Attorney-General, Grahamstown
 Castillo de Bellver monitoring
 375 Mr J H MOMBBERG asked the Minister of Environment Affairs
 (1) Whether his Department is monitoring the wreck of the Spanish oil tanker *Castillo de Bellver* off the west coast of South Africa, if not, (a) why not and (b) when did the tanker sink, if so,
 (2) whether there is any danger of the tanker leaking oil, if so,
 (3) whether his Department has taken any action to prevent oil being so leaked or to minimise the danger of this happening, if not, why not, if so, what action?
 Hansard 14/5/90 B903E

The MINISTER OF ENVIRONMENT AFFAIRS
 (2) The possibility exists Hansard 14/5/90
 (3) No, the Department of Transport is presently responsible for the wreck and the oil contained within and you are referred to their answer to your identical question for oral reply on Tuesday 8 May 1990.
 The Department of Environment Affairs only becomes involved after the oil is spilled into the ocean. The Department's pollution division is ready to deal with any situation in this regard as is prescribed by the existing contingency plan
 TBVC countries. SA officials seconded
 387 Mr C W EGLIN asked the Minister of Foreign Affairs Hansard 14/5/90
 Whether any South African officials had been seconded to the Government Service of (a) Bophuthatswana, (b) Ciskei, (c) Transkei and (d) Venda as at the latest specified date for which information is available, if so, how many in each case?
 B916E

Uitenhage, protest march
 361 Mr W A BOTHA asked the Minister of Justice † Hansard 14/5/90

Mr Sybrand Louis van Schoor, inquests
 367 Mr A E DE WET asked the Minister of Justice Hansard 14/5/90 (252)
 Whether his Department has taken any action against Mr Sybrand Louis van Schoor as a result of the findings of the inquests referred to in his reply to Question No 9 on 27 February 1990, if so, what action, if not, why not?
 B895E

The MINISTER OF FOREIGN AFFAIRS
 Yes, on 27 April 1990 there were
 (a) 269
 (b) 490
 (c) 78
 (d) 246

HOUSE OF ASSEMBLY

Too 'sensitive' to call in police

POLICE had not been called in when three kidnapped youths surfaced after being held at Winnie Mandela's home, because of the "sensitive situation" in Soweto and because it involved Mandela, the Rand Supreme Court was told on Friday

Bishop Peter Storey was testifying at the trial of Jerry Richardson, 41, charged with the murder of teenage activist Stompie Seipei Moeketsi

Richardson is also accused of attempted murder, kidnapping and assault

Storey told the court that after Barend Thabiso Mono, 20, and Gabriel Pelo Mekgwe, 21, were released from the Mandela house on January 6 last year, a meeting had been arranged between community leaders and church representatives in Dobsonville, Soweto

Asked why police were not involved, Storey said that was the situation by the time he became involved. *B10 am 14/5/90*

The situation at that time in Soweto was extremely sensitive and involvement of the police could have been misunderstood by one or other section of a fairly volatile community, he said.

He said the situation was also sensitive because Mandela was involved

Stompie, Mono, Mekgwe, and Kenneth Kgase, 30, it is alleged, were kidnapped on December 29 1988 by members of the Mandela United Football Club from a Soweto Methodist Church, taken to Mandela's house in Diepkloof Extension, Soweto, and kept prisoners

The case continues today — Sapa

Webb misled on files *B10 am 14/5/90*

Harms

SPECIAL Forces commander Maj-Gen Eddie Webb was deliberately misled when he tried to obtain vital files for scrutiny by the Harms Commission, the hearing was told on Friday

Mr Justice Louis Harms accused Civil Co-operation Bureau (CCB) administrative manager "Braam Cillier" (a code name) of lying to Webb to frustrate and mislead the commission on the activities of the CCB.

The judge said despite denying knowledge of the whereabouts of files and documents, Cillier knew their location as he was the only person in possession of or with access to the keys and combinations to the CCB safes in which files were kept

Cillier said Webb phoned him early in March this year requesting the files of the CCB's Region Six

He told Webb he "heard a rumour that the files were gone", and that Joe Verster or Staal Burger knew where they were.

"Conveniently for you, Verster was in jail and Burger had disappeared at that time," the judge said.

On Thursday, Cillier confirmed an affidavit by part-time CCB administration worker Petro Viljoen, who said procedures to gain access to files were changed in January, and that since then she never had access to CCB documents

LINDEN BIRNS

"I heard from the lady (Viljoen) that the files were missing," he told the commission on Friday.

"So you lied yesterday to the commission and you lied to Webb," Mr Justice Harms said.

The judge then asked how, if he had been denied access in January, Viljoen could later know files were missing.

"I sent her to go and look for documents and she told me the documents were missing," Cillier said

Mr Justice Harms said "But you told us yesterday she never again had access after January, and that you had left the keys at Speskop for Joe Verster to pick up

"So how did she get the keys? Did they fall out of the sky?"

Mr Justice Harms put it to Cillier that he was trying to frustrate the commission and that he had misled it

Cillier refused to answer further questions on grounds that he might incriminate himself

Further evidence was led that officers of the commission visited CCB offices on February 28 and found the documents there.

However, when the auditor-general went to examine the same documents on March 22, some of them were missing

Stompie case too sensitive' for cops

252

~~328~~

Soweto 14/1/90

POLICE had not been called in when three kidnapped youths surfaced after being held at Mrs Winnie Mandela's home, because of the "sensitive situation" in Soweto and because it involved Mrs Mandela, the Rand Supreme Court was told on Friday.

Bishop Peter Storey was testifying in the trial of Jerry Richardson (41), charged with the

murder of teenage activist Stompie Seipei Mooketsi

Richardson is also accused of attempted murder, kidnapping and assault

Meeting

Storey told the court that after Mr Barend Thabiso Mono (20) and Mr Gabriel Pelo Mekgwe (21) were released from the Mandela house on January 6 last year, a meeting had been arranged be-

tween community leaders and church representatives in Dobsonville, Soweto.

Under cross-examination as to why community leaders and not police were involved, Storey said that this was the case by the time he became involved.

The situation at that time in Soweto was extremely sensitive and the involvement of the police could have been misunderstood by one or other section of a fairly

volatile community, he said.

Stompie, Mr Mono, Mr Mekgwe, and Mr Keneth Kgase (30) were allegedly kidnapped on December 29 1988 by members of the Mandela United Football Club from a Soweto Methodist Church, taken to Mrs Mandela's house in Diepkloof Extension, Soweto, and kept prisoners

The case continues on Monday. - Sapa

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SOUTH AFRICA

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Vol. 299

PRETORIA, 14 MEI
MAY 1990

No. 12469

ALGEMENE KENNISGEWING

KENNISGEWING 403 VAN 1990

TRANSVAALSE PROVINSIALE ADMINISTRASIE

TAK GESONDHEIDSDIENSTE

AANSTELLING VAN KOMMISSIE VAN ONDER- SOEK NA DIE STAKING BY DIE GA-RAN- KUWA-HOSPITAAL

Die Administrateur gee hierby ingevolge artikel 2 (1) van die Ordonnansie op Kommissies van Onderzoek, 1960 (Ordonnansie No 9 van 1960) (hierna die Ordonnansie genoem), kennis dat hy—

- (1) 'n kommissie kragtens artikel 2 (1) van die Ordonnansie benoem het—
 - (a) om ondersoek in te stel na en verslag te doen oor—
 - (i) die oorsake en gevolge van die staking wat tussen 4 en 12 April 1990 by die Ga-Rankuwa-hospitaal plaasgevind het,
 - (ii) die vraag of enige persoon of organisasie strafregtelik aanspreeklik gehou kan word op grond van sy organisering van, of deelname aan, genoemde staking, en
 - (iii) die vraag of enige kind of ander pasient by genoemde hospitaal as gevolg van genoemde staking dood is, en of enige persoon of organisasie vir sodanige dood strafregtelik aanspreeklik gehou kan word; en
 - (b) om aanbevelings te doen oor welke maatreels getref kan word om soortgelyke stakings en die gevolge daarvan in die toekoms te voorkom,

GENERAL NOTICE

NOTICE 403 OF 1990

TRANSVAAL PROVINCIAL ADMINISTRATION

HEALTH SERVICES BRANCH (252)

APPOINTMENT OF A COMMISSION OF IN- QUIRY INTO THE STRIKE AT GA-RANKUWA HOSPITAL

The Administrator hereby publishes notice in terms of section 2 (1) of the Commissions of Inquiry Ordinance, 1960 (Ordinance No 9 of 1960) (hereafter referred to as the Ordinance), that he has—

- (1) in terms of section 2 (1) of the Ordinance, appointed a Commission to—
 - (a) to inquire into and to report on—
 - (i) the causes and consequences of the strike that took place at the Ga-Rankuwa Hospital between 4 and 12 April 1990,
 - (ii) the question whether any person or organisation can be held criminally liable on the ground of his organising of, or participation in, the said strike; and
 - (iii) the question whether any child or other patient at the said hospital died as a result of the said strike, and whether any person or organisation can be held criminally liable for such death, and
 - (b) to make recommendations about which measures can be taken to prevent similar strikes and the consequences thereof in the future;

Stompie case: Winnie won't be prosecuted

THE Attorney-General had decided not to prosecute Mrs Winnie Mandela although a docket concerning her alleged involvement in the assault of four young men at her home had been forwarded to him.

This was heard during evidence led in the Rand Supreme Court yesterday in the trial of Mr Jerry Richardson, accused of the murder of teenage activist Stompie Sepele, the attempted murder of Andrew Ikaneng, four counts of kidnapping and five counts of assault with intent to do grievous bodily harm.

He has pleaded not guilty.

Investigating officer

SOWETAN Correspondent

Captain FH Dempsey told Mr Justice B O'Donovan that two cases were pending against a number of individuals in the Regional Court - but Mrs Winnie Mandela was not one of them.

Asked if there was a case against Mrs Mandela who, according to evidence heard in the Supreme Court struck the first blows in the assault of four young men at her Diepkloof Extension home, Dempsey said a docket had been forwarded to the A-G and "at that stage he decided not to proceed against her."

The court has heard that Stompie was last seen in January last year leav-

ing the Mandela home with Richardson.

On February 2 last year Dempsey was instructed to open a case as a result of the wide media coverage of the alleged kidnapping of the young men and the alleged disappearance of Stompie

He said he had to work through a number of people, including an attorney, because the complainants were scared to speak to him

Dempsey said he had followed up the allegation that Stompie was a police informer and had found that he was not

Stompie had been charged with a crime in Parys, he said, "but I deny he was ever an informer."

Admissions made in court yesterday included that a minibus registered in Mrs Mandela's name was seized on February 15 last year near Jan Smuts Airport.

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Minister, do we understand him correctly that his Department is not prepared to comply with a request from the Coloured community to remove the Black people, because this is in effect what he has now said?

†The DEPUTY MINISTER Mr Speaker, with great respect, I say to the hon members that we have not received such representations Apparently the problem is not so great that the representations can indeed be referred to us That is all *Hansard 15/5/90*

†Mr H A SMIT What are you doing in the Coloured community in any case?

†Mr J J NIEMANN Family!

Gezina: registration of certain person

*5 Mr H D K VAN DER MERWE asked the Minister of Home Affairs †

Whether a certain person, particulars of whom have been furnished to the Minister's Department for the purpose of his reply, applied to be registered as a voter in the electoral division of Gezina, if so, (a) what address in Gezina did he state as his place of residence and (b) what is the name of the person concerned? *Hansard 15/5/90* B934E

†The MINISTER OF HOME AFFAIRS

Yes, by way of a notice of change of address in the Population Register

(a) Emily Hobhouse Monument Home 206A
55 Malherbe Street
Capital Park
PRETORIA

(b) Adnaan Albertus Strydom

For the hon member's information it has to be mentioned that a clerical error in the handling of the notice of change of address occurred. A full explanation of how the error occurred and what the consequences of the error were, will be furnished to the hon member today. The matter had been investigated in the court case on the election result and no wilful irregularity was found

*6 Mr K M Andrew—Law and Order [Question standing over]

Robben Island: penal colony

*7 Mr E K MOORCROFT asked the Minister of Justice *Hansard 15/5/90*

HOUSE OF ASSEMBLY

Whether it is the intention to continue using Robben Island as a penal colony, if so, why, if not, what is the intention regarding the future of the island? *Hansard 15/5/90* B966E

†The MINISTER OF JUSTICE

If the hon member requires information regarding the utilisation of Robben Island by the South African Prisons Service it is confirmed that it is still the intention to utilise Robben Island as a prison. In this regard I wish to refer the hon member to the Hansard of 23 April 1986, cols 4045 to 4047, and once again I wish to confirm the Government's standpoint on Robben Island

Robben Island will remain State property and for the foreseeable future be used by the Prisons Service,

Nothing will be done to threaten the cultural-historical and/or natural life, and

The interests of the South African Navy on Robben Island are recognised

Furthermore, increased access to Robben Island was granted to nature conservation and cultural-historical interest groups for research, viewing and appreciation, education interest groups with special attention to the youth, more comprehensive utilisation of available facilities within the broader national economy, and limited tourist activities directed at nature and the cultural-historical

A total of 33 661 persons including visitors to prisoners as well as general visitors, visited Robben Island during 1989

Mr E K MOORCROFT Mr Speaker, arising out of the hon the Minister's reply, would he not agree that having a penal colony at the front door of the Mother City of this country is an undesirable state of affairs? Would the hon the Minister not agree that it is his responsibility to take the initiative to have the situation rectified? [Interjections]

The MINISTER Mr Speaker, at the time when it was announced some ten or so years ago that the island would be vacated, the position was that replacing that prison institution with a similar institution would have cost the Government some R64 million. The hon member may calculate what the cost would be today. However, in the realisation of what he has just said, we set about the task back in 1981-82 of normalising the image of Robben Island and, if I may say so, we have largely succeeded in doing so

ing the image of Robben Island and, if I may say so, we have largely succeeded in doing so

†What have we done? We restored the wildlife there. We established penguin colonies. We protected the marine life around the island so that it is one of the richest reserves around our coasts and, in fact, in the world. We protected the ecology, and we will hang that hon member because he wishes to destroy the green life in South Africa—he and the hon members of the DP. [Interjections] What they want to do and what they want to perpetrate on our heritage is a disgrace. It is a disgrace. [Interjections] Whatever the case may be, Robben Island is today a much sought after place to visit. All that this hon member wants to hear is that we must erect a casino there and that we must reduce this place to sand and that there must be only stones, no penguins or animals. [Interjections] It is a disgrace to which the DP wants to lead South Africa. [Interjections] *Hansard 15/5/90*

†Mr F J LE ROUX Mr Speaker, further arising out of the hon the Minister's reply where he says that he wants to hang the DP on Robben Island, I want to enquire whether he will also hang the hon member for Yeoville? *Hansard 15/5/90*

†The MINISTER Mr Speaker, I know that the hon member for Brakpan likes the hon member for Yeoville very much. [Interjections] He likes him very much. That is why I think that he is making a figurative joke. He does not intend hanging him, nobody wants to hang him, and least of all I. [Interjections]

Mr P G SOAL Mr Speaker, arising further from the hon the Minister's reply, I would like to ask him, if he were offered a position as one of the cabaret artistes in the casino, would he accept it? [Interjections]

SA/Namibia: extradition treaty

*8 Mr L FUCHS asked the Minister of Foreign Affairs

Whether South Africa will enter into an extradition treaty with the Republic of Namibia, if not, why not, if so, (a) when and (b) what steps have been taken in this regard? *Hansard 15/5/90* B968E

The DEPUTY MINISTER OF FOREIGN AFFAIRS

South Africa took the initiative in the matter of negotiating an extradition treaty with Namibia during discussions held in Windhoek

in March 1990 between a South African delegation and the Namibian Minister of Justice designate and his deputy. *Hansard 15/5/90*

My information is that the matter is still under consideration by the Namibian authorities. South Africa remains willing to enter into an extradition treaty with Namibia subject to the successful outcome of the negotiations which are expected to resume in the near future.

I may add that in terms of section 3(2) of the Extradition Act, No 67 of 1962, the State President is empowered to consent in writing to a person being extradited in the absence of an extradition agreement. Certain requirements must be complied with in such a case

Certain persons, cases/prosecutions

*9 Mr L FUCHS asked the Minister of Justice

Whether any cases and/or prosecutions are pending against two persons, whose names have been furnished to the Minister's Department for the purpose of his reply, if so, (a) (i) for what offences, and (ii) what steps have been taken in this regard, in each case and (b) what are the names of the persons concerned? *Hansard 15/5/90* B969E

†The MINISTER OF JUSTICE Mr Speaker, in the light of the limited time of the House, the fact that I have given a comprehensive reply to this question during the Interpellation debate, in the light of the reply of the hon the Deputy Minister of Foreign Affairs, and also on account of my cold, I ask permission to lay this reply upon the Table. *252*

Mr L FUCHS Mr Speaker, arising from the non-answer of the hon the Minister I would like to ask him how long he believes it will be before Messrs Venendal and Stopforth

Mr SPEAKER Order! The reply has been laid on the Table and the hon member may have a look at that reply and put his question next week. *(Reply laid upon the Table with leave of House)*

As far as could be established no cases and/or prosecutions are pending against Leonard Venendal and Darryl Stopforth in the Republic (a)(i) and (ii) Fall away

The Namibian authorities however requested the State President to, *inter alia*, extradite the above-

HOUSE OF ASSEMBLY

mentioned persons Namibia became an independent State on 21 March 1990. Since then the South African laws were no longer applicable in Namibia. Consequently, South Africa took the initiative in normalising the administration of justice with Namibia. Prior to the independence of Namibia the matter of an extradition treaty, together with other matters regarding the administration of justice was discussed by a South African delegation to Windhoek on 8 March 1990 with the Minister of Justice designate and his deputy. On this occasion the Namibians preferred not to finalise the matters in issue and nothing further was heard from them until 22 April 1990 when the extradition of certain persons was sought. *Answered 15/5/90*

However, in the absence of an extradition treaty the State President is empowered in terms of section 3(2) of the Extradition Act, 1962, to activate a process for the extradition of a person. The State President's initial activation is in lieu of an extradition agreement but the subsequent extradition procedure to be followed is the same as if an extradition agreement had existed. The Namibian authorities were immediately informed upon the receipt of their request of the exact requirements for extradition. On 4 May 1990 the Namibian authorities responded but again did not comply with the requirements put to them. The shortcomings were on the same day conveyed to Namibia. No further response was received.

I would again like to emphasise that the South African authorities have throughout been prepared to consider any extradition request from Namibia, and they still are, provided that the minimum statutory requirements for extradition applicable between the Republic and all other states are met.

SADF, assistance to Comoros

*10 Mr C W EGLIN asked the Minister of Defence *Answered 15/5/90*

Whether the South African Defence Force gave any assistance to the Government of the Comoros in respect of its Presidential Guard prior to 30 November 1989, if so, (a) what form did such assistance take and (b) how much did it cost? *Answered 15/5/90*

The DEPUTY MINISTER OF DEFENCE

Yes (a) All assistance rendered to the Comoros was at the request of the late

President Abdullah, was of a restricted nature and has been properly accounted for. *Answered 15/5/90*

(b) I do not consider it in the interest of the sensitive relations between the RSA and the Comoros and the internal situation on the island itself to divulge more information at present in this regard. Should the hon member require more information regarding the assistance, I am prepared to supply this to him in person.

Pit-bulls

*11 Mr R R HULLEY asked the Minister of Trade and Industry and Tourism

(1) Whether any permits were granted by his Department for the importation of any dog breeds known as pit-bulls during the latest specified three-year period for which information is available, if so, (a) how many such permits were granted and (b) on what grounds,

(2) whether he will impose a ban on the further importation of pit-bulls into South Africa, if not, why not,

(3) whether he will make a statement on the matter? *Answered 15/5/90*

B979E

The MINISTER OF TRADE AND INDUSTRY AND TOURISM

(1) No

Note: Import permits are not required for live animals, only the necessary health authorisation, including inoculation and quarantine requirements, controlled by the Department of Agriculture

(a) and (b) Fall away

(2) In my view the importation of so-called pit-bulls is a dangerous and undesirable practice and should not be allowed. I have indicated this view to my colleague the hon the Minister of Agriculture who concurs and we will seek ways and means of achieving this ban, if practicable.

(3) I will inform the hon member as soon as we have made progress in investigating this matter. I thank the hon member for his concern, which I share.

Teachers, lowest salary

*12 Mr K M ANDREW asked the Minister of Education *Answered 15/5/90*

(a) (1) What is the lowest salary currently being paid to any full-time teacher in the Department of Education and Training and (ii) how many teachers are at that salary level and (b) in respect of what date is this information furnished? *Answered 15/5/90*

B981E

The DEPUTY MINISTER OF EDUCATION

(a) (i) R6 873 plus a non-pensionable allowance of R690 per annum

(ii) 3 271

(b) 9 May 1990

Business interrupted in accordance with Rule 180C (3) of the Standing Rules of Parliament

Broadbill swordfish, restrictions

*13 Mr R J LORIMER asked the Minister of Environment Affairs *Answered 15/5/90*

(1) Whether there are any restrictions on the catching of broadbill swordfish by commercial fishermen, if not,

(2) whether the introduction of such restrictions is being considered, if not, why not? *Answered 15/5/90*

B982E

The MINISTER OF ENVIRONMENT AFFAIRS

(1) No

(2) No, the sale of swordfish is already prohibited by regulation, except in the case of swordfish caught as bycatch with longlines or in trawlnets.

Berlin: formaldehyde factory

*14 Mr R J LORIMER asked the Minister of Water Affairs *Answered 15/5/90*

(1) Whether the Government has received any complaints regarding a formaldehyde factory in Berlin, Eastern Cape, if so, (a) from whom and (b) what steps have been taken as a result, *Answered 15/5/90*

(2) whether his Department monitors the factory and surrounding area to establish whether any formaldehyde pollution is occurring, if not, why not, if so, on what basis is such monitoring done,

(3) whether any maximum permissible levels of formaldehyde in water and air have been laid down, if not, why not, if so, (a) what are these levels and (b) what is the measured level of formaldehyde in the area surrounding the factory in question? *Answered 15/5/90*

B983E

The MINISTER OF WATER AFFAIRS

(1) Yes

(a) Mr V J M Houzet, who wrote directly to me

(b) The factory in question was inspected by senior officials of the Department of Water Affairs' Eastern Cape regional office, accompanied by the City Chemist of East London

(2) Yes. The area is monitored by officials of the Department of Water Affairs by means of routine visits, on site inspections and the taking of water samples

(3) No standard is specified for formaldehyde discharges into watercourses. This is because it is impractical to specify standards for all possible components of industrial or domestic discharges. Instead, a blanket variable is used to control the organic or inorganic concentrations discharged. If, however, there is the possibility of a specific substance being discharged which may be deleterious to the environment, specific limits can be imposed on that discharge, or it can be prohibited completely. The undertaking in question, however, does not discharge effluent of any nature into a watercourse — all effluents, domestic and industrial, are discharged into an effluent disposal sewer system of the municipality concerned. The Department then in turn monitors the quality of the municipal effluent to ascertain compliance with the standard applicable to the Municipality's effluent. No formaldehyde discharges into the water environment have been detected at the factory in Berlin.

Air pollution control falls within the ambit of the Department of National Health and Population Development and I suggest that the honourable member directs enquires in this regard to that Department.

Blood on Winnie's vehicle, court told

Blood 15/5/90
POLICE forwarded a docket to the attorney-general in connection with Winnie Mandela's alleged involvement in events surrounding the death of teenager Stompie Seipei, but he had decided not to prosecute "at that stage", the Rand Supreme Court heard yesterday.

This evidence was given by the police officer, Capt Frederick Dempsey, who investigated Seipei's murder.

Police forensic experts also testified that traces of blood were found in a Volkswagen mini-bus, belonging to Mandela, that was confiscated near Jan Smuts Airport.

Dempsey and the forensic experts were called by the State to testify at the trial of former Mandela football team coach Jerry Richardson, who has pleaded not guilty to murdering Seipei on January 1/2 last year.

Richardson, 41, has also pleaded not guilty to kidnapping the 14-year-old and three other young men from the Soweto house of Methodist minister the Rev Paul Verryn on December 29 1988.

He has pleaded not guilty to five further counts of assault with intent to do grievous bodily harm and one count of attempted murder.

It has been alleged that the four young men were taken to Mandela's

SUSAN RUSSELL

Diepkloof Extension home where they were accused of sleeping with Verryn and assaulted by Mandela and members of her football team.

Seipei was also accused of being a police informer in Parys.

Dempsey told the court that during his investigations he found no proof that Seipei was an informer.

He said there were two other court cases pending, arising from the incidents forming the subject of the charges against Richardson.

Room

Dempsey said he had launched his investigation on the orders of head office after media coverage of the events.

According to forensic evidence yesterday, traces of blood were also found in the room in which Seipei and the three others were kept at the Mandela house.

Blood was found on all four walls, the ceiling and the curtains.

The court was told that blood was also found on three walls and one of the curtains in a nearby room.

The trial continues before Mr Justice O'Donovan and two assessors today.

BID am 15/1/90

Winnie not present at interrogation, court told

(252)

SUSAN RUSSELL

WINNIE Mandela was not present when teenager Stompie Sepei and three other youths were questioned about alleged sexual misconduct, the former coach of Mandela's football team told the Rand Supreme Court yesterday.

Jerry Richardson, 41, denied he had killed Sepei when he took the witness stand after State counsel Chris van Vuuren closed his case.

He said he and a football team member known as Slash had slept in an outside room at the Mandela house with Stompie and the three other youths from the time the four were fetched for questioning from the Rev Paul Verryn's house on December 29 1988.

The former coach said on the night of January 1 he, Slash, Stompie, Kenneth Kgase, Barend Thabiso Mono and Gabriel Pelo Mekgwe went to sleep in the room.

When they awoke Stompie was "absent." "We were amazed for the whole day because we did not know where he was," he said.

Richardson denied testimony by Mekgwe, Mono and Kgase that he had taken Stompie away the night before.

Richardson has pleaded not guilty to Stompie's murder.

He has also pleaded not guilty to kidnapping Stompie, Mono, Kgase and Mekgwe from Verryn's house and assaulting them while questioning them about alleged sexual misconduct with Verryn.

He pleaded not guilty to a further count of attempted murder.

Richardson denied that Winnie Mandela was present when the youths were questioned or that she assaulted them.

Mono, Kgase and Mekgwe have testified they were assaulted by Mandela after she accused them of sleeping with Verryn.

Richardson said that a woman living at Verryn's house — Xoliswa Falati — came to the Mandela house on December 29 and told him there was a problem with

"small boys sleeping with a white man by the name of Paul Verryn"

"Mrs Mandela was absent. If she had been there I would have taken this problem to her," he said.

Richardson said he and team members went to Verryn's house.

He said he told the youths the matter could only be discussed at Mandela's house.

"On our arrival I told Slash we were going to separate the boys and see if we could get the truth."

"Kenny said it was the truth. He said Paul Verryn sometimes touched his feet (legs) when he woke up."

Richardson said he hit Kgase. The other three had also agreed the allegations were true, he said.

Richardson said he had hit all three, but denied they had been assaulted with sjamboks or repeatedly dropped onto the ground.

He also denied Stompie had been accused of being a police informer.

The trial continues today.

(252)

Criminal cases 'suppressed'

TIM COHEN

THE Hiemstra Commission of Inquiry yesterday heard evidence of suppressed criminal cases, security department officials tapping each other's phones and the channeling of personal files to the military and security police.

Col Cornelius Heystek, a former Johannesburg City Council security department employee, said twice investigations into potential criminal activities were halted after the intervention of other security department employees.

Heystek said he worked for the council for two years, leaving "dissatisfied" in 1987.

He had learned his phone and that of the senior deputy director of the security department, Manie Carstens, had been bugged.

He had, with the consent of his immediate superior, Frik Barnard, instigated the monitoring of two unregistered trade unions which had members employed by the council.

He said he was aware that copies of security reports he compiled were given to the military and to the police.

THE head of the South African Defence Force clandestine Civil Co-operation Bureau's Region 6, Mr Staal Burger, yesterday denied his group was involved in the murder of Wits social anthropologist Dr David Webster.

The former Brixton police murder and robbery chief was only one of the last three witnesses to give evidence to the Harms Commission in the involvement of the State in politically-motivated violence under his real name - Ferdinand du Toit Burger.

The previous two witnesses, the Region 6 project co-ordinator and the CCB's administration manager, gave evidence under their operating aliases of Christo Brits

CCCB denies links to Webster killing



HARMS PROBE INTO HIT SQUADS

and Bramm Cilliers respectively. They also wore wigs, beards and spectacles to further hide their identities. Burger said he joined the CCB to head Region 6

when it was formed in 1988 after resigning as a colonel in the SAP. He said he supported the statement by Brits which denied any Region 6 involvement in Webster's death.

He refused to answer any questions concerning a bomb blast at the Early Learning Centre in Athlone, Cape Town, last year and the hanging of a bottled baboon foetus on a tree at the home of Anglican Archbishop of Cape Town Desmond Tutu.

He also refused to answer any questions concerning a plot to kill Cape Town advocate Mr Dullah Omar or the surveillance of journalist Gavin Evans on the grounds what he had to say about the incidents might incriminate him.

CCB headquarters in Pretoria but he was not responsible for handling them. In a police raid on offices of Region 6 - in two rooms at Hillbrow's Park Lane Hotel - a number of 9mm bullets were found along with 50 rounds of .3006 ammunition and 12 AK-47 shells.

Burger said the 9mm ammunition belonged to him for a service pistol but the .3006 rounds belonged to a friend and were used for hunting. He said he had brought the AK-47 shells to his office from his days at Brixton as a remembrance of a friend.

Earlier Brits, under cross-examination by Mr Paul Pretorius, for the SA Council of Churches and Cosatu, was asked if CCB members were told their legal costs would be paid for by the organisation. He said it was not in the conditions of service of the members but they might have been told this by senior officers. Brits denied telling any CCB member this. While being cross questioned about the CCB's activities concerning trade unions, Brits named Cosatu as a union monitored and listed the Natal Indian Congress and the End Conscription Campaign as other unions investigated by the CCB-Sapa.

Witness 'wasted time' spying on FFF

252
Soulter
15/5/90

A WITNESS before the Hiemstra Commission of Inquiry said yesterday he had infiltrated and spied on the Five Freedoms Forum for the Johannesburg City Council's security department while an articled clerk, because he believed he was actively opposing violence.

Mr Tony Naude said he had taken the word of his council spy handler, Mr Martin Hennig, who described the FFF as "bad", to justify his clandestine activities.

He perceived "bad" to mean that the FFF had been connected in some way to the political unrest of the time, and that the organisation was a possible enemy of the state because it was apparently linked to the ANC and the SA Communist Party

He said he was aware Hennig had been in Military Intelligence for two years

Under cross-examination by Mr Denis Fine, SC, for the commission, Naude agreed, however, that after spying on the FFF for eight months in 1988 he had come to the conclusion that there was nothing to prove that the organisation had been linked to violence.

"I began to get the impression I was wasting my time"

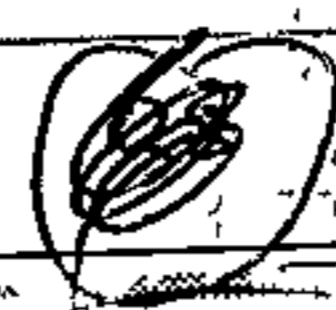
Device

Earlier in the day the commission heard the owner of an electronic eavesdropping device company tell how Mr John Pearce, the council's director of public safety and traffic, had attended a demonstration of the company's equipment.

The witness testified he had delivered, among other things, ballpoint pens which contained hidden transmitters to Mr Pearce's council office and that the order had been made in a name of the council.

This contradicted Mr Pearce's own earlier evidence before the commission that he knew nothing of any security department "bugging" activities - Sapa

Star 15/5/90



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Winnie not yet in the clear over Stompie

Staff Reporters

Winnie Mandela is not yet in the clear concerning her alleged involvement in the assault of teenage activist Stompie Sepele and three other young men.

Acting Attorney-General Jan Swanepoel yesterday said Mrs Mandela could still be prosecuted, depending on what evidence was presented during the murder trial of Jerry Richardson.

Mr Richardson (41) has pleaded not guilty to charges of murdering 14-year-old Stompie, attempting to murder Andrew Ikaneng, four counts of kidnapping and four counts of assault on December 29 1988.

Mr Swanepoel yesterday declined to give reasons for a decision last year not to prosecute Mrs Mandela after a docket concerning her alleged involvement had been forwarded to the Attorney-General's department. But he said the matter could be reassessed after Mr Richardson's trial was complete.

Investigation

During the trial, a number of other people have been mentioned. Eight individuals are expected to appear in the Regional Court on May 29 when a trial date is likely to be set.

Yesterday, during Mr Richardson's trial, the court heard that the investigating officer, Captain F H Dempsey, received instructions from police headquarters to begin an investigation following widespread media coverage of allegations of kidnapping, assault and Stompie's "disappearance".

On February 17 he succeeded in having personal interviews with the three young men who claimed they had been assaulted at Mrs Mandela's home on December 29 1988. The interviews were arranged through third parties.

Forensic evidence was led that human blood was found in two outside rooms on Mrs Mandela's property and on a multi-coloured sjambok.

The trial is expected to continue today with the final aspects of the State's case.

May 15 1990

800 15/5/90

ASZ

NEWS

I was also SP informer - council spy

By Helen Grange

The Johannesburg City Council spy who infiltrated the Five Freedoms Forum, Tom Naude, was also a paid informer for the Security Police, the Hiemstra Commission heard yesterday

Mr Naude, an attorney who studied at Rand Afrikaans University, admitted he had supplied the city council and Security Police with information on four organisations - the Five Freedoms Forum (FFF), Jodac (Johannesburg Democratic Action Committee), Lawyers for Human Rights and the Free the Children Alliance

He disclosed to the commission - appointed to investigate The Star's revelations into a council spy network - that spy handler Martin Hennig had introduced him to a Security Police handler called "Danie"

The Hiemstra Commission



"Mr Hennig suggested I also supply information to Danie. I reported to the city council and the Security Police separately," Mr Naude said

Details of Mr Naude's connections with the Security Police came only after three objections by his legal representative, Etienne du Toit, SC, were overruled by commission chairman Mr Justice V G Hiemstra

Mr Naude said he was paid R250 a month by the Security Police while the city council paid him about R1 200 over a period of eight months

Names and addresses, including those of Dr Webster, Jean de la Harp, Gavin Evans and Scott Hazelhurst, were given in reports to his handlers. Mr Naude said he had gone "running" twice with Dr Webster, but denied he had tried to cultivate his friendship

Questioned by advocate Wim Trengove, representing the FFF with John Campbell, on whether or not he thought information he was providing could serve any council interest, Mr Naude said "I thought it must have been of some use to them"

"And are you aware that in the same month you reported on Jean de la Harp, her flat was raided by men masquerading as policemen - and that Gavin Evans's name ended up on a CCB hit list?" asked Mr Trengove

Mr Naude said he was only aware of Mr Evans being a CCB (Civil Co-Operation Bureau) target from newspaper reports

Mr Naude also supplied the council with information from an FFF meeting on the fact that the "Pet Shop Boys" wanted to give royalties to the ANC

'Misled handlers'

Despite the fact that FFF chairman Mike Olivier suggested at the meeting that the money rather be donated to the erection of a creche in Soweto, Mr Naude's report had misled his handlers by implying Dr Webster was involved in ANC funding, Mr Trengove said

"It is unlikely, but possible," Mr Naude replied

Mr Naude said he began his infiltration work in 1988 but gave it up later in the year when he "didn't feel right" about it. It was conduct "incongruous" with the behaviour of an attorney, he said. He had been approached by his friend, Mr Hennig, and had trusted Mr Hennig's judgment that the FFF was bad

"I did it for the cause, not the money. I felt I could help in combating crime"

Earlier, Mr Naude told the commission that Mr Hennig had been in military intelligence for two years and was a member of the Permanent Force

"I'm sure Mr Hennig would be disturbed if he heard you saying that," replied Denis Fine, SC, leading evidence for the commission

Last week, Mr Hennig refused to answer questions about his military career, claiming, on the advice from his lawyer, Hans Bornman, that he was bound to secrecy by Section 118 of the Defence Act

The hearing continues

Cillie to head 'babies' probe

Staff Reporter

A former Appeal Judge, Mr Justice P.M. Cillie, has been appointed the chairman of a commission of inquiry into claims that 23 premature babies died as a result of a strike at the Garankuwa Hospital near Pretoria last month.

The commission will examine the causes and consequences of the strike which started on April 4 and ended eight days later and whether any children or patients died as a direct result of strike action.

It will also determine whether any person or organisation can be held liable for deaths which occurred during the strike and will make recommendations on how to prevent similar incidents in future.

The inquiry, which will be open to the public, replaces an investigation headed by the executive director of Health Services in the Transvaal, Dr Hennie van Wyk.

Doctors alleged during the strike that babies had died due to neglect as nurses and doctors joined the strike by non-professional staff.

The eight-day strike led to the virtual collapse of services at the hospital and patients had to be transferred to neighbouring institutions.

The date and venue of the commission are still to be determined.

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SA 15/5/90

Religious objector to be sentenced today

By Celeste Louw

The defence in the case of conscientious objector, the Rev Douglas Torr, submitted in the Johannesburg Magistrate's Court yesterday that a precedent would have to be set by the magistrate in passing sentence. He said this was the first trial since an appeal court had ruled that a six-year prison sentence was not mandatory.

Mr Torr (26), will be sentenced today for contravening the Defence Act by refusing to serve in the SA Defence Force.

He has pleaded guilty to the charge. Mr Torr explained that as a Christian he was a universal pacifist and he was not prepared to serve in any defence force or army of whatever nature anywhere in the world.

Christian morality

"Also because my perception of the role of the SADF is that of an organisation, the very purpose of which is to further objectives that undermine and are inimical to the values of Christian morality with which I identify myself."

Mr Torr believed that the SADF was used to uphold an unjust society, the court heard.

He added that he also believed society had the right to be protected. This protection, should however, be given by a peace force, trained to deal with situations in non-violent ways.

The court heard that Mr Torr had made no application to the Board of Religious Objections to be exempted from rendering service because their approach was "narrow". Applications of people with other ethical and moral objections were not considered.

The defence asked that a suspended sentence be imposed on Mr Torr on condition that he render community service at the St Joseph's Children's Home in Triomf, where he is currently employed as chaplain.

The State argued that a sentence of direct imprisonment should be imposed to deter others from committing the same offence.

In Brief . . .

120 000 unrepresented *Cape Times 15/5/90 25*

MORE THAN 120 000 people, nearly 50 000 of whom were in the Cape, appeared in district courts without legal representation in the three months between December 1 and February 28 this year, the Minister of Justice, Mr Koble Coetsee, said yesterday. He also said the Legal Aid Board had to suspend some services last year and impose restrictions on legal costs.

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Criminal cases suppressed

TIM COHEN

THE Hiemstra Commission of Inquiry yesterday heard evidence of suppressed criminal cases, security department officials tapping each other's phones and the channeling of personal files to the military and security police.

Col Cornelius Heystek, a former Johannesburg City Council security department employee, said twice investigations into potential criminal activities were halted after the intervention of other security department employees.

Heystek said he worked for the council for two years, leaving "dissatisfied" in 1987.

He had learned his phone and that of the senior deputy director of the security department, Manie Carstens, had been bugged. b10am 15/5/90

He had, with the consent of his immediate superior, Frik Barnard, instigated the monitoring of two unregistered trade unions which had members employed by the council.

He said he was aware that copies of security reports he compiled were given to the military and to the police.

Why the CCB was formed and its activities - 'Staal'

THE covert Civil Co-operation Bureau existed because conventional information-gathering services did not provide specialist information necessary for certain projects to be carried out, the Harms Commission was told yesterday.

Former police colonel Staal Burger was yesterday being cross-examined by Mr Eberhard Bertelsmann, who had asked Burger if there was a problem with the work of the National Intelligence Service, or the various other information services

Burger answered no on each occasion. He then interjected, saying he could see where the questions were leading: Bertelsmann was going to ask him why the CCB existed.

Bertelsmann: "You have put the question, so now answer it."

Burger said conventional intelligence services could identify a street or a house, but could not say "which side the door opened or which



SOWETAN Correspondent

cars were used every day" (252)

Earlier, Bertelsmann asked Burger how he had become associated with the CCB.

Burger said he joined the SA Defence Force in June 1988 after discussions with CCB managing director Mr Joe Verster.

The proposal that he join the SADF Special Forces had come from Verster and had been motivated by his unhappiness in his job as a policeman.

After his appointment to the Special Forces Unit, he had also "joined" Mathysen Bus Services.

"Three other

HARMS PROBE INTO HIT SQUADS

policemen joined with me," he said

On joining the bus service, the four-man team was asked to look into the establishment of an information-gathering network.

The order had come from Verster.

General J Joubert, of the SADF, had also briefed the group on their work in the CCB and the type of intelligence work to be undertaken.

They were to make use of "former contacts".

Bertelsmann put it to Burger that the main task was to disrupt perceived enemies of South Africa, which included the elimination of targets, Burger said this was not completely correct.

(Proceeding)

Sowetan 16/5/90

ance before a joint session of Congress — an honour most recently accorded to Czechoslovakian President Vaclav Havel.

Mandela also intends to meet US business leaders to discuss their role in a post-apartheid SA.

Torr sentencing delayed pending report

CONSCIENTIOUS objector and Anglican priest the Rev Douglas Torr's sentencing has been postponed to May 28

Magistrate H Verhoef said that, after considering the case, he found insufficient evidence had been tabled with regard to Torr receiving a sentence involving community service.

"The sentence will therefore be postponed until a probation officer and the National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro) provide reports on community service," he said

He warned, however, that the postponement "does not mean the sentence will be community service — there was just insufficient evidence in this regard".

DANIEL FELDMAN

Torr pleaded guilty on Monday to contravening the Defence Act by refusing to perform national service.

Joined by approximately 75 observers wearing yellow daisies, an international symbol of peace, Torr later took part in a march by conscientious objectors from the Magistrate's Court to the Witwatersrand Command Office Headquarters.

The marchers, including conscientious objectors David Bruce, Saul Batzofin, Gary Rathbone, Brendan Moran and Michael Graaf, presented a memorandum demanding the right to refuse conscription. The march also commemorated International Conscientious Objector Day.

The flesh and bones of a new constitution

Stars 16/5/40

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Having reported exhaustively last year on the heart of the new South Africa — a proposed Bill of Rights — the SA Law Commission is working on evaluating versions of the flesh and bones of a future government, the constitution.

The draft report on human rights, which included a possible bill of rights for South Africa, has received an overwhelming response since its release last year.

Mr Justice Olivier has completed six of a proposed 15 chapters of the final report which he hopes to see presented to Government by the end of this year.

That project has been 4½ years in the making. The work on various constitutional models, started in February this year, should see the light as a tentative review early next year "if humanly possible".

The working committee comprising Mr Justice Olivier and four assistants is sifting through many of the world's about 250 constitutions, concentrating on comparative models "where you have a heterogeneous population, where you have a transition, where you have the ideal of democracy".

The public has also been urged to submit its ideas on a new constitution to the Commission in Pretoria by May 31.

The committee will receive invaluable help from a ground-breaking Human Sciences Research Council project which aims to compile a comprehensive computerised data base on modern constitutions.

When it is completed, the system, initiated by Dr Daan van Vuuren of the Council's Political Science Research Division, will be able to give some idea of what provisions are applied in which countries, in effect demonstrating the "popularity" of various measures.

Mr Justice Olivier and chairman of the Commission, Mr Justice van Heerden, leave early next month for a seven-week visit to the United States, Europe and the Far East to meet constitutional lawyers, political scientists, economists and "simply politicians" to discuss various systems.

Said Mr Justice Olivier. "In my view, we need the best constitution and the best bill of rights in the world. Our situation is so fraught with danger that only a very good constitution will solve it."

Nearing the final stage of its work on a Bill of Rights for South Africa, the SA Law Commission is busy with a stablemate report on constitutional models. **CLAIRE ROBERTSON** of our Pretoria Bureau spoke to working committee chairman Mr Justice P J J Olivier (right).



"If we put on the statute book, whether through negotiation or otherwise, a bad constitution, we are just heading for disaster."

Some international constitutions, so utopian in concept, exist in countries with appalling human rights.

But in South Africa, "of one thing you can be very sure the constitution that will eventually be put on the law book in this country will also be the one that is applied. It will be very jealously guarded by everyone in this country."

He likened South Africa's position to that of India in 1947.

"When India got its independence it was a heterogeneous state comprising many different national units, religions, languages. And, what is more, they have what we do not in this country, the different castes."

"They also had the problem of nation building. They wanted a democracy, they wanted to retain the pride and identity of the different groups, but they also wanted to build one India, one nation."

India eventually adopted one of the longest constitutions in the world — some 429 articles — which is also "one of the most successful constitutions in the world."

"India is today referred to by constitutional lawyers as the greatest democracy. If they can do it, we can do it. And we must."

The final report will be presented to Parliament "and of course everyone around the negotiating table can use it if they wish to."

"It is ideal for them to have a working paper or final report on human rights and constitutions that has been worked on, that is more or less representative of the views of many South Africans, with various options or alternatives."

"We will work out all the feasible options from one man, one vote in a unitary state right through to partition or secession. We will work out what is the legal basis (for each system), how it is applied, the legal pros and cons."

"Take, for example, the presidency. There is a huge difference in the powers of presidents. Some are ceremonial, some are executive. Some parties obviously desire a strong president, Switzerland rotates the presidency each year, no-one knows who the president is."

Mr Justice Olivier stressed that no value judgments of various models would be made. "We will be giving merely a technical, juridical discussion, what checks and balances there should be, what is necessary. We will do this on each segment of the constitution."

"But we are not going to say, for example, we think the Swiss model is best for this country. That is not our charter."

Being so long involved in the field, Mr Justice Olivier has formed clear personal beliefs on aspects of a "good" constitution.

"I really believe democracy is necessary. The separation of powers is important. Checks and balances are very important, both for individual and all minority rights."

"I think a bill of rights that is honest and justiciable by the courts, where the Supreme Court has a testing right, goes to the heart of the matter."

"And I think freedom of the press lies at the heart of the modern concept of democracy; the right to know, and the obligation of government to operate openly and not in corners of darkness."

"Perhaps the most important element of a democracy is the idea of tolerance."

"In a real liberated society we must accept also the ideas of other people which may be offensive to us."

"What I am looking for in the constitutional field is how to define the balance (necessary) in this country: the right to be the same, but also the right to be different."

broad consultation would be necessary on any non-removal

Concern over security levy

Labour Reporter

Shared concern over new regulations for the security industry has sparked a ground-breaking encounter between organised security employers and the sector's largest union.

At the same time, the managing director of Securitas, Jean-Louis Jaquet, has told the Star of the "tremendous insecurity" caused by the regulations, which require workers to pay a hefty levy to the Security Officers Board.

Yesterday, the Transport and General Workers' Union (TGWU) also met the board to voice its concern. Arguing that the R70 annual fee is exorbitant in a low-wage sector, it plans nationwide protest action on June 1 — a working day.

SA National Security Employers Association (Sansea) chairman Jimmy Nuns said Sansea and the union had agreed at talks yesterday that the immediate goal should be suspension of the regulations until all interested parties were consulted.

Man in court over counterfeit dollars

By Celeste Louw

A Randburg man, who allegedly conned job seekers by forging US dollars which he offered in exchange for rands, appeared briefly before a Johannesburg Regional Court magistrate yesterday.

Donald Julian Walker (63), of Windsor West, allegedly placed an advertisement in newspapers

offering employment in Mauritius. At least 50 were allegedly conned when he replaced R2 500, paid by people interested in the job, with 1 000 forged dollars.

No formal charges were put to Mr Walker and he was not asked to plead. He will remain in custody until his next appearance in court on June 29.

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Torr sentence delayed

Sowetan 16/5/70
A Johannesburg magistrate yesterday asked for more evidence regarding community service as an alternative to imprisonment before passing sentence on conscientious objector, Reverend Douglas Torr (26)

Mr H Verhoef called for reports by a probation officer and Nicro to be handed in as the court had not heard sufficient evidence regarding community service to consider it as an alternative to direct imprisonment when passing sentence

The case was postponed to May 28.

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Richardson denies 'Killing' Stompie

Sowetan Reporter

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Mr. Jerry Richardson, who is accused of murdering activist Seipei, said in the Rand Supreme Court yesterday that he was 'amazed' when Stompie disappeared from Mrs Winnie Mandela's house.

Richardson (42) described himself as the former coach of the Mandela United Football Team, which he said, was disbanded in 1986 after 13 of his

players were arrested. In November 1988, he moved into a room on Mrs Mandela's property because his own house was extensively damaged during a shoot-out in which a white policeman and two players from Hartley Pool Football Club died.

Mrs Mandela was not at home on December 29, 1988, Richardson said, when a woman named Xoliswa told him boys were allegedly sleeping with Reverend Paul Verryn.

He and other men collected four young men and took them with their consent to Mrs Mandela's house.



Rev Verryn

He denied they were forced to go, denied that Mrs Mandela was present that day and denied there was an assault. He admitted he slapped and punched Mr Kenneth Kgase and said that was because he laughed when accused of sleeping with Verryn. He said the four young men, including Stompie, agreed to spend the night at Mrs Mandela's house. They stayed there for three days waiting for Verryn to return to ask him for an explanation to the allegations. On January 2, the court heard Stompie disappeared. Mrs Mandela returned that day from her trip, he said.

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Security firms strongly oppose new regulations

By Dick Usher

CAPE TOWN — The security industry is virtually unanimous — from management to workers — in opposing regulations promulgated under the Security Officers Act

The regulations have caused deep concern among employers represented by the South African National Security Employers' Association (Sansea)

Sansea met in Cape Town last week to formulate effective opposition to the regulations published in early April.

Many were demanding the resignation of the employer representatives on the statutory controlling body, the Security Officers Board, claiming that they were out of touch with the industry

One step further

The largest union in the industry, the powerful Transport and General Workers' Union, goes one step further than employers by demanding the Act be scrapped and the statutory body replaced with a self-regulating national industrial council

Among provisions in the regulations to which employers object are requirements for compulsory fingerprinting of every employee — from company managing director to tea lady, an annual registration fee many, including the union, feel is exorbitant and a ban on employment

of anyone with a criminal conviction

The TGWU shares these objections and also condemns the lack of employee representation on the board.

It has already held meetings of workers to discuss the regulations and plans to take further action, including protest marches

Union spokeswoman Ms Kally Forrest said the ban on employment of anyone with a criminal conviction was of particular concern as many black people had convictions for trivialities such as pass offences

Employers said they had received assurances that the board would not be inflexible on this, but they said hard guidelines were needed rather than leaving it to the subjective reactions of a bureaucrat

"We even know of company MD's with criminal convictions for assault," said one employer

"What do they do if they're barred from employment in the industry? Close down?"

The registration fee is of particular concern

Employers estimate that, on a

conservative figure of 100 000 employees, the proposed R35 for this year and R70 for each following year would immediately raise R10,5 million

"What do they want all that money for?" asked Rod Krohn, executive director of Strategic Services Corporation and regional secretary of the South African National Security Employers Association (Sansea).

"The regulations say that it is to be paid by the employee for a licence to work in the industry

"But the union will probably tell them to refuse to pay. If we pay and try to deduct it from wages, which we're not permitted to do under the Wage Act, there will be trouble

"And most employers have contracts with clients so it would be at least a year before they could pass the extra cost on

Fee exorbitant

The TGWU calls the registration fee exorbitant, and points out that in spite of a wage determination for the industry for a minimum wage of R416 a

month, many employers pay less than this

"We object to the whole concept of making someone pay to work in an industry and we object particularly to the high fee which most workers would have great difficulty in paying," said Ms Forrest

Employers also had problems with the registration process

"We've been told it will take about two months from application to registration," said Mr Krohn

"We can't put a man on site until he's registered, so how would we find staff if a client had an emergency and wanted 30 guards suddenly?"

"We can't simply employ surplus staff and pay them"

Although TGWU rejects the Act entirely, employers support it because they feel the industry is in dire need of regulation.

A major concern is the fly-by-night operators who drag down both standards and prices, undercutting reputable companies and undermining their ability to raise wages

Sept. 16/5/90

I didn't kill Stompie, says Richardson

By Cathy Stagg

Jerry Richardson denied in the Rand Supreme Court yesterday that he had murdered Stompie Seipei and denied also that Winnie Mandela was present when Stompie and three other young men were assaulted.

Mr Justice B O'Donovan and two assessors, who are presiding over the trial, have heard three witnesses claim that they, and Stompie (14), were kidnapped on December 29, 1988 and taken to Mrs Mandela's home.

The court heard that Stompie's beaten body was found in the veld on January 6 1989.

On December 29, 1988, Mr Richardson said, a woman came to Mrs Mandela's house and said young boys were sleeping with the Rev Paul Verryn. If Mrs Mandela had been there, 'he would have taken Xoliswa Fulati to her, Mr Richardson said.

He and other men who lived at Mrs Mandela's house went with Xoliswa, who had pointed out four boys at the manse. The boys agreed to go to Mrs Mandela's house, he said.

Vicious assault

He admitted he had slapped and punched Kenny Kgase (20).

Asked about the "vicious assault" described by the witnesses, Mr Richardson denied it had happened.

The next morning they all helped cut the grass and the next day they listened to music and then they went to sleep.

"When we woke up Stompie was absent," he said.

Asked if he had killed Stompie, Mr Richardson replied "No".

When Mrs Mandela returned from her trip, he said he told her some boys had stayed on the property and one had disappeared.

On January 3 1989, Mr Richardson had received a report about where he could find Lerotodi Ikaneng.

They found Mr Ikaneng, who agreed to go with them, but then ran away, he said. When he was caught, Mr Richardson stabbed him with a knife to prevent him "attracting people's attention".

One morning he found that Mr Kgase had disappeared.

The trial adjourned early yesterday for the State to prepare cross-examination.

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PARLIAMENT

Govt 'delaying extraditions'

The Government had been less than enthusiastic in dealing with extradition requests and was committing a grave injustice, Tian van der Merwe (DP Green Point) said in the House of Assembly yesterday.

"The consequence of these actions is that the Lubowski murderer will probably never be prosecuted," he said during an interpellation.

The Government knew this was an urgent case. The Minister of Justice knew time was of the essence and there was no excuse for any delays in complying with extradition requests from Namibia.

Minister of Justice Kobie

Coetsee said Donald Acheson had been arrested in South West Africa on September 13 1989 and held in custody until the withdrawal of the case against him on May 7 1990.

Namibia became independent on March 21 1990 and, from that date, SA laws were no longer applicable there.

"The question is in what way could South Africa lawfully assist Namibia with the prosecution in any given case after March 21."

SA's willingness to co-operate could be gathered from the fact that documents pertaining to the Extradition Act and Foreign Courts Evidence Act 1962 had already been in

the Attorney-General's hands on the date of independence.

Nothing further was heard from the Namibian authorities until April 22 1990 when the extradition of certain persons was sought in a letter from the Attorney-General in Windhoek dated April 21 1990.

"While we will do everything we can to see that justice prevails, we also have minimum requirements in our law. It is the magistrate who must decide whether a *prima facie* case exists."

Twice, when documents were submitted, State legal advisers said there was no *prima facie* case on which to extradite these persons.

"I want to emphasise we will go to great lengths to ensure justice is done in Namibia and elsewhere. There are still four persons in South Africa who should be brought to trial in Namibia but we have not yet received any documents," Mr Coetsee said.

Lester Fuchs (DP Hillbrow) said the Minister had justified his actions with technicalities. SA should not harbour alleged criminals, and people of the ilk of "Veenendal and Stopforth" should be sent back to Namibia to face the music.

"Why have we taken so long to act against these thugs? Has the Government gone soft on security?" — Sapa

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NEWS

By Louise Burgers and Helen Graage

'Black union planned to bomb Visser'

former top Johannesburg City Council security official, Brigadier Jan Visser, was the target of a planned bomb attack by a union, it was claimed yesterday.

Schalk Burger, SC, appearing in court yesterday, said senior council officials implicated in the spy network, said a bomb attack was planned at Fort, headquarters of the security department.

This information had come from a source and a report had been compiled by the security department.

Mr Burger said one of the black municipal unions had planned the attack because it was dissatisfied with the treatment it had received since Brigadier Visser joined the council in 1985. It had apparently lost several labour actions in which it was involved with the city council.

Mr Burger said the union was not happy with the "strengthening" of the department with the apparent increase in the recruitment of security employees from the military and police force after Brigadier Visser had taken office.

Questioned by A Roux, for the Defence Force and the Minister of Defence, Brigadier Visser said there was nothing sinister in the recruitment of seven out of 10 employees in the security department from national intelligence services.

The commission is investigating the Star's revelations into a municipal spy network under the chairmanship of Mr Justice Hiemstra.

Earlier, Brigadier Visser said he had followed orders without question when told by the late chairman of the management committee, Mr Dame van Zyl, to investigate former city councillor and TV personality Pat Rogers.



The Hiemstra Commission

Why did you not question Mr Van Zyl? Were you so fearful — a man with your rank — that you did not question your orders?" asked Gilbert Marcus,

Names of those with whom the city council spy operation liaised in National Intelligence, the Bureau for Information, the SA Defence Force and the SA Police were given by Brigadier Visser.

He said information was exchanged between the council and these parties. The security section had liaised with the former head of the SADF in Johannesburg, a General van der Westhuizen, General L Erasmus at John Vorster Square and a man named as "Mr Postmus" and Faan Botha from National Intelligence.

The deputy director of security, Frik Barnard, had liaised with Commandant Koize at Wit Command.

He said he was not aware of such an organisation as the Civil Co-operation Bureau.

Brigadier Visser said that although a file was kept on activist Dr David Webster, he was not regarded as an enemy. Information was not supplied to the police after Dr Webster was murdered because "they would have had the same information" said Brigadier Visser.

Yesterday, Mr Justice Hiemstra rejected a submission by legal representative Hans Bornman that he had not advised his client, Martin Hennig, to refuse to answer questions on his military career.

Mr Justice Hiemstra said the matter would be reported to the Johannesburg Bar Council.

Mr Hennig, a former spy handler, was this week found in contempt of the Commissions Ordinance for refusing to furnish information.

'Phone-bugging case withdrawn'

By Helen Grange

Suspicion and distrust among Johannesburg City Council security department officials, which almost resulted in the public trial of a security employee, were detailed at the Hiemstra Commission yesterday

Colonel Cornelius Marius Heystek, an ex-council security official in control of the information department, told the hearing he had complained to his superiors that his phone was bugged. The listening device had been brought to his attention by a colleague, Henne Els

Colonel Heystek said he and another official, a Mr Karstens, had complained to senior deputy director of security Brigadier Jan Visser. Mr Karstens' phone extension had also been bugged

Afterwards, a charge of illegal bugging in the security department was laid at Hillbrow Police Station. Colonel Heystek and Mr Karstens suspected that Nico Cronje, a colleague, had installed the listening device

A week later, Mr Cronje's office was searched by Hillbrow police detectives

"I thought about the incident and decided to advise Brigadier Visser that if the case came before court, it could have serious repercussions for the council security department," Colonel Heystek said

Brigadier Visser had agreed and the case was withdrawn soon afterwards

The
Hiemstra
Commission



When Frikk Barnard, deputy director of security, found out about the incident, he was "very unhappy" that Brigadier Visser had been approached, Colonel Heystek told the commission

The commission, chaired by Mr Justice V G Hiemstra, is investigating The Star's revelations of a spy network in the city council

Insufficient funds

Colonel Heystek said that on another occasion an employee in the council store was being investigated after items had gone missing. However, Mr Barnard blocked the investigation

"I think it was because it would have meant the employee would have had to be monitored after hours and the security department did not have the funds for this," Colonel Heystek said

In a second theft incident, Colonel Heystek approached Mr Barnard with what he thought was a *prima facie* case against an employee. Weeks later, he discovered the case was closed after town clerk Mame Venter had reprimanded the employee

"This was highly unusual.

Charges should have been laid. But since I was only in the security department for a short while, I felt I should not put my feet too far into the ice."

Colonel Heystek told the commission that the first time he became aware of the security department using bugging equipment was when Mr Barnard showed him a case containing the devices

They included a pen and a pin containing bugs, small microphones, voice activators and devices that could detect bugs

He also told the hearing the security department was receiving information on unregistered unions which were not recognised by the council, one of which was the Municipal Workers Union of SA. A black informer was being used for this purpose

Colonel Heystek, once a member of the Security Police in Pretoria, said he was party to the liaison the city council had with the SADF, but that he was aware of only Mr Barnard having direct contact with the SADF. "Informal" liaison had also taken place with the SAP

Quizzed by Gilbert Marcus, appearing for the End Conscription Campaign and others, Colonel Heystek said he could not remember a file kept by the security department on activist David Webster, who was shot dead last year

The hearing continues

Jo'burg teachers 'down chalk'

CAT 44A 16/1/90 (25)
JOHANNESBURG. — Classes in 29 coloured schools here came to a standstill yesterday as more than 700 teachers embarked on a "chalk-down" protest for better working conditions.

The protest was also aimed at forcing the authorities to withdraw charges against 29 teachers arrested for gathering illegally last week. The teachers had reportedly been protesting against the lack of payment since January.

More than 2 000 pupils were affected by yesterday's action. — Sapa

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Council spy infiltrated the NP, Hiemstra told

JOHANNESBURG City Council security department deputy head Frikk Barnard told the Hiemstra Commission yesterday that he personally had "infiltrated" the NP on the instructions of the then management committee chairman Danie van Zyl.

Barnard, who took the stand for the first time yesterday, said he had been instructed on one occasion to monitor an NP council member, who later joined the DP. The councillor was not named.

Questioned by Dennis Fine SC, for the commission, Barnard confirmed that Van Zyl, now deceased, had instructed him to spy on his own party.

Barnard said the normal administrative procedures were not followed because the order to infiltrate the NP came from Van Zyl himself, although he did inform his immediate superior.

TIM COHEN

Both individuals and meetings of the NP were monitored and records were kept, but all the records were passed on to Van Zyl.

Barnard said later that political parties across the political spectrum had been monitored, including the CP, the BBB, and the AWB.

Level

He said the End Conscription Campaign had been monitored on his instructions because the organisation could have been infiltrated by ANC members, who then might have done "alternative service" within council structures.

Personal details of union members were recorded so the council would have some idea about the "level" of the person concerned, which would assist the council in negotiations with the union concerned.

It was therefore important to include the names of the person's parents, their friends and the person's address because, for example, a person living in Yeoville was on a different "level" to a person living in Melville.

Earlier former council employee Col Antoni Heystek testified that a squashed investigation which he referred to in evidence on Tuesday might have involved the theft of goods worth R300 000.

He also referred to another discontinued investigation which involved a smaller amount, but concerned the fraudulent use of a council employee to tend the garden of a senior council member during working hours.

Questioned by Mr Justice V G Hiemstra, Heystek said he could see no reason why organisations like the Five Freedoms Forum, Jodac, Lawyers for Human Rights and the ECC had been monitored by the council.

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'Sex complaint led to boys' removal'

SUSAN RUSSELL

FOUR boys were questioned about alleged sexual misconduct with Methodist minister the Rev Paul Verryn after a teenager living in his house complained Verryn had "tried to sleep with him like a girl", the Rand Supreme Court heard yesterday

Former Mandela United football coach Jerry Richardson, 41, said this during cross-examination on the sixth day of his trial for the murder of Stompie Seipei. Richardson has pleaded not guilty to murdering Seipei on January 1/2 last year.

He has also pleaded not guilty to kidnapping Seipei and three other youths from Verryn's house on December 29 1988 and assaulting them at Winnie Mandela's Diepkloof Extension home. Richardson has also pleaded not guilty to one count of attempted murder

He has denied evidence by Kenneth Kgase, Barend Thabiso Mono and Gabriel Pelo Mekgwe that they and Seipei were assaulted by Mandela after being taken from Verryn's house

According to Richardson's evidence Mandela was not at home on December 29 1988

Richardson said he hit Kgase because the youth laughed when questioned about the sexual allegations. He also testified he had hit and punched Seipei, Mono and Mekgwe once each.

Richardson said he decided to question the boys about their alleged sexual misconduct with Verryn after being informed of the matter by Xoliswa Falati — a woman

who was also living at the minister's Soweto house.

He said Falati, accompanied by the teenager, arrived at the Mandela house on the evening of December 29

Richardson said the teenager told him that Verryn had wanted to "sleep with him like a girl" and "had wanted to make him a girl".

Falati, he said, told him four boys in the house had slept with Verryn on different nights

It was decided to go to the house to question the boys. "I introduced myself to them. I said Gents, I am Gerry. I said there was a problem which we had to solve. They agreed ... I said we had transport and that we should leave."

In reply to a question from State counsel Chris van Vuuren whether he had given them a choice, he said no.

Asked what had prevented him from questioning them at the church house, he replied there were too many boys there. When asked if it could not have been discussed at the church next door, Richardson said he had no answer.

He said during his subsequent questioning of Kgase, the youth had admitted the truth of the allegations against Verryn.

"Kenny (Kgase) told me Paul used to touch his thighs in the morning. I asked him why do you agree to that ... He started laughing and I hit him with an open hand"

He had hit the four youths for not reporting the Verryn matter.

"What right did you have to hit those boys because they did not report?" asked Van Vuuren

"I was using my discretion," Richardson replied. The trial continues today.

Wheelbarrow man quizzed by policemen

ROBERT GENTLE

POLICE yesterday questioned collapsible wheelbarrow inventor Johan Conradie during an investigation into the authenticity

ored Shirts

Best imported on Shirting

Gwatkin

NATAL UNREST DEATHS

September 1987 — January 1989:	668
February 1989 — May 15 1990:	986
Past 24 hours' official toll:	0
TOTAL:	1 654

12 321
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1 58
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POLITICS

Malan vows to shoulder responsibility

5100m 17/5/90

252 (252)

CAPE TOWN — If the Harms inquiry into the Civil Co-operation Bureau found that he had issued orders that led to the commission of crimes, he would accept responsibility, Defence Minister Gen Magnus Malan said yesterday.

Replying to debate on the defence vote, he said the CP should, however, not say politicians had to accept responsibility for the actions of the CCB if it had no grounds for doing so.

"If you have reasons, put them before the Harms Commission," he said.

If the commission found that politicians had issued orders that led to crimes, they would have to accept responsibility.

"If it was me, I will accept it." Malan said he stood by every word he said about the CCB on February 26 in the

House of Assembly and what the President said on March 1 in Parliament.

He said the commission should be given time to produce its report.

The Chief of the SADF would act on what was wrong and ensure that the SADF came out the other side with its laurels intact.

In the meantime, it was extremely unfair that possible and alleged misdeeds of a portion of a fraction of the total SADF be held against the whole organisation.

The CP's Koos van der Merwe said any action taken over the CCB should be aimed at the politicians who gave the orders, not at the soldiers who carried them out.

He said it was regrettable that a person such as Gen Wilkop Badenhorst had to stand around at the Harms Commission hearings like an accused.

On the issue of national service, Malan said it was time that consideration be given to drawing servicemen from men and even women of all population groups.

It was a fact that the stumbling blocks of the past were disappearing.

"In the SADF what matters is the performance on duty is not the colour of a man's skin but his merits, his preparedness to serve and his doing his duty. This is the standard against which a man or a woman in the SADF must be measured," he said.

Our political staff reports that DP defence spokesman Bob Rogers said Malan should start preliminary studies into how members of the ANC military wing, Umkhonto we Sizwe, could be incorporated into the SADF.

Rogers said if the new SA was to succeed, then all its inhabitants, including the ANC, had to be involved. This included the SADF.

Rogers said that he accepted that

memories of what had happened on the country's borders and inside the country were "still fresh in our minds and this will be difficult to accept", but it had to be done.

Addressing the issue of alternative national service, he said submissions had been made to the Van Loggerenberg Committee by various groups and he urged the Minister to accept these.

He said a moratorium should be declared on action being taken against any genuine conscientious objector during the process of reform.

Turning to the present state of the SADF, Rogers said that the force could not be allowed "to run down too far".

CCB men 'could have killed Webster'

CIVIL Co-operation Bureau (CCB) members could have carried out the murders of left-wing political figures including Wits University academic David Webster.

This was put to the Harms Commission yesterday after CCB MD Pieter Johan 'Joe' Verster admitted he did not have "day to day control over CCB members" and they could have been acting in their private capacity.

On Tuesday it was established that although CCB members did receive orders, they were allowed to act on their own initiative *B10cm 17/5/90*

Verster fingered CCB chairman and Special Forces commander Maj-Gen Eddie Webb, as being the person who authorised most CCB projects. Verster explained that he could refer projects to higher authority, but could not pass out orders until the project had been approved, at least, by Webb.

Asked if in some cases even Webb's ap-

LINDEN BIRNS

proval was good enough, Verster said he did not know.

In cross-examination Advocate Eberhard Bertelsmann, for various parties, put it to Verster that "You made inquiries into the Webster murder as you realised CCB members would have been capable of murdering Webster, correct?"

Verster replied: "I did not have day-to-day control over members acting in their private capacity."

"But you found it necessary to ask CCB members (Staal Burger and Slang Van Zyl) if they had been involved. You could only have asked them if they were in a position to commit the murder," Bertelsmann said.

In denying that the CCB liaised with the Johannesburg City Council over Webster, Verster conceded. "It could have been done by members I am not aware of."

□ To Page 2

CCB men

B10cm 17/5/90
Verster said he had initiated an emergency plan to disperse CCB files to protect the organisation. He admitted that as a result he had ignored a parliamentary directive ordering CCB internal project files to be made available to the Auditor-General and the commission.

Verster said he could not say where the missing files were.

Mr Justice Louis Harms asked Verster if it was not true that all the people involved in the Dullah Omar case had been identified.

"You say it was purely monitoring. Others claim there was an attempt to murder Omar. If we can see the project file, we could ascertain what the orders were."

He said the missing files could prove the CCB's innocence.

252 □ From Page 1
The commission was told how the emergency plan was designed so that participating members could not incriminate each other.

Verster claimed even he did not know who else took part in the plan.

When asked why the emergency plan had been initiated, Verster said "Changes in the country over a period of time led to the unbanning of the ANC, and ultimately to action against the CCB. This caused us to worry."

When reminded that the plan was put into action before the ANC had been unbanned, Verster said "The political climate was unstable at the time."

● See Page 4

Richardson recalls events after sex with cleric claim

By Sowetan Correspondent

AFTER the Mandela United football team disbanded in 1986, Mr Jerry Richardson said under cross examination yesterday, he and youths wore the track suits to funerals to "build the support of the people they knew".

Richardson (42) is on trial in the Rand Supreme Court and has pleaded not guilty to 11 crimes allegedly committed in December 1988 and January last year, including murdering Stompie Seipei (14).

Mrs Winnie Mandela had bought the entire kit he said.

On the evening of December 29 1988 three people came to Mrs Mandela's house. She was not there, Richardson said, although he could not be sure when she left. The day before she had told him she was going to the Free State, he said.

He asked the people if he could take a message, then took them to his room, adjoining the spa bath. He, and two other men, who also lived at the property, heard a story from the woman, Xoliswa, which made them decide to take action, Richardson said.

Asked what gave him the right to act on Mrs Mandela's behalf, Richardson said one of the people, a youth, was so upset by the allegations against Reverend Paul Verryn that he began to have an epileptic fit.

Richardson also mentioned fighting between the people living at the church in addition to the allegations of sexual misconduct. He confirmed this was the first time

he had mentioned it. Asked why he had not done so earlier, he said he had been in the dock before but was now in the witness box.

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In earlier evidence the court heard Xoliswa Falati (37) had a row with four young men, including Stompie, who were living at Verryn's house. She threatened to call the Mandela United football team because they had not washed the dishes. Stompie was accused of being a police informer and the three others of sleeping with Verryn.

Richardson told the court that the night before "Stompie" Mooketsi, 14, Mr. Barand, Mono, 20, Mr Gabriel Mekoewe, 21, and Mr Kenneth Kgase, 30, were removed from the church and

taken to Mrs Mandela's house, another of the young men in the church had complained about Verryn. Richardson testified the man had complained to him that Verryn had, on the night before, the youths were removed, allegedly told him (the youth) to leave his bed and spend the night on Verryn's bed.

This was taken to mean that Verryn wanted to have a homosexual liaison with the young man.

Richardson also told the court that on the night of December 29 1988, he, Moss and Sledge had kissed the four young men from the church to Mrs Mandela's house to question them about alleged homosexual relationships between them and the priest. The hearing continues. Sapa

810

Vlok puts clamp on CCB secrets

The Minister of Law and Order, Adriaan Vlok, has refused to allow, at this stage, the publication of secret affidavits made by Civil Co-operation Bureau (CCB) detainees.

This emerged at the Harms Commission yesterday after a request had been made earlier this week by lawyers acting for the Webster family and Trust.

No reason was given for the decision.

The affidavits were made by four of the five CCB detainees when they were taken into detention in terms of Section 29 of the Internal Security Act.

The four were Abram "Slang" van Zyl, Calla Botha, Ferdi Barnard, and Theuns Kruger. The fifth detainee was Joe Verster, managing director of the

CCB, who was released from detention on "Ministerial orders".

The announcement yesterday was made just before Verster was due to testify before the Commission. He was heavily disguised with a flowing grey beard, a grey wig, and dark glasses. He was wearing a dark grey suit.

Disquiet

Verster entered the Commission room about 10 minutes after the hearings began at 10.25am.

In terms of an order made by the Commission chairman, Mr Justice Louis Harms, Verster cannot be identified, photographed, sketched or his affidavit made public.

A spectator at yesterday's hearing was the co-leader of the Democratic Party, Dr Dennis Worrall.

He said that "there was a certain amount of disquiet about the revela-

tions stemming from the Harms Commission and he had decided to attend personally to ascertain the position on behalf of the DP.

(Proceeding)

Sowetan 17/5/90

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REBELS TO PROTEST FROM marchers, says colonel

By Melody McDougall,
Vereeniging Bureau

Minutes after leaving the scene where he had been handed a memorandum at a gathering in Sebokeng in March, Colonel Paddy Mazibuko, police station commander at Sebokeng, heard a short burst of gunfire.

Colonel Mazibuko was giving evidence yesterday on the first day of the inquiry by Mr Justice Goldstone into the Sebokeng shootings.

He said soon after the shooting, he saw blood on the road and shoes, branches, knobkerries, sticks, iron pipes and bricks scattered around.

The Vaal Council of Churches says 17 people were killed in a clash between police and marchers. Sebokeng Hospital authorities have confirmed 14 deaths.

The shootings came after police



The Goldstone Commission

halted a proposed march by the United Democratic Front and affiliates in Vereeniging on March 26.

The colonel said he first heard about the march on March 16. All station commanders in the Vaal area had been summoned to the offices of the Vereeniging District Commandant to discuss planning in case the illegal march went ahead.

They received instructions to patrol Ewaton and Sebokeng on the day, monitor events and relay them to radio control.

Several days later he was asked to deliver a note of refusal to organi-

sers after the march had been banned by Vereeniging's Chief Magistrate. Two days before the event, pamphlets and posters in three languages had been distributed, warning township residents the march had been forbidden.

Colonel Mazibuko said on March 26 he started patrolling the area at 4 am. He saw people moving towards the bus terminus in Adam's Road, Ewaton, and to a hall in Sebokeng.

A group of men armed with sticks, pangas, stones and beer bottles congregated at a Sebokeng hostel where they apparently stopped cars and removed the occupants. They were warned to disperse, but the same group later shook the colonel's car.

Several hours later, Colonel Mazibuko said he was in the office when three of the organisers of the march approached him to receive a memorandum in Sebokeng. They were still discussing the issue when they heard a loud noise in Moshoeshoe Street.

They drove to the gathering where "more than 45 minutes was spent trying to cool the spirit of the multitudes. But it was evident the crowds were uncontrollable", he said.

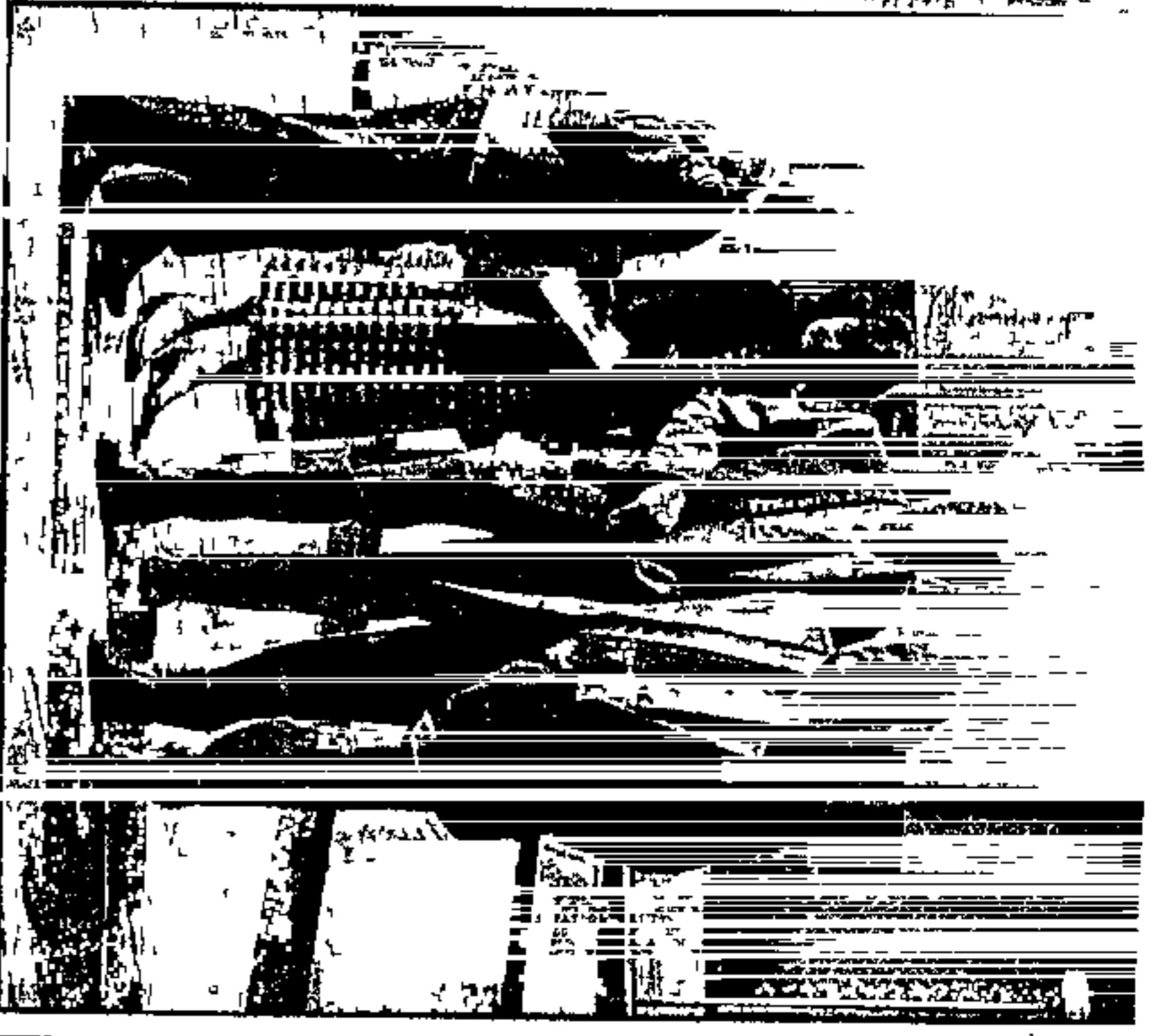
Shocked

As the memorandum was handed to him, "those in front were quite happy — they even clapped hands for us — but there was a force which kept pushing from behind".

Colonel Mazibuko left the gathering in his car "About 500 m away from the scene I heard a short burst of gunfire. I was shocked and turned back towards the crowd. They were already thronging the entrance of the hospital".

Asked by Johan du Toit, who is leading evidence in the inquiry, whether he had at any time seen people throwing stones at the police or heard them chanting that they were going to kill the police, he replied "No, not in my presence".

Earlier, videotapes of police negotiating with organisers were shown to the commission and handed in as evidence. The inquiry continues today.



Taking a break... Thomas Maleka, of the Detainee Parents Support Committee (left), Caroline Nicholls, representing the families of the dead, advocate Karel Tip and George Bizos, representing the families of the dead and injured.

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Malan 'would accept Harms responsibility'

PARLIAMENT — If the Harms Commission investigating the Civil Co-operation Bureau found he had issued orders that led to the commission of crimes, he would accept responsibility, the Minister of Defence, General Magnus Malan, said yesterday

Replying to the debate on the Defence vote, he said the CP should not say politicians had to accept responsibility for the actions of the CCB if it had no grounds for doing so "If you have reasons, put them before the Harms Commission

"Many allegations have been made recently before the Harms Commission. But many people and organisations asked for the Commission. Let us give the Commission time and wait for its report. We mustn't now begin pressuring it for the report."

The Chief of the SADF would act on what was wrong. He would excise it clinically with a dissecting knife that cut deep, and ensure that the SADF came out the other side with its laurels intact.

It was extremely unfair that possible and alleged misdeeds of a portion of a fraction of the total SADF be held against the whole organisation, General Malan said.

Mr Koos van der Merwe (CP, Overvaal) said any action taken concerning the CCB should be aimed at the politicians who gave the orders, not at the soldiers who carried them out.

He said it was regrettable that a person such as General Witkop Badenhorst had to stand around at the Harms Commission hearings like an accused —

Sapa

Abortion laws in the

Woman judge has crucial US Supreme Court vote

Star 17/5/90 252 208

Balance

Hundreds of thousands of people have been ululating around about Washington, for or against abortion

The last demonstration was the turn of the antis, who braved a heat-wave in great numbers, sporting an enormous balloon with an inflatable foetus inside it.

Meanwhile, the one person who may have the power to change America's abortion rules, has her ears blocked to the shriller emotions down below

Justice Sandra Day O'Connor has the decisive Supreme Court vote on abortion four of the nine justices defend the 17-year-old law that made abortion legal, four would probably like to overrule it, Mrs O'Connor, while unhappy with the law, leaves everybody guessing on what she would do about it

Battle lines

Until 1973, the rules on abortion had been left to state legislatures In *Roe v Wade*, the Supreme Court invalidated the states' abortion laws, decreeing that women had a constitutional right to abort their foetuses (the right ceases when the foetus is judged to be able to survive outside the womb)

The battle lines were set Few people anywhere are neutral on abortion — an emotional debate in Britain has just ended with a new time-limit set at the 24th week of pregnancy.

The difference in America lies in the all-or-nothing dogma of many of the pro-life and pro-choice leaders

In the 1980s, the socio-religious wing of America's new Right made a ban on abortion (sometimes, but not always, with exceptions for rape, incest and the physical health of the mother) a burning crusade, the litmus test for elected officials

Politicians were pestered, public money was cut off, assorted restrictions were canvassed, patients at abortion clinics were made miserable and, occasionally, the clinics were bombed

It was all good, dirty fun But the pro-lifers were only filling in time, preparing for the day when old age

The fortunes of abortion laws in the United States may hang on the vote of one woman judge of the Supreme Court Justice Sandra Day O'Connor (right) has the decisive Supreme Court vote on abortion, but she is biding her time over revealing her hand The Economist's correspondent reports.



would change the political balance of the Supreme Court, producing five conservative justices who could be relied on to invalidate *Roe* and return responsibility to the states

The magic day arrived when Justice Anthony Kennedy was appointed early in 1988. Why, then, is *Roe* still on the books?

The backlash from the pro-choice lot is one answer. Another lies in the ponderings of Justice O'Connor, appointed by Mr Ronald Reagan in 1981

Her dissenting opinions, when there was still a liberal majority in the court, suggested she was ready to turn the right to abortion on its head, replacing it with a curious formula that decreed that though abortion should not be absolutely banned (no "undue burden" on women), it must be balanced against a state's "compelling interest" in the life of the foetus

But dissent is one thing, making law another A case came up last year, after the change in the court's composition, that might have been, but was not, the beginning of the end for *Roe*.

Mrs O'Connor jibbed She joined her four fellow-conservatives in upholding a new set of rules and regulations imposed by Missouri but, exercising admirable judicial restraint, she declined to extend the court's ruling beyond the strict confines of the case before it

There would be time enough, she coolly added, to reconsider *Roe* when the court was faced with a state law that turned on the constitutional validity of the right to abortion

Anti-abortionists seized on her words as an open invitation. Hundreds of Bills popped up in state legislatures, many of them specifically designed to give Justice O'Connor what she seemed to have asked for

Several, crafted by the National Right to Life lobbyists, were directly aimed at Mrs O'Connor's supposed susceptibilities using language with which it was guessed she would be comfortable, the Bills went as far as they dared to criminalise abortion, while still allowing a chunk of legality

The assault failed, most of the

bills getting nowhere. The pro-choice faction, sensing danger, showed it could pester politicians just as tiresomely as pro-lifers — there are, after all, probably as many people who think abortion is a private matter as there are those who think it should be publicly banned

Elected officials wavered One state, Connecticut, has just passed a Bill in the opposite direction, making abortion a statutory right

A Bill deemed a perfect O'Connor-fit was passed in Idaho — but was then vetoed by the stalwartly anti-abortion governor, who objected to his western state being made "a patsy" by the National Right to Life folk in Washington

Teenagers

A few other measures got through, but they were either too challenging or not challenging enough The tiny Roman Catholic territory of Guam passed a draconian Act banning virtually all abortion not the sort of thing to appeal to Mrs O'Connor

A Pennsylvania law, a possible candidate, is held up by a lower court. The Supreme Court will be deciding two older cases this session, but these — on whether teenagers should tell their parents — are unlikely to be seen by Mrs O'Connor as vehicles for a much wider judgment

Yet the justice is a passionate believer in states' rights her instincts, and her votes, do not favour the federal government telling the states what to do

But she is a tidy-minded pragmatist, prepared to break ranks As a state politician, she voted against a pro-life amendment to the constitution on the grounds that it was an untidy rider to an unrelated bill

She is a self-possessed woman who does not let herself be rattled. And that, with so many guessing at her thoughts and struggling to influence them, is just as well — Economist News Service

Gap in law on vicious dogs

By Monica Nicolson

The enormous gap in South African law regarding vicious dogs which attack, maim and sometimes kill people has become an area of great concern to the public, and victims are being forced to undergo great trauma and expense to fight dog-owners in court to have the animals put down

The spate of dog attacks on people was highlighted when an eight-month-old baby, Stephan Joubert, died after being savaged by a bull terrier in Edenvale on Friday

Legal action

Although in this case, the owners put the dog down, in many instances parents of children attacked by dogs have been forced to take legal action against owners who refuse to put them down

Germiston resident John Lotter intends taking legal action against the owner of a dog who attacked his son, Jacobus (3). Jacobus had 45 stitches in his face and head after being mauled by a Rottweiler cross. Mr Lotter has consulted his lawyer but is

reluctant to discuss the case further with The Star

A police spokesman said that when dogs barked at night or wandered around the neighbourhood, a number of authorities could take firm action by impounding the animal and charging the owner. But, if a vicious dog brutally attacked or killed someone, authorities had no power to arrest the owner or have the dog put down

The spokesman said it was a civil matter between the victim and the dog owner and that there was nothing the police could do

"Even if a dog kills someone outside the property, the onus is on the victim to prove the owner of the dog knew it was outside

"Police can only kill a dog if it is badly injured or diseased," he said

A spokeswoman from the dog licensing department at the Johannesburg municipality said they could pick up stray dogs or fine owners who did not pay their dog licences, but they could not touch licensed animals on their owners' property

A Unisa law lecturer, Mrs R van Aswegen, explained that the private law regard-

ing dog attacks was geared towards financial compensation

"Victims only have to prove ownership before winning damages. For example, the dog owner would have to pay for doctors' bills, hospital bills and plastic surgery if necessary, unless the victim initiated the attack or was proved negligent

"If someone is killed, a case of culpable homicide could be opened if a charge was laid with the police, but this would be complicated and difficult to prove," she said

Undesirable

A spokesman for the SPCA said the rights of people attacked by dogs was not the organisation's concern. "Our job is to protect animals from cruel people"

● The Government would seek ways and means to ban the import of pitbull terriers into South Africa, the Minister of Trade, Industry and Tourism, Mr Kent Durr, said in the House of Assembly this week. He said the import of the dogs was considered dangerous and undesirable

We also spied on the Nats, says Barnard

By Helen Grange

Frik Barnard, the man implicated most frequently during the Hiemstra Commission hearings, admitted yesterday that Johannesburg City Council spies were placed in many organisations across the political spectrum — including the National Party

Mr Barnard, deputy director of security in the council, was unmasked last month as a major in Military Intelligence, and evidence has been led that he recruited several council security officials from Military Intelligence, including spy handler Martin Hennig

He has also been identified by another security official, Colonel Antoni Heystek, as the man who liaised directly with the SA Defence Force on information collected

Mr Barnard yesterday told the commission he had personally undertaken the task of spying on a National Party member who was suspected of being a "floor crosser".

No documents

Asked by Denis Fine, SC, leading evidence for the commission, if the member had later joined the Democratic Party, Mr Barnard replied "Yes"

The task of spying on the man, whose name was not disclosed, was ordered directly by ex-management committee chairman Danie van Zyl

"Mr van Zyl tasked me on occasion to monitor what went on in the National Party. On that occasion, I was monitoring a particular member," Mr Barnard explained. Documents on his spy report were not available as he had handed them to Mr van Zyl after Brigadier Visser had read them

Earlier evidence was that Mr van Zyl had ordered the monitoring of DP councillor and public personality Pat Rogers. Brigadier Jan Visser, senior deputy director of security, had been in charge of the execution of this order

The commission, chaired by Mr Justice V G Hiemstra, is investigating The Star's revelations into a city council spy network

Questioned on why the Five Freedoms Forum, the End Conscription Campaign and other organisations had been infiltrated, Mr Barnard replied it was "worthwhile" to know about these organisations and where they stood with regard to the 1988 municipal elections

It had been useful, for instance, to know that the FFF had decided to take part in the elections "to the dismay" of Cosatu and the UDF

"It led to the question of what actions Cosatu and the UDF were planning in this regard"

Mr Barnard told the commission that he had



decided in the first quarter of 1988 that the ECC should be infiltrated by Anthony Bennett

The reason was that, in a document he had, it was shown that the ECC could have been "mis-used" by the ANC's military wing, Umkhonto we Sizwe, and that people doing alternative national service in the council might have been influenced by the ANC's aims

"Are you serious?" asked Mr Fine

"Yes," Mr Barnard replied

Mr Barnard revealed to the commission that, at one stage, Mr Bennett was being harassed by the Security Police before the council security department told them "He is one of our men"

An informer had also been planted in the Health Workers Association, whose members might have disrupted the running of 18 health clinics in the Johannesburg area

Personal profiles

Part of the security department's duties was to draw up personal profiles, Mr Barnard admitted. One such profile was on Jane Barrett, a prominent trade unionist. Personal details on Ms Barrett had been sought because "her name appeared frequently in reports on the Transport and General Workers Union, an unregistered union"

Mr Barnard said he wanted to study her strong and weak points so that the council would know what to concentrate on in any negotiation that might have taken place

"And her passport number — was that an important detail?" asked Mr Fine

"No," replied Mr Barnard

Mr Barnard, who spoke very rapidly, at one stage deviated from a question on whether the spying activities were deceitful by answering "Infiltration is a worldwide phenomenon and our information section was based on international methods of information-gathering. It happens in America and Russia. Members of the ANC and the PAC have also infiltrated organisations"

Replied Mr Fine "Just answer the question"

In earlier evidence, it was heard that internal criminal investigations — one of which cost the council about R300 000 — were either quashed or treated with "unusual" lenience

Frik Barnard
City Council



...ard, deputy director of security in the Johannesburg...
... I personally undertook the task of spying on a...
... Party member suspected of being a "floor crosser"
● Picture by Stephen Davimes.

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Implicated Winnie to get out of jail - accused

By Cathy Stagg

Murder accused Jerry Richardson, on trial for the murder of Stompie Seipel (14), yesterday told the Rand Supreme Court he had made a statement about Winnie Mandela and two "dangerous men" only because he wanted to be released from detention.

In the statement, he

said Mrs Mandela had asked him to provide accommodation for two men, who later described themselves as "dangerous".

Yesterday, he agreed he had made the statement, but said he had done so only because policemen had indicated they would approve if he could cause trouble for

Mrs Mandela

Richardson (42) has pleaded not guilty to 11 charges, including the alleged murder of Stompie in January last year, but has admitted assaulting Stompie and others at Mrs Mandela's home.

The statement, read out in court, said Mrs Mandela had asked Richardson in August

1988 to provide accommodation for two men. On November 4 she brought the first man to him. This man had claimed to be dangerous and had shown Richardson an AK-47 rifle.

When the second man arrived, Richardson's guests spoke about "suitable targets" in Johannesburg and Krugersdorp, he said.

● People in the public gallery murmured, scoffed and laughed while Richardson was being cross-examined.

He said he had removed four young men, including Stompie, from the Rev Paul Verryn's house on December 29 1988 after allegations that they had allowed the Methodist minister to sleep with them.

Richardson "I told them they must go along with us."

Mr Chris van Vuuren, for the State "Must?"

Richardson "Must please."

(Laughter from the gallery)

Richardson said he had assaulted the four at Mrs Mandela's house after they had allegedly confessed to allowing Mr Verryn to fondle them. Mr van Vuuren asked why he had done so.

Richardson "Because they had not reported the matter."

Mr van Vuuren "What right did you have to hit these boys for not reporting it?"

Richardson "I was using my discretion."

(Laughter)

The hearing continues

Facing the music

The Pet Shop Boys, a trendy British pop group, may be chagrined to know that they played a small but potentially interesting role in the Johannesburg City Council spy ring saga ~~(252)~~ (252)

Tony Naudé, an attorney who spied for the city and the security police, testified before the Hiemstra Commission investigating irregularities in the city security department that he infiltrated the Five Freedoms Forum (FFF), an anti-apartheid organisation. Naudé reported to his handlers that the Pet Shop Boys approached David Webster, the murdered Wits professor and FFF leader, about donating their SA profits to the ANC. FIM 18/5/90

Though the FFF steered the band members towards a Soweto crèche instead, Naudé's report on the incident seemed to imply that Webster illegally filtered the money to the outlawed ANC. Whether that tidbit of information helped put Webster's name on the top of a hit squad list is still speculation. Webster's murderers have not been captured, though his supporters are certain that a government hitman pulled the trigger.

Naudé testified before Judge Victor Hiemstra that he jogged twice with Webster and supplied the address of Webster's Troyeville home, where the lecturer was gunned down a year ago, to his city council spy handler as well as to the security police.

Why did Naudé become a paid spy? "I felt I could help in combating crime," he said. And why did he drop out of spying? Because, after eight months, he figured out that the FFF wasn't committing any crime — and that it's bad for an attorney's image to be a spy. "I began to get the impression I was wasting my time."

□ The SABC and Post Office have confirmed that they did attend information-sharing meetings with the SA Defence Force, as alleged by spy Anthony Bennett in the commission hearings. Sasol, also named by Bennett, earlier acknowledged that it exchanged information with the SADF as a precaution against sabotage.

The SABC said its meetings with the SADF were part of "its scanning of an unstable environment and can in no way be construed as if the corporation was part of any intelligence gathering network of the SADF."

The Post Office says it was no secret that its managers attended meetings "with a view to reporting and exchanging views on security as regards the labour unrest situation." ■

The good wife (B) 252

ANC leader Nelson Mandela, obviously feeling the sting of criticism about his wife, said in Nigeria on Sunday that the persecution she suffered while he was imprisoned for 27 years continues.

He told a crowd of 30 000 that Winnie "has been the victim of the most scandalous persecution by the government and its agencies. Even now, as I am talking to you, she is still being persecuted in SA."

He did not refer specifically to the murder trial of Jerry Richardson, coach of the so-called football club that acted as Winnie's bodyguards. Richardson has pleaded not guilty to killing Stompie Moeketsi Seipei, a 14-year-old activist whose body was found in a Soweto field early last year. Three men have testified in the Rand Supreme Court that Richardson and Winnie Mandela beat and whipped them, along with Stompie, at her Diepkloof Extension home in December 1988.

Taking the witness stand for the first time on Tuesday, Richardson said he did not kill Stompie Seipei. He did admit having taken part in removing the boy, along with Barend Mono, Gabriel Mekgwe and Kenneth Kgase from a Soweto Methodist church to the

Mandela house — but said Seipei had run away during the night. He also admitted that he slapped and punched Kgase when he laughed at the allegations of having had sex with a white minister who ran the church.

Winnie Mandela has not been charged with any crime and the prosecution and defence do not expect her to testify. But on Monday, acting Attorney-General Jan Swanepoel said she could still be prosecuted, depending on what transpired during the remainder of the trial.

Even if she is not on trial now, she was judged guilty of certain actions last year by the UDF and Cosatu, the trade union federation, which told the black community to distance itself from her.

"We are outraged at Mrs Mandela's obvious complicity in the recent abductions," the groups said in their statement last year. "Had Stompie and his colleagues not been abducted by Mrs Mandela's 'football team,' he would have been alive today."

Five months after her ostracism for having "violated the spirit and ethos of the democratic movement," she was welcomed back into the fold. Since her husband's release she has played the role of quiet companion. With Mandela's latest statements, the rehabilitation of Winnie Mandela continues. ■

B/Dum 18/5/90

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Inquiry told CCB planned to poison lawyer with razor

CIVIL Co-operation Bureau (CCB) agents planned an operation to kill Durban lawyer and UDF member Kwenza E Mlaba in March this year

A four-page, hand-written proposal for the poisoning of Mlaba was submitted to the Harms Commission inquiry into politically motivated murders yesterday by former CCB foreign region co-ordinator Pieter Jacobus Botes

The proposal, drawn up by a CCB agent with the code name Shane du Plooy, outlined how a razor covered with poison was to be planted in Mlaba's office

Botes also told the commission he had supplied Region 6 co-ordinator, code name Christo Brits, with a landmine

The commission had earlier heard that Brits had tried to acquire a landmine days before the bombing of the Early Learning Centre in Athlone

In cross examination CCB MD Joe Verster admitted he had lost control over CCB members

"I was contaminated by the fact that my identity was revealed, I was locked up in the media spotlight and could not function independently of the state," said Verster.

Verster told the hearing the CCB felt "intimidated by the SADF internal investigation into the activities, funding and structure of the CCB"

He said "On the same day the State

LINDEN BIRNS

President unbanned the ANC, an (ANC) telephone call was made from Johannesburg to Harare ordering that arms be brought into SA. The same thing happened again about two days later

"We all know about homeland unrest at the time. Also, there were between 100 and 150 terrorists waiting to move out of Mozambique and Swaziland. Our own people complained to me they could not do their normal work

"Because of this we acted in the interests of self-preservation similar to what the AWB is now doing in Welkom"

Verster also admitted CCB members were still receiving state salaries and, notwithstanding the suspension of their counter-offensive operations, their cover businesses were still being run

During the morning, the commission heard how the CCB had relied heavily on Military Intelligence to confirm information, despite having cut visible ties

Verster also confirmed he could get weapons from outside the SADF as well as from within

"The CCB does not have its own arsenal but if we thought Swapo in South West used weapons to intimidate people in the election, we would send agents to infiltrate and acquire the weapons," he explained

I know why Asvat was killed, witness tells Stompie trial

W/Mand 18/5 - 24/5/90

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SOWETO doctor Abubaker Asvat was gunned down in his surgery last year because he was the only professional person who could prove Methodist minister Paul Verryn was sexually abusing boys, a witness told the Stompie Seipei murder trial yesterday.

Xoliswa Falati was being cross-examined by prosecutor LCJ van Vuuren in the Rand Supreme Court, where Mandela FC coach Jerry Richardson is charged with the murder of teenage activist Stompie Seipei, the attempted murder of Andrew Ikaneng, four counts of abduction and five counts of assault.

Falati was previously mentioned in evidence by Kenneth Kgase, Thabiso Mono and Gabriel Mekgwe, who were allegedly abducted.

They said she participated in their kidnapping from Verryn's Orlando West manse and also assaulted them at Winnie Mandela's house.

Falati denied these allegations.

She said that on December 29 1988, the day of the alleged abduction, one of the boys who lived at the manse, Katisa Cebekhulu, told her that Verryn had sexually abused him.

Falati discussed the matter with Mandela, who decided Cebekhulu should be examined by Asvat.

Late that afternoon in Asvat's surgery Mandela and Falati told of the allegations of sexual misconduct and Cebekhulu was examined, according to Falati.

"Dr Asvat came out and said Rev Verryn is sick. He said we should come after 10 to 15 days and he would make an appointment with a psychiatrist for Cebekhulu and Katisa," Falati said.

She claimed Asvat also said he would contact Mandela's lawyer, Krish Nardoo, because this was not the first time Verryn had been accused of sexual misconduct.

The prosecutor said the medical examination could not have taken place on December 29 as Falati testified, because Asvat's medical card was dated December 30, 1988.

The card did not reflect any of the allegations of sexual abuse but referred to Cebekhulu as "mentally confused, occasionally cries, occasional headaches and insomnia", Van Vuuren added.

"The date was changed to destroy evidence and Dr Asvat was killed so nobody could give evidence in this case. He was the only professional man who could prove what I am saying," Falati replied.

"Dr Asvat did not write the allegations on the card because he said he would discuss it with Krish Nardoo and Dr (Nthato) Motlana — he was also in the struggle."

Falati added that the day Asvat was killed he had phoned Mandela to arrange to fetch a letter concerning the incidents and "at 3.30pm he was gunned down" Asvat was killed on January 27 1989.

Falati said that after they returned from the surgery Mandela "disappeared".

The "Stompie trial" is told of another killing. CASSANDRA MOODLEY reports

She told Richardson about the allegations against Verryn. She said Stompie had complained to her that Mekgwe and another boy at the manse were sexually abusing him.

She and Richardson decided to fetch the boys and keep them at the Mandela house until Verryn returned from leave and they could confront him with the allegations.

Falati denied the boys were taken by force and said she had not seen Richardson assault them.

Richardson did grab Kgase and shake him but Falati claimed she warned him against this because Verryn would use this as a "loophole" and "turn this against them".

Falati denied they accused Stompie of being a police informer.

Earlier yesterday, Richardson admitted under cross examination that he had attempted to murder Andrew Ikaneng.

Richardson also denied that Mandela was there on December 29, 1989 and during the alleged abduction and assaults.

The case continues

Dr Asvat killed to destroy evidence against clergyman

By Cathy Stagg

The reason Dr Abu-Baker Asvat was shot dead down in his Soweto surgery, Xoliswa Falati told the Rand Supreme Court yesterday was to destroy the evidence of sexual molestation against the Reverend Paul Verryn which she (Ms Falati) and Winnie Mandela had gathered

Ms Falati (37), was the second witness to testify in defence of Jerry Musi Vusi Richardson (42), of Orlando West

Earlier yesterday, Mr Richardson, who described himself as the former coach for the Mandela United Football Team, admitted that he had attempted to murder former Mandela United Football Team member Leratodi Ikaneng (23).

Mr Richardson denied he kidnapped four youths, including Stompie Seipei (14), from the Methodist Manse on December 29 1988, took them to Mrs Mandela's house where he, and others, assaulted them, assaulted Stompie again on December 30 or 31, then murdered Stompie early in January last year

Mr Richardson consistently

denied that Mrs Mandela was at home on December 29, 1988. Three witnesses told the court that Mrs Mandela had interrogated them and struck the first blows in an assault which was then continued by a number of other people

Ms Falati said Mrs Mandela was home late that afternoon

She said she reported to Mrs Mandela that a youth told her Mr Verryn had sexually abused him. There was a hiss from the gallery as this evidence was given.

Traumatised

Mrs Mandela said she wanted to hear it "from the horse's mouth", Ms Falati said, so she returned with the youth, who told Mrs Mandela his story, crying continuously

Mrs Mandela said the child had been traumatised and suggested going to Dr Asvat

Ms Falati said she saw Mr Richardson in the backyard and told him what had happened at the manse

Questioned about the discrepancy between her version and

Mr Richardson's regarding Mrs Mandela's presence, Ms Falati said she saw Mrs Mandela in the main house, spoke to Mr Richardson outside in the courtyard, and when she went back into the main house, Mrs Mandela had gone

It was put to her there was not a word about sexual molestation on Dr Asvat's medical record of his consultation with the youth

The date on the card was December 30, not 29, as Ms Falati claimed

Ms Falati replied she was sure it was on December 29 because Mrs Mandela was not at the house on December 30 or 31

She insisted Dr Asvat spoke about the homosexuality and had said Mr Verryn was psychologically disturbed

Asked why a complaint was made to the police about the allegations of sexual misconduct only on January 26, Ms Falati said the Reverend Verryn was "in the struggle" and she had gone to Mrs Mandela as a community leader

The hearing continues

I tried to kill, says murder accused

CCET 13 13V 1

Sowetan

18/5/90

(252)

THE accused in the Stompie murder trial, Mr Jerry Richardson, admitted during cross-examination yesterday that he had attempted to kill former Mandela United Football Club member Lerotodi Ikaneng.

Richardson (42) has pleaded not guilty in the Rand Supreme Court to 11 counts, which include kidnapping, assault and attempted murder. He has also pleaded not guilty to a charge of murdering 14-year-old activist Stompie Seipei.

Mr Chris van Vuuren, for the State, read several Press reports to Richardson yesterday and asked for his comments.

SOWETAN Correspondent

Richardson dismissed the reports in *Sowetan*, *City Press*, *The Citizen* and *The Star*, which quoted him and Mrs Winnie Mandela.

Among claims made were that:

* Four youths had sought refuge at Mandela's house after complaining about their treatment at a Methodist Church manse;

Kidnap

* Stompie was last seen with a youth named Kenny,

* Kenny and Stompie had left the Mandela house together; and that

* A report had claimed that Kenny had escaped from the house before Stompie and that the two youths had injuries because of climbing trees

Richardson said "many things are said in the Press. They are trying to defame the Mandela name and now also the Richardson name".

Van Vuuren put it to him the reports had quoted Mandela as saying it was she who had received the complaint about alleged sexual misconduct at the manse from Miss Xoliswa Falati - not as Richardson had testified that it was he who had spoken to Falati

Richardson said he disputed what was in the newspaper reports

He said he may have read some of the reports read out in court but he had not taken any steps to correct the "mistakes" which had been published.

Injuries

Van Vuuren again put it to him that he had kidnapped four youths, held them at Mandela's house against their will, that they were assaulted and that Richardson was present when a man called Guybon assaulted Stompie.

He said Richardson had taken Stompie away from the house and murdered him

Richardson denied each allegation but admitted having attempted to murder Ikaneng (Proceeding).

to Richardson yesterday and asked for his comments.

the Mandela house together that

CCB got guns from outside South Africa

Sowetan
18/5/90

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Sowetan Correspondents

THE covert Civil Co-operation Bureau (CCB) obtained weapons from outside the country as well as from the SA Defence Force, the organisation's managing director, Joe Verster, told the Harms Commission yesterday.

Verster told the Commission - which is investigating allegedly politically motivated murders - that a CCB operative, Peter Botes, was responsible for moving weapons between countries, including into South Africa.

Under cross-examination for the second day by Eberhard Bertelsmann, for the Webster family and Trust and other parties, Verster said the CCB did not keep a register of weapons it had outside South Africa.

The weapons it had inside the country were licenced.

"Are you saying that Makarov pistols and other weapons, taken from Swapo in Namibia for instance, were licenced?" asked Bertelsmann.

Verster said Botes was responsible for weapons "in other countries" and



HARMS
PROBE
INTO
HIT
SQUADS

for moving these weapons between countries.

He said the same day that President FW de Klerk had unbanned the ANC, weapons were being made available from Zimbabwe.

There were, at that time, 150 "terrorists" waiting to enter South Africa from Swaziland and Mozambique, "and people told me it was a pity that they were now unable to do their work" (as agents).

Bertelsmann put it to Verster that his reaction to the orders of President de Klerk, the Minister of Defence, General Magnus Malan, and the Chief of the SADF, General Jannie Geldenhuys, for all possible help be given to the Harms Commission was "to hide the files".

Evidence was led on Wednesday that project and finance files of the CCB were missing and could not be traced.

Verster said he could, however, locate some files and promised to hand them to Commission officers on Monday.

(Proceeding)

Dutch judges write to SA judges: destroy apartheid

W/Mand 18/5-24/5/90

(252)

By CHARLES LEONARD

SOUTH AFRICAN judges could be expecting letters from their Dutch colleagues soon appealing to them to use the opportunities offered to them to smash the apartheid system.

In an unprecedented action approximately 200 members of the Judiciary of the Netherlands have written a letter to each of their 133 colleagues in the South African Supreme Court — the Appeal Court in Bloemfontein, seven provincial courts, three local courts and the four "homeland" courts.

In their letter the Dutch judges emphasise the incompatibility of the apartheid statutes and regulations with the "fundamental rights inherent to democratic societies".

They also refer in the letter to the view of the black population that the South African judiciary is merely another instrument of repression.

Although the Dutch judges say that it is not common for them to take part in political action because of the neutrality and objectivity ex-

pected from them, they have good reason for this letter.

They also acknowledge that they have strong links with South Africa, having been the first colonists in the country while the architect of apartheid, former South African Prime Minister Hendrik Verwoerd, was born in Holland.

"We also still have judicial links with South Africa. In political processes, for example that against Helene Passtoors, the old fatherland's law, the Roman-Dutch law is still being used," they said in the statement.

In their letter, posted to all South African judges last week, the Dutch judges ask their colleagues "to make a vital contribution towards the speedy abolition of the apartheid system" because the laws administering apartheid are incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and other treaties.

Malan should 'consider giving evidence'

It would appear that the organisation and responsibilities of the South African intelligence family needed an overhaul, General Bob Rogers (DP Walmer) said in Parliament yesterday.

Speaking during debate of the defence vote, he said the SADF could not be blamed for the misdemeanours of the CCB, but a slur had been cast on the force's proud name.

Although Minister of Defence

General Magnus Malan had played an admirable role in the SADF, "he must accept responsibility for the actions of the CCB, whether he knew about them or not."

"I would ask the Minister to consider giving evidence before the Harms Commission in an endeavour to bring a better sense of direction and clarity to the proceedings, and in order to speed up the process of justice" — Sapa

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Probe told of poison razor blades plan

By Norman Chandler
and Karen Stander

star
18/3/90

A document allegedly outlining a Civil Co-operation Bureau (CCB) plan to murder a Durban attorney by smearing poison on his razor blades was handed in as evidence to the Harms Commission yesterday.

The man allegedly to be killed was K E Mlaba, said to be a senior member of the internal wing of the ANC, and involved with the UDF.

The document was handed in by Pieter Botes, former regional co-ordinator for Sector 2, an external operation of the CCB.

Mr Botes said the plan was proposed by Shane du Plooy, an operative who also worked outside the country. Mr du Plooy and Bois Nolo, a Mozambican, were to attempt the assassination.

Talks on taxis

The document — dated March 4 1989 — was a proposal to be presented to Joe Verster, managing director of the CCB, but Mr Botes told the commission that he declined to be involved, and the plan was scrapped.

According to the plan, Mr Nolo was to visit Mr Mlaba's offices in Durban, where he was to wait to see him to talk about regulations pertaining to black taxis.

He was to enter the office carrying two bags. In the one was a razor in its original holder. Blades were also in their original packing, but treated with poison.

It was anticipated that as soon as anyone shaved with the blades, the poison would enter their system.

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Probe told of poison razor blades plan

By Norman Chandler
and Karen Stander

skw
18/5/90

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It was anticipated that as soon as anyone shaved with the blades, the poison would enter their system

No stones were thrown at the Sebokeng police — witness

By Melody McDougall,
Vereeniging Bureau

A Red Cross official yesterday told the Goldstone Commission of Inquiry into the Sebokeng shootings how he and his helpers treated five people after they were injured at the scene of the clash between marchers and police in the Vaal Triangle township on March 26.

Piet More, who was in charge of a group of 14 Red Cross officials on duty, said one of the injured had a birdshot wound in the back.

Mr More said that another had a sprained shoulder and the other three complained of being suffocated by teargas.

This was shortly after two separate rounds of gunfire, one lasting about a minute, were heard and two lots of teargas were fired at the 50 000-strong crowd.

The shooting occurred after a proposed march was halted by the police near the Sondela brewery in Sebokeng.

The group apparently intended marching to the National Party offices in Vereeniging.

The chief magistrate had prohibited the march.

Testifying before commission chairman Mr Justice Goldstone, Mr More said that he had seen no bodies after the shootings.

There were also no injuries among the Red Cross group which, in search of casualties, three times moved their base further forward towards a police cordon.

Mr More said that his party had moved their base simply to give their patients sufficient breathing space, not because they ever felt they were in any danger.

Describing the crowd's attitude just before the shots were fired, he said they were singing songs.

Mr More said that at no time

The
Goldstone
Commission



did he see stones being thrown at the police.

Earlier in the hearing yesterday, a photo-journalist of the local newspaper, Vaalweekblad, who had been assigned to cover the proceedings in the township on March 26, was called to the witness stand.

The journalist, Peter Mabuye, told the commission that police twice tried to stop the march from going ahead but that, because of a shortage of vehicles, their roadblocks were insufficient to prevent the crowd from flanking out to one side.

When shooting later broke out, Mr Mabuye said he had taken cover behind a tree.

Shortly afterwards, Mr Mabuye photographed the body of a dead woman (later identified as Lettiah Mphele).

The woman, one of about 2 000 marshals on duty to control the people, was lying about 50 m from a police cordon.

When he was asked by Etienne du Toit, SC, for the police, whether he had heard people in the crowd shouting to the police "We want your guns, dogs hit the boere", Mr Mabuye replied that he had not.

He also denied seeing any stones thrown at the police, although he admitted it could have happened.

The commission is expected to continue with its hearing at the Vereeniging council chambers for the next four to six weeks.

All evidence before the commission is being led by Johan du Toit, SC, from the Attorney-General's offices in Johannesburg.

AT LEAST four out of a group of five people — who were killed in a shooting incident when police and demonstrators clashed in Sebokeng's Moshoeshoe Road on March 26 — had wounds in the back of their heads or necks, the Goldstone Commission of Inquiry in Vereeniging heard yesterday.

Other statistics heard by the commission indicated that, of the approximately 76 people injured in the same confrontation, 43 had been shot from behind.

The commission, chaired by Mr Justice R G Goldstone, is investigating the circumstances of incidents in the Vaal Triangle townships on March 26.

The Vaal Council of Churches claims 17 people were killed during the shootings, but the Sebokeng hospital has confirmed only 14 deaths.

Banned

The shootings occurred after an estimated 50 000-strong UDF crowd, which intended marching to Vereeniging, were halted by police near the Sondela brewery in Sebokeng. The march was banned by the Vereeniging Town Council and the town's chief magistrate.

The entire proceedings before the commission yesterday centred on the testimony and cross-examination of Captain Willem du Plooy, head of the Krugersdorp police riot unit. Captain du Plooy commanded both the Krugersdorp and Vanderbijlpark riot units, which were on duty in the Vaal townships on that day.

Under cross-examination by Mr Karel Tip, a legal advisor with the Bizos team representing families of 12 dead people and the injured, the captain denied the action taken by his unit members, who manned a police cordon, was "unnecessary".

Asked whether he wasn't disappoint-

BARA BAROMETER

THE effects of the hospital workers strike were still being felt in the medical wards at Baragwanath Hospital in the week between May 10 to May 16.

Because many patients had been sent home during the strike, pressure on bed space was reduced and during the week under review, only one person had to sleep on the floor.

The worst instance of overcrowding in one of the newly extended wards was on the night of May 16 when there were 68 patients in a 64 bed ward.

On average, there were 393 patients in the department each night this week, compared to 758 patients during the same week of May 1988.

WEBSTER WATCH

IT has been 383 days since the assassination of university lecturer and human rights activist Dr David Webster.

This week, the Civil Co-operation Bureau's managing director, Mr Joe Verster, told the Harms Commission it was possible that members of the covert organisation had murdered Dr Webster. A reward of R20 000 still stands for information leading to the jailing of his killers.

Many shot in the back, inquiry told

MELODY McDOUGALL

ed by the discipline of his men, Captain du Plooy replied. "I am disappointed they opened fire, but I cannot simply push their feelings aside."

Earlier he had stated that, although his men appeared to be calm, he could not exclude the possibility that some of them may have panicked when they were suddenly pelted with stones by the crowd. However, he emphasised members of other SAP branches had also been deployed on the scene, and that at no stage had he given orders to open fire on the gathering.

According to the captain the firing of shots — which lasted about 10 seconds — started moments after several stones were thrown at his men. He stated that at that stage the crowd was about 28 m from the police cordon.

Asked to comment by Mr Etienne du Toit SC, for the SAP, on why he had decided to halt the march at the Sondela brewery, Captain du Plooy replied. "In the first place the march was banned by both the local authorities of Vereeniging and the town's chief magistrate."

Fear

Referring to the spate of attacks in which a white man was killed and several other people injured in incidents of violence on roads in the area during March, he added that whites in the Vaal triangle were living in fear.

In addition, there were no guarantees that such a large gathering would not walk through white-owned properties on its way to Vereeniging, possibly causing racial conflict.

Under re-examination by Johan du Toit SC, who is leading all evidence before the commission, Captain du Plooy agreed that a total of 36 rounds of birdshot, 12 rounds of SSG and two rounds of triple A had been fired in the shooting. He said it was his impression that the number of people killed or injured had been more than the number of rounds fired.

Shock Sebokeng

evidence

ASSASSINATED human rights activist Dr David Webster appears to have been surrounded by spies before he was killed on May 1 last year.

The reports of self-confessed Johannesburg City Council spy Tony Naude on the activities of the Five Freedoms Forum (FFF) contact group, which was chaired by Webster, have been revealed in the Hjemstra Commission of Inquiry.

Naude admitted this week to spying for the council and for the security police. It appears he was one of several spies who may have tried to get close to Webster before his murder.

In March 1989 another member of the contact group, whose name is known to the *Weekly Mail*, was asked to leave because he was suspected of being a spy.

A month after Webster's assassination on May 1 1989, another member of the contact group, Ian Mullen, died when his house burnt down. A murder docket was opened and arson was suspected.

Webster surrounded by spies - claim

WJW 19/5 - 24/5/90

2527

By KATHY STRACHAN

The inquest into his death concluded that it was accidental but FFF representatives still believe that "foul play" may have been involved.

Mullen joined the FFF business and research sub-groups.

Members of the business group were suspicious of him and decided not to invite him to meetings. He then joined the contact group and members say they trusted and liked him.

The FFF executive decided to investigate Mullen but he died and the investigation was never carried out.

Four weeks after Webster was killed shots were fired at another member of the contact group.

On May 28 last year two shots were fired through the bedroom window of Lambros Marnaki's Mayfair home, while he was in the room.

Another contact group member who was targeted was Jean de la Harpe.

In October 1988 her flat was raided by security policemen who said they were searching for pamphlets calling for a stayaway on the day of the municipal elections. Yet the FFF had publicly encouraged voting.

This raid followed shortly after a meeting which Naude attended and reported on. Her address was mentioned in that report.

Days later about men were seen watching her flat. The security branch told her lawyer the men were not security policemen. In the light of evidence at the commission's hearings, FFF members believe they may have been council security men.

Many other people in the organisation, and particularly in the contact group, have reported instances of har-

assment, including anonymous and strange phone calls, being followed at night and cars being vandalised.

An executive member's car was burnt in the driveway of his home.

Gavin Evans, an FFF executive member, was on the CCB's hit list.

The FFF seems to have been of particular concern to the security network and was diagrammatically represented in the city council "Total Onslaught" document as only marginally less significant than the African National Congress in terms of its control of the struggle against apartheid.

It has become apparent under cross-examination of Naude that much of the information he handed over to his spy masters was untrue.

FFF representatives are concerned that it may have been on the grounds of this that inaccurate and misleading information that forum members

were harassed and, in the case of Webster, assassinated.

Naude, an attorney who studied at Rand Afrikaans University, supplied his handlers with information from a FFF meeting that the band, the "Pet Shop Boys", wanted to donate money to the ANC.

Naude neglected to tell them that at that meeting FFF chairman Mike Olivier had suggested that the band donate the money to a creche in Soweto instead.

Webster had reported this at a contact group meeting, yet Naude's reports misled his spy masters by implying that Webster was involved in the covert channelling of funds to the ANC. He got 10 out of 10 for this report and was paid more for it.

Under cross-examination Naude showed little understanding of the role and activities of the FFF. Yet it was his perceptions which were handed on to higher authorities within the security network.

File 18/57900

Guarantees of safety useless, says

By Karen Stander
and Norman Chandler

The managing director of the covert Civil Co-operation Bureau (CCB) told the Harms Commission yesterday that neither the commission nor lawyers could guarantee the safety of its operatives if missing project and financial files fell into the hands of the wrong people.

Joe Verster told Mr Justice Louis Harms that "even the assurance" of safety would be useless.

He was replying to cross-examination by Paul Pretorius, for the South African Council of Churches and other parties, on the question of the missing files.

Mr Verster and other CCB witnesses have told the commission that the files are missing from the

strong-room at the organisation's headquarters in Pretoria.

According to Mr Verster, they vanished after he activated an emergency plan to hide the files because of concern over the political situation and action being taken against operatives.

Mr Justice Harms said it appeared that military intelligence, according to Mr Verster, could not be trusted because they would have exposed people.

"You also did not trust me. You never told me there was an emergency plan in action. When I in-

The Harms Commission



quired about the files, you told me there was a law protecting information, or the Official Secrets Act."

Mr Verster also revealed that the CCB was not involved in any projects at present, and the only work he was doing was "financial".

Earlier, the commission heard that the CCB obtained weapons from outside South Africa as well as from the SADF.

Mr Verster said that an operative, Pieter Botes, was responsible for moving weapons between countries.

Mr Botes began his evidence-in-chief before the commission yesterday.

Under cross-examination by Eberhard Bertelsmann, for the Webster family and other parties, Mr Verster said the CCB did not keep a register of weap-

ons it had outside South Africa. The weapons it had inside the country were licensed.

"Are you saying that Makarov pistols and other weapons, taken from Swapo in Namibia for instance, were licensed?" asked Mr Bertelsmann.

Mr Verster said Mr Botes was responsible for weapons "in other countries", and for moving these weapons between countries.

On the day President de Klerk unbanned the ANC, weapons were being made available from Zimbabawe.

There were, at that time, 150 "terrorists" waiting to enter South Africa from Swaziland and Mozambique — "and people told me it was a pity that they were now unable to do their work" (as agents).

The hearing has been adjourned till Tuesday for commission officials and lawyers to study various documents.

CCB BOSS

Handwritten marks and numbers: 252, 252, and a circled 'X'.

Lawyer told Winnie not to testify, court hears

NELSON Mandela's attorney advised Winnie Mandela not to make herself available to give evidence during Jerry Richardson's trial, the Rand Supreme Court heard yesterday.

Kathleen Satchwell, the attorney representing Mr Richardson, wrote to Ismail Ayob on May 9 this year asking if Mrs Mandela would be prepared to consult with Ms Satchwell and advocate H H Jourbert "with a view to possibly giving evidence for the defence"

Mr Richardson (42) is on trial for allegedly murdering teenage activist Stompie Seipei, four counts of kidnapping, five counts of assault with intent to commit grievous bodily harm and the attempted murder of former Mandela United member Leratodi Ikaneng

Mr Richardson has denied committing

252
Ste 19/996
CATHY STAGG

any of the crimes, except the attempted murder, which was admitted to during cross-examination

His trial began in the Rand Supreme Court on May 2

In her letter, Ms Satchwell referred to a telephone conversation with Mr Ayob on May 4 and said that although Mr Ayob was Mr Mandela's attorney, she was not aware whether Mrs Mandela was individually represented by any firm of attorneys

The letter continued "As you are aware, there has been mention in the trial of certain events which allegedly took place at the home of Mrs Winnie Mandela at 585 Diepkloof Extension,

Soweto, during December 1988 and January 1989

"Furthermore, allegations have been made concerning the conduct of Mrs Winnie Mandela herself during that time period. It is absolutely essential for preparing and presenting the defence of Mr Richardson that we have the opportunity to consult with Mrs Mandela timeously with regard to various of these allegations.

"Once consultations have taken place, we would then be in a position to make a decision whether or not Mrs Mandela could or should be called as a witness for the defence," the letter says

In his reply, Mr Ayob said Mrs Mandela had accepted his advice not to make herself available to give evidence.

Argument is due to begin on Monday

Where was Winnie when Stompie was murdered?

CONFLICTING evidence about Winnie Mandela's whereabouts at the time murdered teenage activist Stompie Moeketsi Seipei disappeared was given in the Rand Supreme Court on Friday - the last day of the defence case *efan 201/90* (252)

Jerry Richardson, 41, former "coach" of the so-called Mandela United Football Team, has pleaded not guilty to the murder of 14-year-old Stompie, whose decomposed body was found in open veld in Soweto early last year.

Richardson also pleaded not guilty to the attempted murder of Andrew Ikaneng, of Soweto, to four kidnapping charges, and five charges of assault.

Evidence was given on Friday that Winnie Mandela was in the Free State on December 29, 1988, when Stompie, Barend Mono, 20; Gabriel Mekgwe, 21; and Kenneth Kgase, 30, were allegedly kidnapped from the Rev Paul Verryn's Soweto church and held prisoner at the Mandela house

Norah Moahluli, of Brandfort, Free State, said Mandela arrived in Brandfort on December 29 and left again on December 31 after consulting community project leaders in the area

But political activist Xoliswa Falati said Mandela was at her Soweto home on December 29, 1988, and that she and Mandela had taken a young man to a Soweto doctor - Dr Abu Baker Asvat - that day.

Asvat was gunned down in January last year, and Falati said he had been killed to destroy evidence which could prove Verryn engaged in homosexuality

"It was a vivid lie," Falati said, when prosecutor LCJ van Vuuren suggested that Asvat was shot dead in a robbery.

She also told the court that Johannesburg lawyer Ismael Ayob had suggested to her last year that Mono and Mekgwe were "sell-outs"

Falati said Ayob had suggested ANC leader Nelson Mandela, who was in the Victor Verster prison at the time, wanted to have Mono and Mekgwe removed from the Mandela home "because they were sell-outs"

On Friday, Richardson's lawyers handed in a letter indicating Winnie Mandela had been advised by lawyers not to give evidence in the murder trial

Earlier, Falati told the court that Katiswa Cebekhulu told her he was going to stab and kill Verryn because the priest had sexually abused him.

One morning she had found Katiswa crying. He later told her Verryn had abused him sexually

Falati said that after she had heard Stompie screaming one night, he had told her he had been caressed by Pelo, Thabiso and a dark-coloured boy from Kagiso

Pelo has been referred to as Gabriel Mekgwe and Thabiso as Barend Mono during Richardson's trial

Verryn, who in court denied homosexual relationships had occurred between him and the young men, was not at the church when Katiswa vowed to kill him, said Falati

The hearing continues tomorrow - Sapa

Lawyer lives in fear

By ELIAS MALULEKE

HUGGINS Montsho "Chucks" Sefanyetso, the lawyer who exposed the alleged police hit squads, fears for his life.

Sefanyetso is the research and monitoring executive for the Lawyers for Human Rights (LHR) national directorate in Pretoria.

Sefanyetso has been forced to take extra safety precautions by the recent upsurge in white-on-black violence.

He fears that he could be a target of the rightwing Wit Wolwe. He now chooses his routes, drinking places and friends carefully, and avoids unnecessary trips at night.

Sefanyetso, who initially lived in Mamelodi, now frequently changes his sleeping places in the black townships of Pretoria.

The LHR offices have also been targets of white racists who telephone to threaten the staff and make abusive remarks.

"Chucks", as he is popularly known, says although the police have denied the existence of the Wit Wolwe, events since Wit Wolf Barend Hendrik Strijdom went on a shooting rampage in Pretoria, prove otherwise. His fears are not without foundation.

Man who exposed police hit squads could be target

"The mere fact that members of the SADF were found loitering on the property of Brian Curtin and threats to eliminate some of our staff members make it probable that we are targets," Sefanyetso says.

Curtin is the LHR national director. His name is said to be on the Civil Cooperation Bureau hit list.

Sefanyetso was the first person to hear about the alleged police hit squads from Almond Butana Nofomela, the ex-cop on Death Row.

Nofomela's confessed to involvement in the murder of Durban lawyer Griffiths Mxenge and other clandestine activities he allegedly carried out with police and Askaris, the ANC cadres-turned-informers.

The confession led to the appointment of the Harms Commission of inquiry into police death squads and the CCB.

Sefanyetso says: "I am scared, like many other people in my field, but can

we help it?"

Sefanyetso met Nofomela for the first time in the Pretoria Death Row cells in April 1989 after the convict wrote a letter to the lawyer asking for help.

"I treated the letter like others I receive from Death Row prisoners and there was nothing special about it. I did not even know he was a former policeman," he says.

For several months, the lawyer went through all legal avenues to try to save Nofomela's life, but finally even a plea for clemency to the State President failed.

Then, on October 13 last year Nofomela wrote to Sefanyetso informing him that he was due to hang on October 20.

"I visited him on the 16th and 17th to comfort him, and on the 18th Nofomela broke down and told me how he had been betrayed by his police colleagues." Nofomela told him how he had mur-

dered Mxenge on the instruction of his police chief Capt Dirk Coetzee.

"I persuaded him to tell me the whole story and after he did, I just stood there, dumbfounded with disbelief."

He requested a written statement from Nofomela and sought a ministerial stay of execution from Justice Minister Kobie Coetzee.

"Hit squad allegations gained momentum when Coetzee confessed his involvement and implicated senior police officers.

"We pressed the government for a commission of inquiry and help was given by the Democratic Party before the State President instituted the Harms Commission."

Sefanyetso, who will not give his age, has made Death Row his business since he established the LHR Death Row monitoring unit in 1987.

"I believe the death penalty will be done away with in the next few years," he says.

Sefanyetso studied law at the University of the North and joined a firm of attorneys for his articles in 1980. He joined the LHR in 1987.

He plans to join the Bar Council and become a good citizen... "if my life is spared", he adds.

Unpaid teachers to end their strike

2679
 TRANSVAAL coloured schoolteachers have decided to end their week-long strike — sparked by late salary payments — today but they have set May 29 as the deadline

TANIA LEVY

for the meeting of their short-term demands

Some teachers have still not received any salary cheques this year. They are demanding that outstanding salaries be paid by the end of May and that future salaries be paid on time.

A spokesman for the coloured Department of Education and Culture said salary cheques had been airfreighted from Cape Town to alleviate the backlog and the department was doing everything it could to prevent future delays.

The strike — in which teachers went to school but did not teach — culminated in a march on Friday by about 2 000 teachers to the Johannesburg office of the Education and Culture department in the House of Representatives.

Teachers, including delegations from Potchefstroom, Pretoria and Boksburg, came to see a memorandum of short-term grievances handed to regional director Johnny Frances.

Progressive Teachers Union spokesman Mike Davy said teachers wanted these met by May 29.

He said the key demand had already been met when a Kiptown Magistrate dropped charges against 29 teachers on Friday. Their arrest — for participating in a march to protest at late salaries — led to the strike. By Friday more than 1 000 teachers at about 30 schools had joined the action.

Davy said the department seemed to have made no effort to solve the problem of late salaries which had plagued coloured teachers for more than 20 years. Teachers could go up to six months before receiving a salary cheque.

Other short-term demands included that no action be taken against teachers who took part in the strike, that temporary teachers be appointed for at least a year instead of for three months, and the reinstatement of those temporary teachers not readmitted after a stayaway on June 16 1981.

n
nts

1990 R'000	1989 R'000
51 174	37 766
6 283	2 490
162	77
57 619	40 333
39 738	29 050
42 628	29 667
82 366	58 717
24 747	18 384
57 619	40 333
87	65

'Winnie told not to testify'

SUSAN RUSSELL

WINNIE Mandela was advised by her husband's attorneys not to testify on behalf of Jerry Richardson — who is on trial for the murder of teenager Stompie Seipei — according to evidence before the Rand Supreme Court on Friday.

A letter from Nelson Mandela's attorney Ismael Ayob to Richardson's attorney Kathleen Satchwell, putting this on record, was submitted to the court.

Satchwell took the witness stand and read out Ayob's letter and one from herself to the attorney requesting a consultation with Winnie Mandela to assist in preparing and presenting Richardson's case.

Richardson — the former coach of the Mandela United football team — has testified that Mandela was not at home when Stompie and three other youths were allegedly assaulted. The youths testified to the contrary.

In his reply, also dated May 9, Ayob said "We had consulted with Mrs Mandela and had advised her not to make herself available to give evidence in the abovementioned matter."

"She has accepted our advice."

The defence closed its case on Friday.

Argument will begin today.

NATAL

four teaching hospitals — Johannesburg, Hillbrow, Coronation and Baragwanath

About 210 doctors graduated from Wits every year, Milne said

Lawyers to examine impact of changes

THE 13th SA Law Conference organised by the Association of Law Societies begins in Durban today.

The main focus will be the impact of recent political, social and economic events on the legal profession, and how lawyers can prepare themselves for the challenges ahead. *BID 21/5/70*

Topics to be covered include court decisions regarding measures such as the state of emergency which breach fundamental human rights, and proposals for a bill of rights. A section of the conference will be devoted to a black perspective of the legal profession

Areas to be examined include the perceptions of law and practice within the

SUSAN RUSSELL

black community. *(252)*

Among the speakers are Zimbabwe's retired chief justice Mr Justice Enoch Dumbutshena, and judge of appeal Mr Justice N J McNally who, together with Zambian advocate and chairman of the African Bar Association Roger Chongwe, SC, will lead discussions on the African law experience.

Areas covered by this section include Law and Justice in Africa, acceptance of the role of law and lawyers in Africa, and independence of the bench versus parliamentary sovereignty.

A PROPOSAL to eliminate Durban attorney Kwenza Mlaba came as no surprise to him as his house and two vehicles had been firebombed in 1988 and he had been shot, the lawyer said at the weekend.

He was speaking in response to allegations made to the Harms Commission of Inquiry on Thursday by disenchanted former Civil Co-operation Bureau manager for Region 2, Mr Pieter Botes

Wounded

Botes produced a document purporting to be a proposal for the elimination of Mlaba by means of a razor with a poison that works through the skin applied to it

Mlaba described the August 15 1988 attack on his home which damaged the house, its contents and two vehicles

The lawyer was also seriously wounded

He said a large group of men arrived at his Um-lazi home about 1 30am

Plot to kill me no surprise, says lawyer

Sevefan 21/5/90

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HARMS PROBE INTO HIT SQUADS

"They petrol-bombed my two vehicles and the house and they fired shots at us from all directions. They shot at me six times," he said

The attack caused serious damage to the house and most of its contents

Mlaba said the police were telephoned but only arrived at 10am the day after the attack and sub-

sequently issued a statement that AK-47 rifles were used in the attack

The proposal to have him poisoned "came as no surprise" to Mlaba

"I have received death threats from unknown people for the past three years"

Mlaba described as "absolutely rubbish" the allegations in the purported CCB proposal that he was involved in send-

ing couriers to Swaziland and Mozambique or that he bought arms for the African National Congress

"They (the ANC) don't need anyone to buy arms for them. They get their weapons from the Soviets outside the country," Mlaba said

He said he had been charged with terrorism and his trial had lasted a year before the case was

withdrawn due to lack of evidence

"The State alleged we were assisting people to leave the country for military training

"The case went on for a year and the case was so weak it was finally dismissed," Mlaba said

Reasons given to the Harms Commission for Mlaba's elimination in his office was that he slept in the building and kept irregular hours

Mlaba said he did not sleep in the office but often worked late

The handwritten proposal for Mlaba's elimination was called rubbish by CCB managing director Joe Verster on Wednesday when he gave evidence to the commission - established to investigate incidents of state involvement in 73 cases of politically motivated violence which killed almost 100 people - Sapa

Handcrafted Quality & S

Courts criticised for not denouncing torture

DURBAN — The SA judiciary was yesterday criticised by a leading Natal legal academic for failing to morally denounce the torture of individuals by State employees when faced with the evidence in cases that came before them.

In a paper delivered on his behalf at the 13th Annual Law Conference, Prof Tony Mathews said this failure to do so was puzzling because judges had not hesitated to condemn other forms of uncrivilised violence.

"Is it not both shameful and incredible that the judges, on proper occasions, have not denounced this practice in moral tones that reverberate into the offices of the highest functions of government?" He said from reading judgments where torture featured, one gained the impression the practice had become so commonplace it hardly warranted condemnation.

SUSAN RUSSELL

Mathews said judicial intervention could do much to reduce the future occurrence of the practice.

Mathews said the courts could have taken a more assertive or interventionist line in controlling and channeling the exercise of government power without becoming politically embroiled.

One of the greatest ills of SA society was the virtual demise of legal accountability by public officials at almost all levels of authority, he said.

The progressive breakdown of accountability explained death squads and dirty tricks produced by the security forces. Mathews felt the courts had contributed to the breakdown of accountability and made themselves guilty of a serious moral failing.

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Law Commission judge warns on SA constitution

8/10 May 22/5/90

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DURBAN — A new constitution for SA should not be finalised until society had found and settled its identity, SA Law Commission vice-chairman Mr Justice Pierre Olivier said yesterday.

Addressing delegates at the 13th annual SA law conference, Olivier said a constitution was a mirror of the needs of a society.

By the time SA society had settled its identity, he said, group needs would probably be quite different from what they appeared to be today.

"We must not end up with a constitution in search of a nation", he warned. Olivier said the question of group rights had become the central constitutional issue at this time in SA.

"My position as a member of the Law Commission and its ongoing investigation into constitutional models precludes me from passing final judgment at this time on the validity of any claims or agreements.

"The subject is emotionally so sensi-

SUE RUSSELL

tive that any judicial pronouncement at this time can only hamper the task of our leaders who must take onerous and fateful decisions. But this must not deter us from exploring some basic concepts."

The judge said the question of group rights was not confined to the actual form and content of the new constitution.

"It permeates to the question of legitimacy. Legitimacy, I understand to mean the acceptance of a law or constitution by a community as just and credible."

He said if the larger section of the population did not accept the law in this sense, there was a crisis of legitimacy and potential for revolution.

"I must plead for great caution and understanding on the question of group rights."

The ideal of a new nation had only been born recently, he said.

"We have in fact not yet become one nation with a peer identity and common understanding of itself.

"No young child or young nation should be required to make existential choices," Olivier said.

"Up until the present time one organisation — Parliament — which is controlled by another organisation — a political party — has classified the country into categories and given or taken away rights accordingly."

He said the fundamental question important to the future was why is categorisation necessary if in our new SA there is going to be equality before the law?

In the meantime, he said, lawyers should approach the problem of group rights with the same broadminded sympathy, tolerance and courage with which they approached other matters. The legal profession also had to trust the power and majesty of the idea of law and justice and the equality of all men before the law, the judge said.

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GROUP RESULTS AND DIVIDEND DECLARATION

GROUP RESULTS

The audited results of the group for the financial year ended 31 March 1990 together with those of the previous year are

ISSUE INFORMATION

'Rights revolution is sweeping the world'

Sowetan 22/5/90

~~252~~
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THE rule of law was on the offensive, Mr William Reece-Smith, president of the International Bar Association, told South African lawyers in Durban yesterday

The eminent American lawyer was opening the 13th South African Law Conference being attended by lawyers from throughout the country.

He said the rights revolution was sweeping many countries around the world

"It is precisely at

this conjunction of rapid social and economic change with the rediscovery of the rule of law that the role of lawyers becomes especially critical

Freedom

"Lawyers have been swept up in these changes, but they have also been its catalysts."

Reece-Smith said that in the United States, Eastern Europe and Africa the special opportunities for lawyers

seemed remarkably similar

"And for this very old - and very new - calling, the difficult challenge of balancing political freedom and social order can provide new meaning to professional understanding.

"The preoccupation of the lawyer with the values of business can be balanced in the end by their commitment to the values of civic responsibilities," he said

No decision in bid to save ANC soldier from gallows

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JUDGMENT has been reserved by the Appeal Court in Bloemfontein in the appeals by Oupa Alex Seheri of Soweto, against the finding that there was no extenuation for two murders, and

Setimiso Buthelezi of Alexandra, against his sentence for unlawful possession of weapons.

Seheri, a trained ANC soldier, received a double death sentence from Mr Acting Justice B O'Donovan in the Local

Mrs Winnie Mandela.. Seheri collected the pistol from her home in Soweto

Supreme Court on February 3, 1989 for the murders of Mr Mlando Michael Ngubeni and Mr Xola Ashley Colen Mokaula at Zola III on the night of January 24/25, 1987.

Buthelezi, who was Zinzi Mandela's boyfriend at the time, years (one year conditionally suspended) for unlawful possession of an AK47 rifle and a Scorpion machine-pistol.

Evidence was that Seheri had fetched a Scorpion pistol from the house of Mrs Winnie Mandela and had left a AK47 rifle there

Later that night he had been involved in a shebeen brawl and the Scorpion pistol was taken from him.

He had then gone back to Mrs Mandela's home, where he fetched the AK47 and enlisted the aid of Buthelezi and other young men to help him retrieve the Scorpion

Mr I Hussain, for Seheri and Buthelezi, submitted that Seheri's childhood was characterised by a difficult relationship with his parents

He ran away from home, had fared poorly at school and left school after standard two. As an adolescent he was often violently aggressive towards friends and family, but between these

to induce a sense of shock He was a first offender, an exceptional student who was in his third year of study at University of Cape Town for a B Comm degree, and had won bursaries to further his studies

He had already spent two years in custody awaiting trial He had been refused bail and was serving his sentence

Hussain said the evidence established that Buthelezi was a guest at the house of Mrs Mandela when Seheri left the AK47 there Buthelezi had later assisted Seheri with transport when the latter wanted to recover his Scorpion pistol, and had brought the pistol back to the Mandela home so that it could be stored there temporarily

Hussain said there was no evidence that Buthelezi took possession of the weapons for his own purpose or to use them for an evil purpose - Sapa

violent outbreaks was a kind and generous person

A clinical psychologist had diagnosed Seheri as having a mixed personality disorder

A feature of his personality was his low frustration tolerance and poor ability to control his impulses The effect of alcohol exacerbated the problem

Another clinical psychologist had testified that Seheri's judgment, self-control and ability to formulate an intention at the time of the offences were significantly diminished by a well-known neurological entity, the dyscontrol syndrome

Hussain submitted that extenuation was present, with particular regard to the psychological findings

Defect

He contended the evidence established the existence of a personality defect in Seheri that would rank as an extenuating circumstance that diminished his moral blameworthiness.

Hussain submitted the trial judge erred when he held Seheri's conduct was rational and carefully directed "almost as a military operation"

He argued the judge ought to have held Seheri's conduct was irrational, unnecessary and senseless and consistent with the presence of dyscontrol syndrome

Hussain said the sentence imposed on Buthelezi was so harsh as

Stompie verdict expected on Friday

By Julienne du Toit

A dispute arose in the Rand Supreme Court yesterday about whether 14-year-old James (Stompie) Moeketsi Seipei could have died from injuries and contusions, as the State maintains, or from the three stab wounds in his neck.

The arguments for the State and the defence were heard during the trial of Jerry Vusi Musi Richardson (41) of Orlando West,

Soweto

He has pleaded not guilty to the murder of Stompie, to four charges of kidnapping and to five charges of assault with intent to do grievous bodily harm

Mr Justice R O'Donovan, aided by his two assessors, will hand down judgment on Friday.

During cross-examination last week Mr Richardson admitted to the attempted murder of Leratodi Ikaneng.

Star 22/5/90 (252)
State prosecutor Chris van Vuuren said arguments on Stompie's murder would have to rely on purely circumstantial evidence, as there were no witnesses

But he said Mr Richardson had had the time, the opportunity and the motive

"Who else would kill Stompie, a 14-year-old boy?" asked Mr van Vuuren.

He said the wounds Stompie

sustained while being assaulted could have caused his death

The court had heard that Stompie was assaulted far more seriously than the others who were taken from the Rev Paul Verryn's manse

When last seen, said Mr van Vuuren, Stompie was very ill, weak, seriously injured and could not eat

Stompie, according to witnesses, was told he was a sell-out

The State maintained Mr Richardson had played a leading part in the assaults

This was denied by the defence counsel, H Joubert

Marks

Mr Joubert said there was no way to prove Mr Richardson had stabbed Stompie

He said the marks on Mr Richardson's shoes were not necessarily blood, as State witnesses had said.

Winnie Mandela, who was not subpoenaed during the trial of Mr Richardson, although her name was mentioned several times, may appear in a forthcoming trial in which those allegedly involved with the assaults at the Mandela house in Diepkloof Extension, Soweto, may be charged.

Richardson guilty says prosecutor ²⁵²

EVIDENCE given by Mr Jerry Richardson, the accused in the Stompie Seipei murder trial, should be rejected as it was full of contradictions and he should be found guilty, the prosecution argued in the Rand Supreme Court yesterday. *Sowetan 22/5/90*

The former Mandela United Football Club coach, Richardson (41), has pleaded not guilty of murdering Stompie Mooketsi Seipei (14), or of the attempted murder of a Soweto man, Mr Andrew Ikaneng, kidnapping and assault with intent to do grievous bodily harm.

The prosecutor, Mr LCJ van Vuuren, has not yet dealt with the murder charge in his argument, but yesterday told the court Richardson should be convicted on the four kidnapping charges and of attempting to murder Ikaneng, as well as the five counts of assault.

The State alleges Richardson murdered Stompie, kidnapped four young men from a Soweto Methodist Church and took them to Mrs Winnie Mandela's home.

23/9/92

The Goldstone Commission



Handwritten notes and scribbles, including the number 252.

I made 2 false statements, policeman admits

By Melody McDougall, Vereeniging Bureau

A Vereeniging Security Branch policeman yesterday admitted before the Goldstone Commission of Inquiry that he had made two false statements in connection with certain occurrences at the Sebokeng Shootings on March 26, in which several people were killed and many injured.

However, Warrant Officer Kalman Csajaghy, told the commission, chaired by Mr Justice R G Goldstone, he was unable to explain why he had done so

The issue was raised under cross-examination by George Bizos SC, representing relatives of 12 dead people and the injured, when the policeman was called to the witness stand to testify yesterday.

It was revealed that Warrant Officer Csajaghy had initially made a sworn statement shortly after the shooting in which he made no mention of stones being thrown at a police line-up near the Sondela Brewery in Sebokeng on the day. He also did not mention seeing a group of demonstrators storm the police.

Second statement

At a later stage — he could not remember when — he made a second statement, in which he said he had seen the stone-throwing and storming incidents himself.

But yesterday he said he had not personally seen the incidents, but had heard of them from someone afterwards

Asked by Mr Bizos why he had made two false statements Warrant Officer Csajaghy replied "I do not know about this"

Asked by Mr Justice Goldstone how he could say this, he stated "I don't know. A person is a person" ('n mens is maar 'n mens)

Minutes later Mr Bizos asked the commission to note that Warrant Officer Csajaghy had had a grin on his face while being led through his evidence by Johan du Toit and during the last part of cross examination.

(Earlier in the hearing the witness denied allegations by a photographer of The Star, Hebert Mabuza, that he had heard laughter from people in civilian clothing behind a police line-up which he assumed included security policemen, immediately after fire was opened on the crowd. From evidence led yesterday, it emerged Warrant Officer Csajaghy was part of a group of security police in plain clothes standing behind the line-up)

Shots were fired

Giving evidence yesterday, another policeman, Constable Andries Potgieter, told the commission he was in a police line-up near the Sondela Brewery on March 26 when stones were hurled at the police from the crowd. Shortly afterwards he heard shots being fired. He did not know who fired the first shot, but moments later he himself fired three rounds of bird-shot at the crowd.

"I opened fire to drive back the crowd because I felt our (police) lives were in danger"

He said that before the shooting, marshals had formed a human chain to prevent the crowd from surging forward, but "more than five people had burst through" towards the police line-up. At that stage the masses had a threatening attitude and sang songs that they were going to "hit the police".

● The shooting occurred after a UDF gathering which, apparently, had intended marching to Vereeniging, was halted by police in the township on March 26. The proposed march was banned by both the Vereeniging Town Council and the local chief magistrate.

Hattingh asked Botes if he was aware that by talking to the Press, he had leaked military information. Botes argued that the CCB was not military at the time "The

Botes had an argument shortly before the bombing incident. Botes claims that Verster threatened him with death at the time.

SA bishop to receive human rights award

SA INSTITUTE of Race Relations President and Methodist Church of Southern Africa presiding bishop the Rev Stanley Mogoba will receive the 1990 Foundation for Freedom and Human Rights Award, it was announced yesterday.

He was chosen for his "inspired initiatives and distinguished contribution in creating an atmosphere of reconciliation and in building bridges between the different ethnic and political groups in SA".

DANIEL FELDMAN

"I consider my contribution to have simply been a responsibility which I had no choice but to exercise", Mogoba said.

The annual award, presented in November in Berne, Switzerland, has honoured the Tibetan Dalai Lama, Russian scientist Crodin Lubarsky, British musician Sir Yehudi Menuhin and Egyptian Foreign Affairs Minister Boutros Boutros-Ghali.

There are two sets of clues, but the answers are the same.

Handwritten notes: 252, 15/12, 15/12, 15/12

Hearing is told many knew of spy network

WILSON ZWANE

THE Hiemstra Commission heard yesterday that "many knew" about the spying activities of the Johannesburg City Council's security department.

Taking the stand for the third time before the commission, deputy security director Frik Barnard said other local authorities, security forces and private individuals were aware of the department's activities.

He also assumed management committee members Jan Burger and Cecil Long had known about some of the activities.

He could not say if other management committee members had known about the spying network.

He had thought it was former management committee chairman Danie Van Zyl's duty to inform other members about the network, Barnard said.

When asked by his counsel, Advocate S van Nieuwenhuizen SC, if councillors knew the monitoring of organisations like the Five Freedoms Forum (FFF), Cosatu, UDF and its affiliates, the Johannes-

burg Democratic Action Committee (Jodac) and End Conscription Campaign (ECC) would "dirty their hands", he said it was possible they knew.

During cross-examination by Advocate Nic van der Walt for the city council, Barnard said Van Zyl had been on a "frolic of his own" when he told the security department to spy on city councillor Pat Rogers.

He said he found it strange that a city councillor would want information on another member.

Asked by SADF counsel advocate André Roux if the SADF had assigned his department to spy on anti-apartheid groups and persons, he said no assignment was given.

There had, however, been an exchange of information between the SADF and the city council.

He denied he had been a major in Military Intelligence, but said he had been an Army Intelligence major.

The hearing continues.

NATAL UNREST DEATHS

September 1987 — January 1989:	668
February 1989 — May 21 1990:	1 000
Past 24 hours' official toll:	4
TOTAL:	1 672

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Legal structures 'must change to regain legitimacy'

The Argus Correspondent
DURBAN — The structure of the legal profession must be changed if it is to regain its legitimacy and represent all South Africans, says the dean of the law faculty at the University of Natal

Professor David McQuoid-Mason said that of about 8 000 lawyers probably more than 80 percent were white and less than five percent black. The judiciary in the superior courts was all white.

The repeal of apartheid legislation would help restore the legitimacy of the legal system, but if the legal profession and the judiciary were to have credibility it was necessary to change their composition to reflect the broader South African community, he said.

Speaking at the 13th South African law conference, Professor McQuoid-Mason said some form of land redistribu-

tion was necessary if the "new South Africa" was to correct social, economic and educational imbalances.

The ANC's Freedom Charter wanted the land to be re-divided among those who worked it. It also stated that "all shall have the right to occupy land wherever they choose", he said.

He said the law commission recognised the need of the state to be able to expropriate property and the means of production against fair compensation and that the "objects of affirmative action" should be allowed to be taken into account when exercising such expropriation powers.

The commission described affirmative action as a remedy for the "continuing consequence of past wrongs and the future consequence of present wrongs".

It felt an affirmative action clause could be included in a

Bill of Rights but that it should be permissive rather than mandatory.

"In social, health and educational services in South Africa the minority white population has enjoyed a much higher per capita level of resources allocation than other race groups.

"Likewise, probably 90 percent of capital and economic wealth is controlled by the whites. As regards the public service, almost one in four working whites are employed in the public and parastatal sector.

"Furthermore, since 1948 there has been an Afrikanerisation of the public service, police force, Defence Force and Prisons Service with almost all the top positions being held by Afrikaners.

"In a new nonracial South Africa these imbalances will have to be corrected," Professor McQuoid-Mason said.

Call for blacks to play a role in law

DURBAN — Black people had to take a meaningful part in the administration and application of the law in SA if it was to regain the respect of the majority of the community.

This was said by attorney and Black Lawyers' Association director Justice Bakone Moloto at the 13th SA Law Conference in Durban yesterday.

Moloto said the political situation in SA as well as the entire socio-economic setting had to be radically changed to alter the negative perspective the black community had of legal practice.

"The legislature, various government departments, the offices of the masters of the Supreme Court, deed offices, the judiciary — both in the superior and lower courts — commerce and industry and law societies are a few examples of areas in which black lawyers ought to be employed," he said.

SUSAN RUSSELL

Moloto said blacks also had to take a meaningful part in making the laws that governed them.

They would then be in a position to bring their own value system and ethos to impact on the law and would respect it instead of hate it, he said.

When the practice of law was not seen as an instrument of oppression but as one of development and advancement, he said, there would not be a different black perspective of legal practice but a single one shared by the entire community.

"If we accept that in civilised communities it was never the purpose of law to subjugate the community but to regulate behaviour to ensure order and advanced development, then we must change the way we have organised our profession," Moloto said.

B/Daw 23/5/70

Public interest law shows the way

DURBAN — The growth in public interest law in SA had kindled a respect for the non-violent resolution of conflict, former Durban Legal Resources director Chris Nicholson said yesterday.

Speaking at the 13th SA Law Conference in Durban Nicholson, a lecturer at Natal University, said public interest law had served a very important sociological function.

"There is no doubt that clients who are not able to obtain a resolution to their problems in the courts often harbour resentment and sometimes take the law into their own hands.

"The growth of public in-

SUSAN RUSSELL

terest law has kindled a respect for the non-violent resolution of conflict.

"The utilisation of the court structure and other dispute-regulating machinery for the resolution of conflict at various levels must lead to a restoration of respect for the law in circumstances where large sectors of our society have lost faith and hope in the police and the courts."

Nicholson also called for more resources and lawyers to handle public interest cases.

"Only the politically naive or intransigently con-

servative and stupid would not acknowledge the total imbalance of fundamental rights and economic and social advantages in SA today. If public interest law is to adequately address our problems then litigation must be undertaken which looks at those deprived of fundamental rights and economic advantages," he said.

"The government expenditure on legal aid is at present some R17m for the current financial year which is grossly inadequate. It is essential to entice and harness the profession to assist in serving clients who cannot afford lawyers."

B/Daw 23/5/70

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CCB wanted to buy island, inquiry told

CIVIL Co-operation Bureau (CCB) MD Joe Verster allegedly ordered that an Indian Ocean island be bought for the organisation.

In cross-examination before the Harms Commission of inquiry into politically motivated murders yesterday, former CCB Region 2 co-ordinator Pieter Botes said he had paid an unidentified man to investigate development possibilities of the island located off the Mozambique coast.

Botes initially said this was part of a cover business or "blue plan" operation. He later confirmed that it was actually part of a covert military or "red plan" project

LINDEN BIRNS

According to Botes the order had, "in effect", come from Verster

Botes also told the commission that reports about CCB operations in the past two editions of Vrye Weekblad contained crucial factual errors but he had not asked for corrections to be made

When asked why he had spoken to Vrye Weekblad, Botes said he had chosen it specifically "because they take a neutral stand-point in their reports".

It was also established that Botes made a claim of almost R2m against the CCB for

services rendered by himself and agents under his control. Included in this amount was a claim of R751 401 for five years' salary in advance.

The commission was told Botes kept possession of CCB documents for bartering power should his claim not be met

"Gen (Eddie) Webb paid me a portion of my claim (R22 421), then referred me to the legal department as he could not handle the claims for payment of my agents," said Botes. "I still have not spoken to them though," he added

□ To Page 2

Island

Advocate Flip Hattingh for the CCB put it that Botes had issued an ultimatum for payment, failing which he would go to the Press. Botes denied the allegation

On two occasions during cross-examination Mr Justice Louis Harms reprimanded Botes for revealing the real names of CCB agents

Hattingh asked Botes if he was aware that by talking to the Press, he had leaked military information. Botes argued that the CCB was not military at the time "The

CCB was so covert it was civilian," he said. Advocate Willem Burger for the SADF confirmed that Botes had contravened the law on disclosing official information

Today the commission will be presented with a list of errors in the Vrye Weekblad reports, as well as receipts for repairs to Botes's office which was bombed last August. Last week Verster said he and Botes had an argument shortly before the bombing incident. Botes claims that Verster threatened him with death at the time

□ From Page 1

Mandela: Winnie defenceless

ALAN FINE

WINNIE Mandela's reputation was being besmirched in a case revolving around her but in which she was not the accused so had no opportunity to defend herself, ANC deputy president Nelson Mandela said yesterday.

"This is an inappropriate way of handling judicial proceedings," Mandela said at a media conference after his return from a seven-nation tour of African states.

He said he believed government had deliberately created a situation where the Press was judging his wife while she was unable to defend herself.

He confirmed evidence led in the case where Jerry Richardson is charged with the murder of teenager Stompie Seipei and other offences that his wife had been advised not to consult defence attorneys.

This was because it would be inadvisable to make statements on matters which could possibly be the subject of later charges against her. Asked whether he thought his wife should be charged, Mandela said "It is not for me to tell the government what to do."

Mandela said his trip had succeeded beyond expectations in terms of the warm

manner in which he had been welcomed everywhere, and the material support offered to the ANC. He declined to give detail of the material support.

Mandela answered questions on several developments since his departure two weeks ago. (252)

He said he had received no information to back the widespread assumptions that President F W de Klerk had made any concrete breakthrough against European sanctions on SA.

Referring to the Welkom situation, Mandela said every massacre made the creation of an atmosphere for negotiation more difficult, and if such events were repeated the ANC would have to reconsider whether it was possible to go ahead with talks.

On the Natal violence, Mandela said government had the capacity to end it but was using it to try and "crush" the ANC and its allies. However, he did not question De Klerk's integrity and thought it may be precisely such problems De Klerk was trying to straighten out.

'Full council approved monitoring'

By Louise Burgers

Johannesburg city councillors must have been aware of the monitoring activities of its security department and of liaison with national intelligence, as those functions were included in a document approved by the full council in 1983, Frik Barnard said yesterday

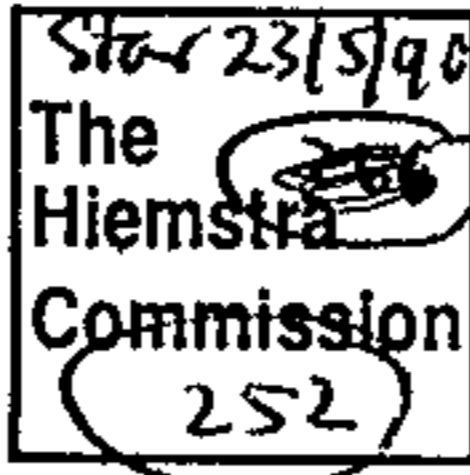
Mentioned in the document was liaison with all State, municipal and national security bodies, screening of personnel, protective services including security-risk analysis, and research of security aids such as bugging devices, the deputy security director said

Referring to screening of personnel, Solly von Niewenhauzen, for Mr Barnard, said anyone with imagination could have known what was envisaged. "Now it's political. It is easy to claim no knowledge of the activities, but it should have been obvious to anyone that someone would have had to get their hands dirty to fulfil the monitoring functions," said Mr von Niewenhauzen.

Mr Barnard agreed that "anyone" could have realised what was going on

Yesterday he clarified his position in the Defence Force. He said he was a member of Army Intelligence, not Military Intelligence. He was a Citizen Force major and had never been a member of the Permanent Force, though he had received promotion twice in the army while employed at the city council

Liaison with the council security department began in 1984 with the protection of national key points, the provision of council security at military parades in the city and at information seminars, on a social



basis and with the exchange of information

He emphasised that the security department was not a military organisation "We worked with them, but it stopped there."

Mr Barnard said there was nothing sinister in meetings between the city council, the military and the owners of national key points such as the SABC, the Post Office, AECI, the Transvaal Provincial Administration, Eskom, Rand Water Board and others

When questioned by A Roux, for the SADF, about the ground-plans the military had regularly requested, Mr Barnard said it was possible that copies had also gone to the Security Police

When asked whether it was not possible that the SADF needed the plans for protecting important people, mapping out alternative routes, setting up medical points and mapping out parades, Mr Barnard said he knew of no parades in Yeoville.

In earlier evidence, the commission heard that the SADF had been regularly supplied with ground plans of properties in Johannesburg. A Yeoville house, monitored by the council, was torched in January 1989

Mr Barnard took the stand for the third time before Mr Justice V G Hiemstra, investigating The Star's disclosures of a spy network in the council.

He agreed with Nic van der Walt, for the city council, that the late chairman of the management committee, Danie van Zyl, had been on a "frolic of his own" when he ordered the security department to spy on former opposition councillor Pat Rogers.

● Hans Bornman, legal representative for spy handler Martin Hennig, was referred to the Bar Council two weeks ago in connection with Mr Hennig's refusal to answer questions relating to his military career. Mr Bornman has been exonerated of any misconduct

Undercover police cleared of 4 deaths

Own Correspondent

DURBAN — A Durban magistrate found yesterday that four undercover policemen, who shot dead four men in Chesterville in June 1986, had acted in self-defence

Presiding over the inquest, the magistrate, B J Olivier, found that the under-cover policemen arrived in Durban on June 20 that year to infiltrate an ANC cell in Chesterville

They made contact with a comrade in a shebeen and pretended to be ANC terrorists

They went to a nearby shack where they met the four deceased, Russell Mngomezulu (23), Mutuwenkosi Khanyile (24), Joseph Thembu (20) and Sandile Khawala (23) and others

Grenades

Among them was a Charles Ngcobo who, according to the undercover group's information, was in possession of an AK47 and hand grenades

The policemen thought the group had believed that they were terrorists

They left to get help in arresting the residents of the shack

As they left a shot was fired from the shack

The police knew they were

dealing with potentially dangerous people, possibly trained terrorists

Mr Olivier said he believed that when the first shot was fired, the policemen — also highly trained — acted instinctively in firing at the shack

They did not know how many people were firing or if more than one shot had been fired at them. They did not know what type of weapons were being used against them

The policemen were using automatic weapons and in the circumstances their firing of 67 to 88 shots was not unreasonable

After the shooting the policemen reported the incident to the local police station

Mr Olivier said there had been suggestions that this was a hit-squad operation

The policemen could not have been identified by the people in the shack and could simply have returned to their base at Vlakplaas. Instead they had reported to the police

They did not return to the shack to find out if there were survivors, or take any action to kill them

The magistrate said "If this was a hit squad with instructions to kill, then all I can say is that the police or the persons or-

ganising the hit squads were a bunch of fools"

Mr Olivier said one person in the shack was seriously injured, and another man was miraculously unscathed

Mr Olivier found that the policemen thought they were under attack and acted in self-defence. He was satisfied that they had acted as any reasonable person would have done in the circumstances

Record

The magistrate said if he understood G Penzhorn, for the families, he was obliged to send a record to the Attorney-General to consider with a view to possible prosecution

Mr Olivier said he understood his duty was to properly evaluate all the evidence and to make a finding in terms of the Inquest Act

The record would in any case be sent to the Attorney-General for scrutiny

Aggrieved parties could also make representations to the Attorney-General, especially in the light of public controversy about alleged hit squads

Mr Olivier said the families of the deceased men were not the only issues at stake. Other parties were also involved

Former directors of Arontex called to give evidence

By Des Parker

DURBAN — Former directors of liquidated Durban-based Arontex Holdings and its subsidiaries — including chairman Trevor Aron — have been summoned to give evidence at an inquiry in Pietermaritzburg next week into reasons for the clothing group's failure.

The holding company and its five subsidiaries were provisionally liquidated in the Supreme Court, Pietermaritzburg, in March, with the final order being made this month.

Liabilities of the main operating firm, Lara's Manufacturing Company, have been put at about R18,6 million with realisable assets of about R4 million.

Attorney Payl Wiener of Werksmans, who is representing the liquidators of the four subsidiary companies, said the three-day inquiry was being held in an attempt to discover

reasons for the companies' liquidation, why liabilities were so high and to investigate the securities held by the various major creditors.

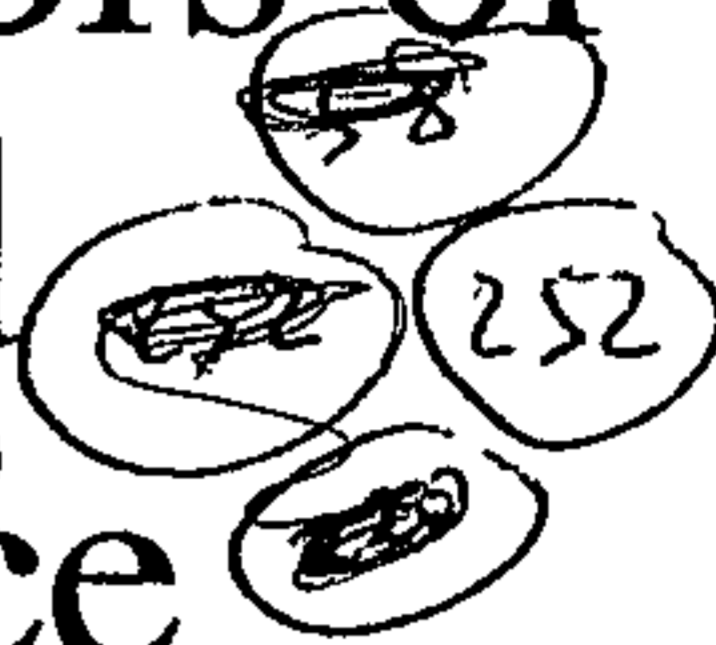
It also would attempt to reconcile the financial affairs of the various companies, as well as try to ascertain the movements of some of the stock.

In addition to Mr Aron, subpoenaed witnesses included former financial director Alan Gisham and company drivers who were being called to try to resolve the stock question.

Lloyd Spendiff of Ernst and Young Trust, joint liquidator of Lara's, said a number of offers had been received for the business.

However, it was to be put up for auction with remaining moveable assets in Durban on June 11 to try to obtain better prices.

Star 24/5/90



'SA system unjustly administered'

Stu 24/5/90
By Cathy Stagg 252

DURBAN — The difference between law in Commonwealth Africa and in South Africa, Mr Justice McNally of Zimbabwe said yesterday, was that "we have a just system somewhat inefficiently administered, you have an efficient system somewhat unjustly administered"

In a paper delivered at the 13th South African Law Conference, Mr Justice McNally said "In my view the existence of a Bill of Rights brings the legal profession to life

"Judges in South Africa are necessarily detached from the realities of the country's life because of your structure. Some judges are struggling to become involved but are compelled by the constitutional structure to

spend their time solving legal cross-word puzzles"

He said judges in the rest of Africa were involved in the lives and problems of their communities "Our job is not an easy one, but our judges are writing in the history books while yours are writing in the law reports"

He noted that of the 17 jurisdictions which made up Commonwealth Africa, 10 had an English law background, five in the Roman-Dutch group had a strong English influence and two with a French legal background had judges from the English law tradition

Judge McNally said he hoped when South Africa rejoined the Commonwealth, it could help solve some of the financial prob-

lems facing other countries

"Most countries in Commonwealth Africa have a Bill of Rights entrenched in the Constitution. Our judiciaries are in theory more independent than yours because the principle of the separation of powers and our role as guardians of the constitution and of individual human rights are enshrined in our constitutions. At the same time, judicial independence in Commonwealth Africa is, in practice, limited by constraints

One such constraint was the slender thread by which judicial independence hung in countries where the executive was insecure and liable to react arbitrarily to too much assertiveness on the part of the judiciary

Star 24/5/90 (252)

We could have stopped mine attack — spy chief

The
Hiemstra
Commission



By Louise Burgers

Intelligence mastermind Frik Barnard believed a limpet mine attack on a power station in Johannesburg in February this year could have been prevented had the spy network still been in operation.

Mr. Barnard, deputy director of the Johannesburg City Council security department, yesterday ended his testimony before the Hiemstra Commission after five days in the witness box.

He told the commission: "If our information system was still in operation, we could have prevented such a sabotage attack."

Mr. Barnard denied a suggestion by Denis Fine, SC, for the commission, that he had been ordered by the Defence Force to infiltrate the End Conscription Campaign.

Destroy documents

It emerged yesterday that spy handler Martin Hennig and another security employee Sonet Liebenberg had been present when a suggestion was made to destroy documents in Mr. Hennig's safe. Mr. Barnard said he thought Mr. Hennig had made the suggestion, but he had not agreed because the commission had subpoenaed the documents.

Mr. Barnard denied he was ever a member of the Civil Co-operation Bureau or that he knew about a military team, which key witness Hannes Gouws claimed he belonged to and which carried out attacks, allegedly at the instruction of a military major.

The commission resumes on June 4. All witnesses will probably be dealt with in a week, whereafter the eight legal teams will begin argument.

Sebokeng inquiry told how chain reaction was sparked

First shot fired 'out of fear'

Star 24/5/90

252

By Melody McDougall

A member of the SAP's Krugersdorp Reaction Unit yesterday admitted before the Goldstone Commission of Inquiry that he had accidentally fired the first shot at the Sebokeng shootings on March 26 "out of anxiety and a fear reflex".

Constable Sean van Rhyn said he was shocked after the shooting, which caused a chain reaction when his colleagues opened fire on the 50 000-strong crowd in the township that day.

However, he told the commission he had reloaded his stopper and fired two more shots seconds after the main bursts of fire.

From evidence led so far, it appears at least five people died in the incident.

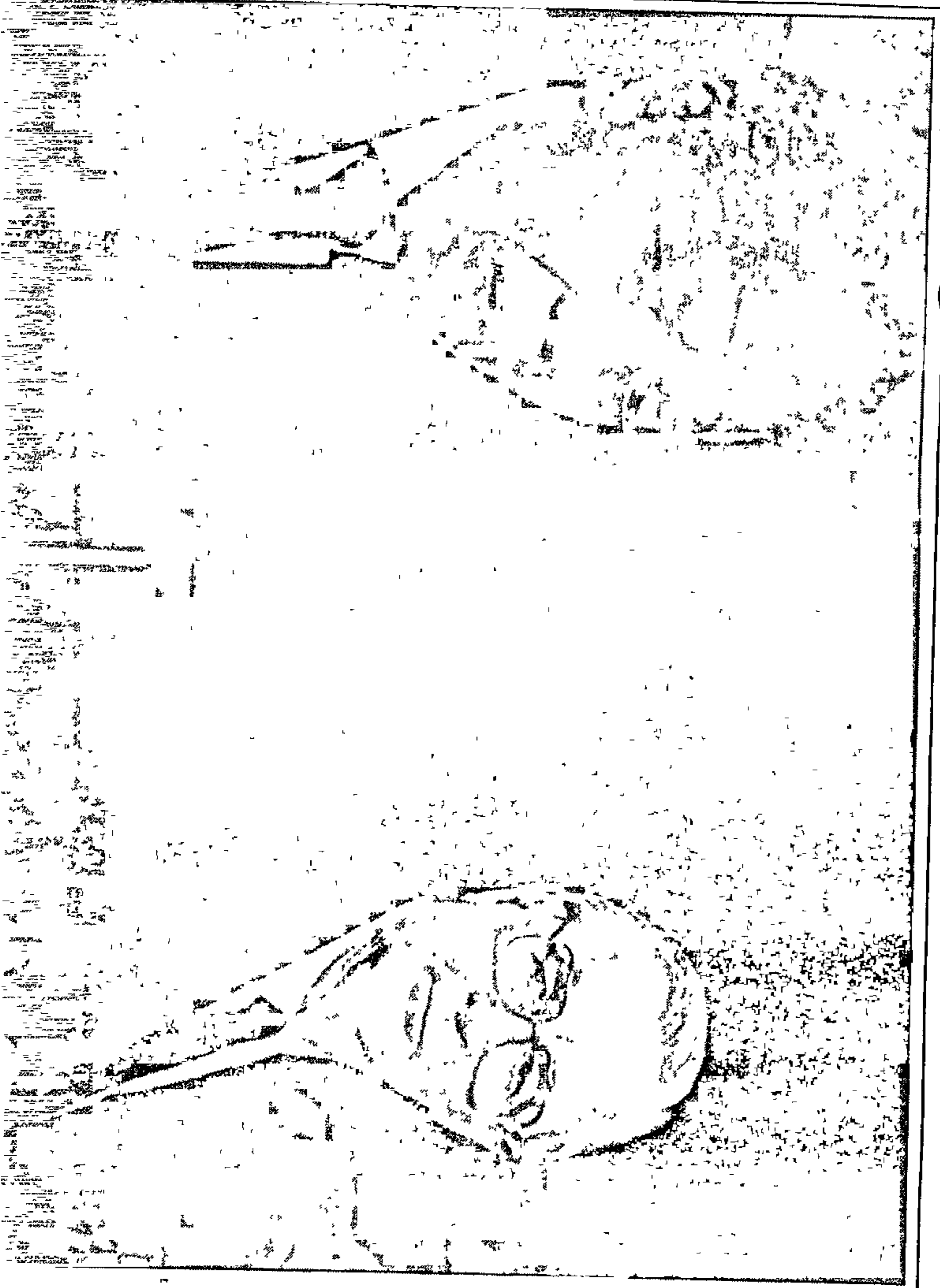
Allegations that Constable van Rhyn fired the first shot in Sebokeng were made yesterday for the first time in the hearing by another witness, Special Constable Molshawo Ouyun Mhaboko.

According to Constable Mhaboko, he was afraid to come forward with this information sooner because he was afraid he would be "expelled" if he said something his seniors did not like.

In his testimony before Mr Justice R G Goldstone yesterday, it emerged that Constable van Rhyn had never made a statement about the shootings.

He said yesterday that he had been part of a police line-up near the Sonda Brewery in Sebokeng, which prevented a UDF gathering from marching to the National Party offices in Vereeniging.

The gathering was about 25 m to



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In his testimony before Mr Justice R G Goldstone yesterday, it emerged that Constable van Rhyn had never made a statement about the shootings.

He said yesterday that he had been part of a police line-up near the Sondela Brewery in Sebokeng, which prevented a UDF gathering from marching to the National Party offices in Vereeniging.

The gathering was about 25 m to 30 m from the police when some members of the crowd started flanking out to the sides as if they were going to surround the police. These flanks were, however, halted by police vehicles.

Fired spontaneously

Constable van Rhyn said that while the middle section of the gathering continued to come nearer he saw a stone flying over his head.

"Then a shot went off. It was probably fired by me, because I had my finger on the trigger of the stopper all the time. Other policemen then started firing spontaneously," he said. "I didn't really mean to shoot, it was an accident."

Afterwards he heard a command to stop firing, and the crowds turned around and started running away.

He said he never reported to the commanding officer that he had fired the first shot because he did not think it necessary as he had fired with a stopper, while the other policemen had used shotguns.

Constable van Rhyn said he was very nervous that morning as a result of other incidents in the Vaal Triangle townships. Half an hour before in neighbouring Evaton he had been hit on the back by a stone.

Asked by Mr du Toit when he had actually realised he was the person who fired the first shot, he said he couldn't remember. But it had bothered him ever since that day.

During cross examination George Bizos SC, representing families of 12 dead people and the injured, asked if it was not true that the constable had decided to admit firing the first shot only after hearing that a special constable had come forward and made a statement on Tuesday night. He replied "That was the final point which convinced me."

The Goldstone Commission is investigating the circumstances of all incidents in the Vaal Triangle townships on March 26.

Hope for a 'moral'

"The approach of the courts" is an amorphous concept, difficult to ascertain with any precision, since each case depends on the approach of the individual judge.

The judiciary is not monolithic and I think it may be misleading to generalise. In particular, judges have views personal to themselves regarding the propriety or otherwise of the prevailing system of government and the way in which that government treats its subjects (which, incidentally, I understand to be "political morality")

It will probably come as a surprise to most people that a judge's personal views, as opposed to his legal knowledge, will influence and often be reflected in his judgments. Lawyers, however, know the situation to be so.

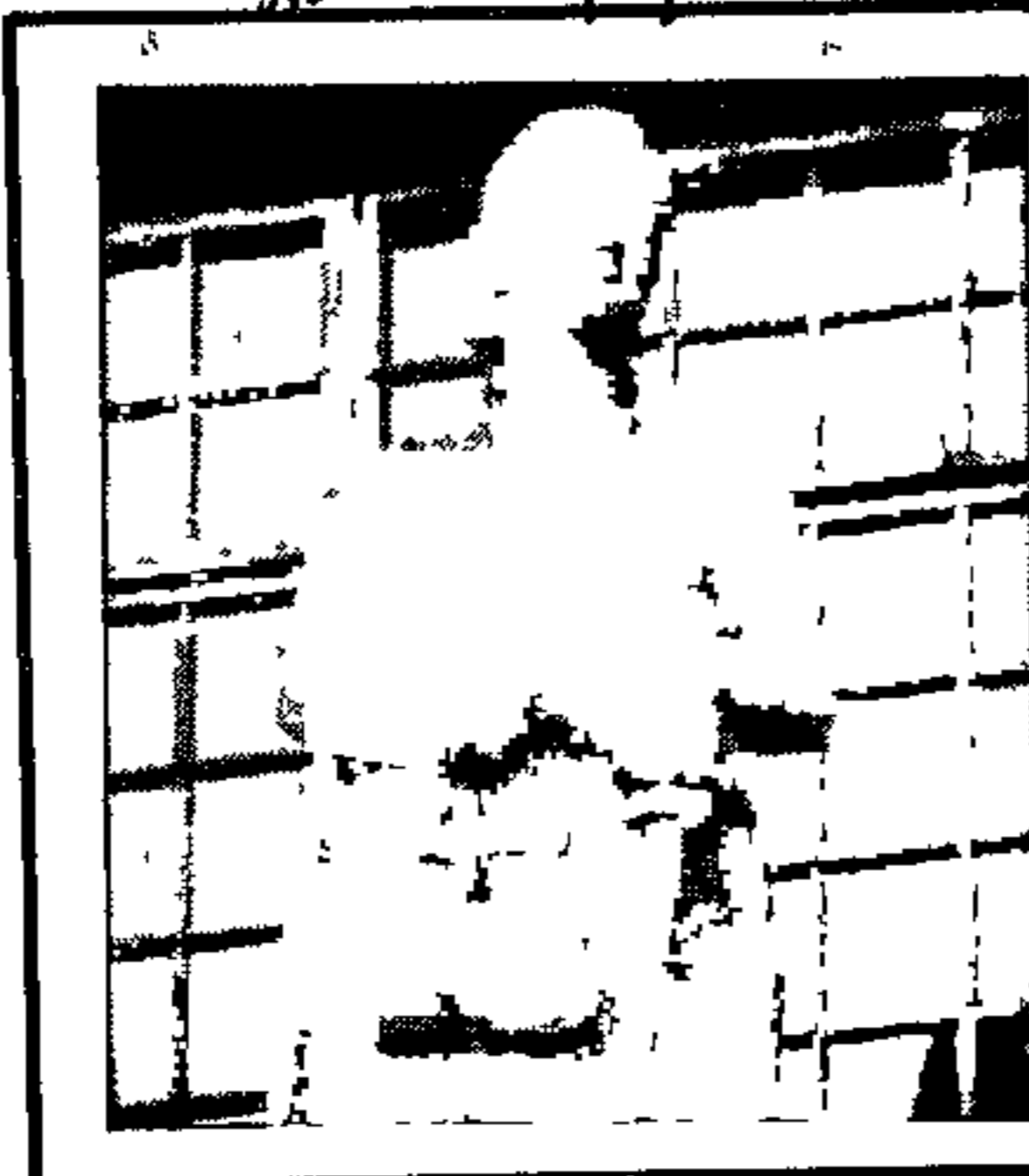
I start from the premise, which I believe to be true, that for many years most of our judges have been men whose approach to matters political was generally supportive of the establishment

In *S v Adams* 1981 (1) SA 187 (AD) the Appellate Division dealt with the case of an Indian who, due to the acute shortage of houses in Indian group areas on the Witwatersrand, had moved, with his wife and child, into a flat in a "white area"

The defence raised on behalf of the accused was that of necessity, it being contended that the Group Areas Act had created a situation in which he had been forced to live in a rat-infested hovel before he found the forbidden accommodation which itself was in one of the less salubrious suburbs of white Johannesburg

It was submitted by counsel that should the appeal not be upheld, the least the court could do was to state what it thought about a statute which had brought such humiliation and suffering to so many people. This suggestion was dismissed by a derisive backward wave of the Chief Justice's hand accompanied by the exclamation "Ag".

In a recent speech Corbett C J articulated his personal credo as be-



lieving "firmly in the importance of the liberty of the individual — in the importance of Human Rights" — and reiterated the need for a Bill of Rights, "not as a panacea for everything, not as an infallible guarantee, but as something which articulates the ideals to be striven for and which may perhaps become a formidable bastion for individual freedom" (Consultus, Vol. 2, p. 78)

Disparate views held by judges must inevitably affect the outcome of cases in which political morality is considered. It is for this reason that the outcome of such cases is obviously unpredictable and it becomes very difficult, for laymen particularly, to understand why similar facts often do not lead to similar judgments

It is nonetheless an interesting exercise to examine a few recent judgments to ascertain whether judicial pronouncements are keeping pace with the changes in the thinking and approach of politicians which bring with them changes in political morality in the country

Professor Dennis Davis, in an article on the Delmas treason trial, points out that "the political demise of P W Botha and the seurocrats hastened the collapse of the total onslaught theory which so dominated the Delmas trial" He goes on to

Recent judgments in South African courts have raised the hope that decisions henceforth will "reflect the moral standards of a civilised society rather than a slavish implementation of legislation which reflects the philosophy of the government of the day", according to **JULES BROWDE SC** in these excerpts from his address to the 13th South African Law conference in Durban this week.

show how several findings of a political nature of Van Dijkhorst J, adverse to the accused, were, within a very short time, to be proved to be invalid.

The *State v Mayekiso & Others* (WLD 1989 April 24) appears to have escaped the acrimonious atmosphere of the Delmas trial. The case concerned five accused who were charged with treason arising from events in Alexandra township during 1985 and 1986

It is unnecessary for the purposes of this paper to adumbrate upon the judge's exhaustive analysis of the evidence, but what he said in conclusion in acquitting the accused is, I think, a milestone in judicial pronouncement on political morality in this country — certainly in what we refer to as political trials. Van der Walt J said

"It is a matter for comment and concern that so much energy and time was spent in the course of this trial on evidence made necessary and relevant by the charge of treason which has proved abortive

"Treason is a crime in a very special category. Where the ideas and political aspirations of those charged are part of the issue — in this very strange and complex society of ours as set out at the begin-

JUDICIARY

ning of this judgment — and given the spectrum of the politics of our citizens from black to white and from far left to far right — with their grievances and aspirations — in most cases legitimate, and the often intemperate and exaggerated language and liberally spiced with current political clichés, most of the citizens just striving for a better South Africa — a charge of treason should be very carefully considered and reconsidered before it is brought before the court"

Shortly after the judgment of Van der Walt J, De Klerk J in the *State v Obed Masina & Others* adopted a rare approach to young blacks who had left South Africa to be trained to participate in the ANC's "armed struggle". The learned judge sitting with two assessors had found the accused guilty of murder. While the assessors found there were no extenuating circumstances De Klerk J found there were

De Klerk J found that as a result of the perceived injustices over many years, the ANC went over — as a last resort — to the armed struggle. It believed the Government had ignored its repeated requests to solve by negotiation the problems arising from their oppression.

This judgment, perhaps more than any other that I have come across, illustrates a foundation for the hope earlier expressed, namely, that more and more judgments will henceforth reflect the moral standards of a civilised society rather than a slavish implementation of legislation which reflects the philosophy of the government of the day

It is obviously impossible to deal with all relevant cases, but I feel I should record that it seems that more and more judges across the country are indeed commenting adversely on inroads into basic human rights and there is an increasing number of judgments similar in tone to the few isolated decisions which in the past emanated only from those few judges, particularly from the Natal Bench

(252)
**Judge lauds
bill of rights**

By Susan Russell
2/15/90
SUSAN RUSSELL

DURBAN — Human rights were the instrument with which the judiciary in any country did justice to the majority of the people, Zimbabwe's recently retired Chief Justice Enoch Dumbutshena said this week.

He was addressing delegates at the 13th SA Law Conference on the relationship between an independent judiciary and government.

A constitution with a bill of rights strengthened the independence of the judiciary, he said.

He cited the recent conflict between the judiciary and the speaker of Zimbabwe's House of Assembly over an appeal court ruling which upheld Ian Smith's right to receive his parliamentary salary as an MP.

This, the judge said, had established the supremacy of the judiciary in the public mind

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Judicial redress 'vital to defend economic rights'

SUSAN RUSSELL

DURBAN — The right to judicial redress where economic rights were in jeopardy was a crucial concomitant of the right to participate in the economy, Competition Board chairman Pierre Brooks told delegates to the 13th SA Law conference on Wednesday.

In a paper titled *The Role of the Law in Economic Development and Growth*, Brooks said the finest legal system was of little use if litigants could not afford to mount an effective challenge against a wrong-doer.

"At a time when we, like the countries of Eastern Europe, stand on a the threshold of momentous change, it seems strange that the legal profession in SA has not, either in sufficient numbers or with sufficient courage and vision, been prepared to subject the rules governing it to close objective scrutiny," he said

"Until such time as the two branches of the profession do so openly and honestly and come up with meaningful suggestions for reform, they will not be able to complain if they are perceived as an obstacle to effective participation in the SA economy rather than facilitators."

Brooks said while it was unrealistic to expect a government to ensure every citizen had a job it was incumbent upon it to see that legal impediments obstructing prospective employees or employers were removed.

Brooks said removing statutory discrimination would not immediately solve all the problems relating to black participation in the economy

It was necessary to distinguish between negative legal constraints which hampered economic growth and those necessary to limit abuse of the environment and the exploitation of participants in the economy.

1252 10/12/25/1970

Officer: Death threats made against police

"TODAY we will kill you policemen, because we want Mandela's policemen now," was the slogan heard by Warrant Officer Gabriel Johannes van der Lith of the Sebokeng municipal police on the morning of the shooting on March 26.

Van der Lith told the Goldstone Commission into the violence that demonstrators frequently shouted this slogan at him in Sotho — which he spoke fluently — while he patrolled that day.

The commission, chaired by Mr Justice R J Goldstone, is urgently investigating the circumstances relating to incidents on March 26 at Sebokeng, Boipatong, Sharpeville and Evaton in which at least 12 people were killed and about 300 injured.

The municipal policeman also described hearing the shooting in front of the Sondela brewery, seeing people fall and thousands of screaming demonstrators run away on March 26.

Van der Lith on Friday testified he believed the demonstrators meant to carry out their threats to kill policemen.

Earlier, Const Willem Joseph John van der Walt of the Krugersdorp Reaction Unit testified the crowd had appeared threatening to him.

Van der Walt said he saw stones thrown, believed the chanting, dancing crowd was going to attack the police, heard a shot nearby — and fired two rounds of potentially-lethal SSG buckshot into the crowd.

Threatened

He said he did not know which policemen had killed the five people at the Sebokeng brewery site. He denied an allegation put to him by Adv George Bizos that "your specific little group of policemen discussed plans to shoot certain people in the crowd".

Van der Walt. "We were there to maintain peace, not to make plans amongst ourselves to shoot people."

Const Gideon Johannes Jacobus Joubert of the Vereeniging Cattle Theft Unit, who fired two rounds of SSG buckshot into the crowd at Sebokeng, told the commission he "had felt so threatened I would have fired the first shot if my colleague's stopper had not fired accidentally shortly before".

"I was frightened enough as they threw stones and were closing in, and also felt it was my duty as policeman to stop this huge, uncontrollable crowd from entering Vereeniging."

He said. "We (he and the junior policemen next to him) discussed what we would do if they rushed us, and agreed that we would have to fire to protect ourselves."

The hearing continues — Sapa

CCB man 'ordered six eliminations'

B/D/uy 25/5/90

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FORMER Civil Co-operation Bureau (CCB) Region 2 co-ordinator Pieter Botes personally ordered the elimination of six people, the Harms Commission heard on Wednesday.

In cross-examination Adv Willem Burger for the SADF asked Botes to explain his view of CCB objectives

"I perceive that 'maximum disruption' includes elimination and that Region 2's objectives were the same as the rest of the CCB," said Botes

Mr Justice Louis Harms asked: "How many eliminations have you been involved in?"

Botes replied "I ordered the elimination of six people outside SA"

Botes also confirmed his allegation of a link between the CCB, National Intelligence and the Pretoria City Council

Botes told the commission the police must have known about the CCB in March 1989 Brig Floris Mostert earlier testified that the SAP only learned the CCB's actual name last December

Botes based his claim on an incident with the Security Police after an incident in Swaziland when they freed him and a colleague after he told them they were members of the CCB

The commission also tested the accuracy of reports in the last two editions of

LINDEN BIRNS

Vrye Weekblad which quoted Botes as their source

Botes claimed the newspaper misquoted him "It is speculation . maybe they got their information from another source."

Mr Justice Harms disagreed, saying "every paragraph is attributed to Botes"

A source close to Vrye Weekblad confirmed it was going to be subpoenaed in connection with its CCB reports

Botes also said he briefed Law and Order Minister Adriaan Vlok on CCB operations in Namibia, telling him they were a private organisation

They met last August when Botes went to Vlok to discuss an explosion at his business premises

"Let me get this right," said Mr Justice Harms "You told the Minister you work for the CCB, that you had just returned from a job in SWA/Namibia where you put cholera in the drinking water of Swapo refugee camps in order to disrupt the elections, and that this was done on behalf of a private organisation?"

"The Minister never registered any surprise," said Botes

"He did not offer you a medal either," replied Harms

The Commission was adjourned till Monday morning

'Fear' resulted in first shot

VEREENIGING — Krugerspark Reaction Unit Const S van Rhyn admitted before the Goldstone Commission on Wednesday he had accidentally fired the first shot in Sebokeng on March 26. (252)

Van Rhyn had been tense and nervous about the size and aggression of the 50 000-strong crowd. B/D/uy 25/5/90

Half-an-hour earlier he had to fire tearsmoke after a stone had been thrown at him when a crowd surrounded his vehicle

Before the shooting, he grew frightened and tense when the noisy crowd slowly danced closer to the police line

He had held his finger on the trigger and when a stone came flying past his head from the crowd, Van Rhyn accidentally fired his "stopper" (containing one tearsmoke projectile) He said it had been a "fear reflex"

"If the stone had struck my head, I could have died from it," he explained.

Van Rhyn admitted his first shot — fir-

ing a teargas grenade — had set off a similar chain reaction among his colleagues He reloaded his "stopper" and fired another two tearsmoke projectiles, until he heard the "stop firing" shout from commanding officer Capt Willie du Plooy.

At this scene, opposite the brewery in Sebokeng, five people died and 76 people were injured, most with bird- or buckshot pellets

The testimony came after a special constable had indicated Van Rhyn was the man who fired the first shot

Until Wednesday Van Rhyn had not told anyone of his role in the shooting He had not volunteered the information although "my conscience bothered me".

Attorneys representing families of the deceased and the victims maintain police fired unnecessarily at the crowd in front of the brewery, and the resulting injuries and deaths set off the rest of the day's rioting, looting and arson

The hearing continues — Sapa

HAMILTON RUSSELL

NATAL UNREST DEATHS

September 1987 — January 1989:	668
February 1989 — May 22 1990:	1 004
Past 48 hours' official toll:	4
TOTAL:	1 676

Rules for 'people's courts' issued by PE civic group

By JUSTICE SIGONYELA and PATRICK GOODENOUGH

AGAINST a background of acknowledged excesses and mistakes made in the past in the name of "people's courts", the Port Elizabeth People's Civic Organisation has issued guidelines for the running of street and area committees.

Street and area committees, structured along the lines of the M-plan, are re-emerging throughout the Eastern Cape after virtual inactivity in the face of the States of Emergency.

In the new political space opening up since 2 February, the structures are playing an essential role in educating "the masses" on issues ranging from non-racial local government and nationalisation to the negotiation process.

They are also stressing the importance of democratic decision-making and accountability.

At a recent street committee meetings in Motherwell, Pepco officials emphasised to newly-elected members the "organs of people's power" were not intended for criminal activity.

According to the guidelines presented at meetings throughout the townships, the committees should not handle cases such as rape, murder

and culpable homicide, but rather refer them to the authorities.

By their nature, street and area committees are far more suited to combating crime on the ground than are the police — they have eyes and ears everywhere.

During his recent visit to Uitenhage, Law and Order Minister Adrian Vlok reached an agreement with the MDM, who said its structures would help the police in their campaign against crime and violence where possible.

In the handling by committees of misdemeanours, the emphasis is shifting from punishment to re-education.

In 1985-1986, committees functioning at the time had no framework within which to operate, and it was unlikely for a committee to hand over an alleged offender to the police.

"Kangaroo courts" were known to be sentencing alleged criminals to be lashed up to 100 times for serious offences. "Collaborators" were even sentenced to death by bodies claiming to be "people's structures".

The guidelines call for land, electricity, housing and health problems to be referred to Pepco, who can refer them to the relevant progressive structures in each field.

Committees should deal with housing problems such as evictions, and act as arbitrators in disputes such as quarrels over maintenance and debts.

Sub-committees may be formed, and marshalls should begin organising at street and area committee levels.

The committees should throw their weight behind the ANC membership drive, with members joining the ANC first, so as to be able to recruit others.

Pepco's grassroots structures will liaise with the National Education Co-ordinating Committee (Nec) with regard to the provision of educational facilities, and on the question of pre-schools.

Pepco will work together with the Nec on a programme of action aimed at a uniform syllabus for pre-schools, which should be centrally supervised.

The guidelines are being widely welcomed, particularly by those who served on committees in past years.

— Pen

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TERSRAND

Is it time the judges spoke out against torture?

W/Mail 25/51 - 31/5/90

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THE rise of death squads and other "dirty tricks" departments could partly be blamed on the courts which have effectively told officials they would not be held accountable for their actions.

This was the view of human rights lawyer Tony Mathews, professor of law at Natal University, Pietermaritzburg. He told the 13th South African Law Conference it was "shameful and incredible" that judges had not denounced torture in a way that would have "reverberated" through the highest levels of government.

He quoted a case heard by the Appellate Division in which the judge noted the evidence of "a torture session in which the police broke the victim's teeth whilst attempting to extract them with a pair of pliers." The judge neither condemned nor even disapproved these actions by the police.

Mathews said reading such cases created the impression "that torture has become so commonplace it scarcely merits condemnation."

He said he did not understand why judges, who did not hesitate to condemn "other forms of uncivilised violence", said nothing about such torture.

Mathews held up the example of Zimbabwe's recently retired Chief Justice Enoch Dumbutshena who last year denounced torture "in a way both effective and dignified", in the case of South African spy Odile Harrington.

Dumbutshena expressed the court's revulsion at her torture by detailing and thereby giving publicity to the worst features of what he called "a disturbing narrative of torture". He said the conduct of the interrogators "did injustice to human decency and morality" and he took the torture into account in substantially reducing her sentence.

"Similar judicial intervention in South Africa could do much to reduce the future occurrence of this horrible practice," Mathews commented.

"Court proceedings cannot but be tainted by the regular presentation of evidence by persons who have suffered torture during interrogation."

Mathews also criticised the courts for not taking "a more assertive or interventionist line" in controlling the exercise of governmental power.

"One of the greatest ills of our present society is the virtual demise of legal accountability on the part of public officials at virtually all levels of authority."

"It is the steady and progressive breakdown of accountability which explains the modern phenomena of death squads and the full panoply of dirty tricks practised by the security forces."

"Regrettably the courts carry some measure of blame for this by sending a message to officialdom through judg-

South African judges have not spoken out against torture, even though such allegations are often made in court. Yet, the judges have not hesitated to condemn other forms of violence. As a result, large sectors of the society have lost hope in the courts, a major law conference heard this week.

By CARMEL RICKARD

ments .. that their actions will not be controlled by judicially enforced standards and meaningful rules of procedure."

Former Supreme Court judge Laurie Ackermann, now professor of law at Stellenbosch, told the *Weekly Mail* there were steps which could and should be taken immediately to counteract such abuses as torture, which did not first require major constitutional changes.

"If you take the Asean convention of South East Asia where they have contained in their constitutional guidelines



Torture allegations ... Is it time for judges to speak out?

an elaborate procedure for preventing torture. It's not just one provision which says, 'Thou shalt not torture'.

"For example you have provisions that if torture does take place in a detention centre, the officer in command has an onus — even when he was unaware of the torture — to justify why it was that the torture occurred in his command."

"There are many pro-active steps which can be taken."

"The more unsupervised detention you have, the more detention without trial, the longer the periods of detention are ... there is a direct proportion between that and the amount of personal and physical abuse and torture which you get."

"Torture is not a party political issue — everybody is against it. I feel the organised profession should devise an acceptable statute which they can place be-

fore the government and put all their weight behind it."

The former director of Durban's Legal Resources Centre, Christopher Nicholson, underscored the theme that ran through much of the conference, saying large sectors of society had lost faith and hope in the police and the courts.

Nicholson, now lecturing at the University of Natal, said legal clients unable to obtain a resolution of their problems in the courts "often harbour resentment and sometimes take the law into their own hands."

But he detected a positive development with the growth in public interest law which had "kindled a new respect for the non-violent resolution of conflict".

"The utilisation of the court structure and other dispute-regulating machinery for the resolution of conflict at various levels must lead to a restoration of respect for the law in circumstances where large sectors of our society have lost faith and hope in the police and the courts."

He said government expenditure on legal aid, some R17-million in the current financial year, was "grossly inadequate".

It was therefore essential to involve more members of the profession in public interest law work.

Another speaker, Johannesburg advocate Paul Pretorius, said the present system of legal administration was "undergoing a crisis of legitimacy" and there was a need for lawyers to examine their role in making law both "accessible and meaningful" to the poor in South Africa.

Justice Moloto, director of the Legal Education Centre of the Black Lawyers' Association, said black people had to be involved in significant numbers in "political and socio-economic positions".

"Blacks must meaningfully take part in the making of laws that govern them. They must take part also in the administration and application of that law."

"That way they can be in a position to make their own value systems and ethos impact on the law. That way, there can be hope that a body of laws understood and supported by the majority of the population will emerge. Indeed an African jurisprudence might emerge."

"But more importantly, the law may hopefully be restored to its rightful position where it is respected by the majority of the people, unlike today when it is not only disrespected but positively hated by that majority."

Other speakers said the development of "people's courts" was partly in response to the perception that the established courts had "failed the people" whose fundamental rights were not being protected by the legal system.

HOW TO KILL A LAWYER

POISONED razor blades were among the bizarre assassination methods conceived of by the Civil Co-operation Bureau, the Harms Commission heard this week.

The target for this death plot was Durban lawyer Kwenza Mlaba. Pieter Botes, a former co-ordinator of the CCB's Region Two and their arms buyer, was testifying at the commission in Pretoria this week. He said he was contacted by a handler, "Shane du Plooy" (an alias), who said he had been instructed by CCB managing director Joe Verster to terminate Mlaba.

Du Plooy had given Botes a rough draft of the assassination plan and had asked Botes to help him draft a final presentation to Verster.

Botes said he had stopped the project because his region dealt only with external operations, specifically in Swaziland and Mozambique. The project was then abandoned. The extraordinary document, which sets out how to kill a lawyer, was handed in as evidence by Botes. It reads:

Handwritten notes in Afrikaans:
(a) Bois het twee sakke met bom
(b) Die diens van die persoon moet
(c) Kennetjies vir die persoon in die
like Botes seël met, die
Belantel: (Shane persoon
nail gift in seal with

An extract from the document in which CCB members outlined a plan to kill lawyer Kwenza Mlaba

A bizarre document handed to Harms gives a step-by-step guide to murder

A scribbled document handed to the Harms Commission gives step-by-step instructions to a killer on how to track and poison a victim.
CHARLES LEONARD reports

- KE Mlaba: Reason for elimination**
1. Senior ANC member internal
 2. Has secret communication methods with external members at his disposal
 3. Handles couriers from Durban-Swaziland-Maputo
 4. Provides funds to military members for operations
 5. Involved with the UDF
- Elimination: Plan A**
1. Method, poison
 - a. Bois/Shane drive by vehicle from Jhb to Durban

- b. Accommodation organised in PMB 13.3.89
- c. 3rd Party (1 person) moves to Durban (Organises co-ordination with HQ 13.3.89. Book hotel on the North Coast)
- d. 14.3.89 Move Shane/Bois to Durban and RV (gendezvous) with 3rd person to get final approval (No telephone calls made from PMB to Pza)
- e. Bois dropped off in city centre and moves to Mlaba's office GD Centre Albert Street Durban 14.3.89
- f. Third party moves back to hotel North Coast wait at telephone.

- g. Bois sits in waiting-room to see Mlaba.
- h. Shane waits at RV
- i. As soon as Bois can see Mlaba he moves to office and talks to Mlaba about regulations for black taxis.
- a) Bois has two bags with him
- b) In the one bag is a razor still sealed and in its original container.
- c) Razor-blades for razor in original container, sealed with, treated with poison. (When person shaves the poison will be absorbed into his skin)
- d) The other bag contains the same contents.
- e) After Bois sees person, he gets up and moves to RV (One bag is left under Mlaba's table)
- f) Bois does anti-pursuit measures as he
- g) Moves to the RV, no fingerprints are left on the bags.
- h) Bois Shane RV. Move to PMB (Phone third person)
- i) All persons move to JHB

7. Persons have been detected with radios and binoculars who are trying to follow him. They moved away before the complex was locked. Person did not appear again.
 8. Previous experience showed that person regularly looks over his shoulder when he moves from place to place.
 9. Person regularly changed his sleeping place.
 10. The chances are slim that person can be murdered on the road.
 11. With all above-mentioned facts taken into account his office would be the best place to work according to planning.
 12. Maybe there could be a good liaison to find out when person is going abroad again. It could possibly be organised there. Then liaison should be maintained concerning the matter.
- NB:** Can the following vehicles be checked? Persons visited him G11 White Cressida ND302185. Vehicle gave secretary a lift. Porche MGR928T.

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Police cleared of 'Chesterville Four' killings

By CARMEL RICKARD

A SQUAD of policemen from a secret unit stationed at Vlakplaas, outside Pretoria, has been exonerated by the Chesterville inquest court of killing four Durban youths in 1986.

The squad's commanding officer, security police major Eugene de Kock, has been named in evidence to the Harms Commission as a leader of police "hit squads". The families of the four youths claimed the killings were "assassinations".

Among the members of the unit involved in the shooting were several Askaris — turned members of the African National Congress. However, the version of the police, which was accepted by the inquest magistrate, BJ Olivier, was that they had intended to arrest the youths.

Members of the unit said they attempted to infiltrate the group, but that it was dangerous as they believed the "comrades" might have weapons.

The police said before they were able to arrest the youths they heard a shot, and thinking they were under attack, returned fire, killing four youths and injuring two others.

Olivier found the police witnesses had corroborated each other in their evidence. He did not accept the argument that they had acted as a "hit squad", saying they would not have reported the incident to the police.

Olivier ruled the members of the unit thought they were under attack and acted in self defence.

The Stompie trial ends... two more will begin

THE Rand Supreme Court delivers judgement on Mandela Football Club coach Jerry Richardson today for several charges including the murder of teenage activist Stompie Seipei, but this does not mark the end of the saga — two related trials are set for next week and a third one looms.

Seven of the people incriminated during the Richardson trial — some belonging to the Mandela FC — will appear in the Soweto magistrate's court on May 29 on counts of abduction and assault with the intention to do serious bodily harm.

The seven — Xoliswa Falati, Katisa Cebekhulu, John Morgan, Sibusiso Mabuza, Falati's daughter and two others who may not be named — are accused of kidnapping Seipei, Kenny Kgase, Thabiso Mono and Gabriel Mekgwe from the Orlando West Methodist manse and beating them at

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By CASSANDRA MOODLEY

Winnie Mandela's home in Diepkloof Extension.

And Thandanani Jabulani Khubeka, who state witnesses referred to as "Gybon" in the Richardson trial, will stand accused of four charges of assault.

Khubeka was mentioned in evidence as the muscular man who kicked Stompie and swore at him after being told Stompie was a police informer. State witness Kgase recounted how Gybon said to Stompie, while kicking him, "I'm not going to use my hands — if I use my hands, I can kill you."

Winnie Mandela, wife of African National Congress deputy president Nelson Mandela, could also face charges

Mandela's home was the scene of the alleged brutal beatings. According to state witnesses, she began round one of the beatings — hitting, punching and sjambokking the boys and accusing them of sexual misconduct with Methodist minister Paul Verryn. Apparently she also accused Stompie of being a police informer.

But Richardson disputed this. He maintained that Mandela was not at her home on the dates of the alleged assaults, 29 December 1988 to 1 January 1989.

Falati claimed Mandela was at her home until the late afternoon on December 29 when they took Cebekhulu to Dr AbuBaker Asvat's Soweto surgery, and that Mandela then disappeared.

Apparently Cebekhulu had complained that he had been sexually abused by Verryn, and Mandela took

him to Asvat to be examined in this connection. But Asvat's patient card reflected that Cebekhulu had been examined on 30 December 1988.

Another defence witness testified Mandela was in Brandfort on the night of December 29.

Whatever Mandela's whereabouts on that night, why was she not called to give evidence? The question was addressed by the state and defence in their closing arguments this week.

According to the defence, Mandela family lawyer Ismail Ayob advised her not to consult with them. State prosecutor LCJ van Vuuren argued that this did not prevent Mandela from being subpoenaed by the defence.

Deputy attorney-general Jan Swanepoel said if the state had called Mandela as a witness she would either have denied the allegations or she would have conceded her involvement but asked for indemnity from prosecution, which would then have prevented the state from prosecuting her at a later stage.

Swanepoel added that the attorney-general's office would study the Richardson judgment and then assess the merit of charging Mandela.

This week the ANC deputy-president said he believed the state had deliberately created a situation where his wife was being incriminated in a trial, but because she was not the accused she was unable to defend herself.

Mandela added that it was not for him to decide whether or not his wife should be charged.

The culprit in the killings at Sebokeng: sheer panic

W/Mant 25/5-31/5/90

(252) (200)

By PHILIPPA GARSON

AFTER eight days of evidence before the Goldstone Commission into the shootings at Sebokeng on March 26, a coherent picture is emerging of why police fired on a crowd of 50 000, killing at least five and injuring 76.

This week Constable Sean van Rhyn of the Krugersdorp Reaction Unit told the court how he "accidentally" fired the first shot (a teargas grenade) in a "reflex action of fright", triggering a spontaneous reaction from the police line which then fired on the crowd for at least 10 seconds.

Van Rhyn, who admitted to reloading and firing two more rounds of teargas, said he was "tense and nervous" and when he saw a stone coming towards him he panicked.

Under cross-examination by advocate George Bizos SC, acting for relatives of 12 of the dead, Van Rhyn said he did not shout at the police to stop firing when he realised the implications of his accidental shot, because he did not think of it at the time.

He said he did not come forward to tell Captain du Plooy of the Vanderbijl Riot Unit that he fired the first shot because he was not "altogether convinced" of this fact. Although he said his conscience "had bothered him" he never made a statement. He admitted that evidence given earlier, by Special Constable Motshawao Mhaboko that he (Van Rhyn) fired

the first shot, led to his confession.

Earlier that day Mhabako testified that he had not disclosed this information before because "if I do tell (my superiors) something they don't like, I would be expelled".

Another special constable, Tomani Ratamo, admitted he fired because the other police were doing so. He said he fired at the ground 35m away because he did not want to injure people. Under cross-examination by Bizos he said he had not been told during training that shots fired onto the ground could ricochet and injure people.

The day before, a member of the Vereeniging security police, Warrant Officer Kalman Csajaghy, admitted he had not witnessed the crowd throwing stones and attempting to storm the police line, although he had made a sworn statement to this effect. He said he had only heard this version of events later.

Today, Lekoa residents will give evidence before the commission, chaired by Mr Justice R Goldstone in the Vereeniging town hall, which is to investigate and report to State President FW de Klerk on violent incidents in the Lekoa area on March 26, where at least 12 people died and 300 were injured.

Trial judgment

Sowetan 25/5/90

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JUDGMENT in the murder trial of Mr Jerry Richardson, former coach of Mandela United Football Club, is expected in the Rand Supreme Court today.

Richardson is alleged to have murdered 14-year-old activist James Stompie Seipei and attempted to murder Mr Andrew Ikaneng, a former member of the club.

He is also charged with four counts of abduction and five of assault with intent to do grievous bodily harm.

He has pleaded not guilty to all the charges but later in the trial admitted having attempted

By SONTI MASEKO

to murder Ikaneng.

Evidence led by State witnesses Mr Kenneth Kgase, Mr Thabiso Mono and Mr Pelo Mekgwe was that Stompie was taken away by Richardson after being told to write his home address on a piece of paper.

They alleged Richardson had told Stompie that he was taking him home.

That was the last time they saw Stompie, whose decomposed body was found four days later in a veld near Soweto with stab wounds in the neck.

The witnesses said they were fetched together with Stompie on December 29, 1988 from a Methodist Church manse by Richardson and taken to Mrs Winnie Mandela's house in Diepkloof Extension where they were questioned about allegations of sexual misconduct.

Stompie was accused of "selling out" four "comrades" in Parys to the police and the youths told Mr Justice R. O'Donovan of repeated assaults with fists and claps by several people at the Mandela house.

Mandela is alleged to have participated in the assaults and to have used a sjambok to beat the youths.

However, Richardson said in his evidence that Mandela was not present during the time the youths were kept at her house.

Indian father taking his wife and four children for a drive in New Delhi. It's not an unusual sight in that city, where relatively inexpensive scooters are popular for the "medium-sized family".

'We are going to kill police'

VEREENIGING — "Today we are going to kill you policemen — we want Mandela's policemen" was one of the slogans shouted at police by a Sebokeng crowd before the shootings in the township on March 26

This evidence was read yesterday by a member of Sebokeng's Municipal Police force, Warrant Officer Gabriel Johannes van der Lith, before the Goldstone Commission of Inquiry in Vereeniging

The Commission, chaired by Mr Justice RG Goldstone, is investigating circumstances of all incidents — including the Sebokeng shooting — in Vaal Triangle townships on March 26

Killed

Several people were killed and many injured during a clash between police and demonstrators that day after a 50 000-strong United Democratic Front march to Vereeniging was halted near the Sondela Brewery in Sebokeng. The proposed march had been banned several days before by both the Vereeniging town council and the local chief magistrate

Giving evidence at the inquiry into the shooting, Warrant Officer van der Lith said yesterday he was ordered to patrol the Vaal Triangle Townships on March 26. At one stage during the patrols he heard a crowd of people shouting in Sotho that "today we are going to kill you policemen — we want Mandela's policeman". He is fluent in the language

Warrant Officer van der Lith continued that he and some other municipal policemen under his command later fell in behind a police line-up near the Sondela Brewery's gate. His men were ordered to keep a low profile and not to shoot unless they received an order to do so

When he saw the crowd flanking out to two sides in a threatening manner, he went to his bakkie nearby

MELODY McDUGALL

to move the vehicle backwards. It was then that he heard shots ringing out. When he looked up he saw people running away and screaming, and at that point received a radio message to go somewhere else because "people were torching municipal buildings and cars nearby".

Under cross-examination by Karel Tip, a legal adviser with the Bizos team representing relatives of 12 dead people and the injured, Warrant Officer van der Lith said the crowd had never actually stormed the police, but it appeared as if they could have done so at any time.

Asked by Mr Tip whether he wasn't shocked by the scenes after the shooting when people fell in the road, Warrant Officer van der Lith stated "No, I wasn't shocked. It was the first time I had ever witnessed a shooting incident with live ammunition, but all of our lives (police) were in danger."

Frightened

He added that he never fired a shot because "before I could shoot everything was already over".

Another policeman who was called to the witness stand yesterday, Constable Samuel Lesikare of the SAP's unrest unit at Vanderbijlpark, also testified that he had heard the crowd "insulting" the police that day. Slogans shouted included, "We are going to hit the police" and "Dogs". They also pointed sticks at police and shouted that they were going to kill the police.

According to the constable he fired one round of SSG ammunition into the air during the shooting because he was frightened. He had been hit by a stone on his arm.

A case of homespun justice

From SARA SUSSENS
Weekend Argus Correspondent

JOHANNESBURG — Kangaroo court "judge" Joe Mahlazi metes out township justice. He says the "accused" invariably admit they are wrong and, once punished, are readily accepted back into the community.

Punishment takes the form of beatings by sjambok. He says they never allow necklacings. The "court" is usually assembled within hours of a "crime" being committed and the participants stand in the street. There will usually be about five "judges" and a "jury" numbering anything up to 30.

The middle-aged part-time gardener who lives in Alexandria sees the controversial people's courts this way. Police might be able to help fight crime but we want to solve our problems ourselves.

"The trouble with the police is that they take people off to jail. This is not nice because the person is stuck in jail instead of being able to discuss what happened and then, finish, it's over. And then people can be together again. People's courts breed love and peace and show us how to live together."

Mr Mahlazi said the term "kangaroo" court was a bad one used for what he calls a people's court. By implication a people's court has the blessing of the people.

However the "comrades" in the township, those who are members of organised political structures such as the Youth League and the Civic Organisation which are affiliated to the United Democratic Front, are rapidly distancing themselves from, this homespun form of justice.

According to residents, people's courts came about spontaneously in 1985-86 after people went to the police with their complaints but were sent away and told to go back and sort out their problems with the comrades.

"Police were chased out of the townships in 1986 when people thought they were no longer controlling crime but participating in apartheid," said Mzwanele Mayekiso of the Alexandra Civic Organisation.

"People's courts were originally used to solve petty problems like arguments or a stolen watch or bicycle. The ideal was to settle amicably."

"Where there is life there are problems. Unfortunately the thing spun out of control and now people's courts are sometimes run by children."

"The police still come to us and ask us about kangaroo courts but we know nothing about it. Our comrades do not participate in it. Or at least if they do they haven't been attending our meetings where we condemn such activities."

"There are social, political and economic problems that have to be addressed. We want people to help each other solve the problems but not by using punishments. We hope to establish yard, block, street and area committees where they can discuss their problems."

Education workshop

Mr Mayekiso said the organisations were planning a major education workshop campaign for the township which could include shebeens and stokvels being requested to close at 9pm to help curb crime.

In April last year Mr Mayekiso, his brother, Moses Mayekiso and three other Alexandra community leaders, Obad Bapela, Richard Mdakane and Paul Tashabalana, were acquitted after a treason trial spanning two years and four months. Included



Part-time judge Joe Mahlazi believes people's courts foster love and peace.

Kangaroo courts 'breed love and peace' in the townships



Mzwanele Mayekiso ... out of control.



Thomas Leshiba ... harsh punishment.

in the charges was an allegation that the men formed people's courts.

For others the people's court represents the only "justice" available. Elizabeth Hlatshwayo, who was recently "sentenced" to 40 lashes by a people's court for stabbing a man, still supports the people's courts even though she feels she was unfairly treated.

The court that sentenced her was wrong, she feels, as she stabbed the man in self-defence after he tried to rape her.

It was humiliating to be lashed and the whole neighbourhood had watched.

However, Mrs Hlatshwayo will tell you that those who report crime to the police are necklaced or chased from the township.

"We are happy with the people's courts. It's just the beatings I don't like because sometimes people are not healthy enough to take it like me," she said.

"Courts are good if they educate people."

Mrs Hlatshwayo, who lives in a tiny shack surrounded by garbage, has been unemployed for many years.

Her victim, Thomas Leshiba, who says she attacked him when he went to return a box of matches he had borrowed, believes the lashings were a harsh punishment.

"She was drunk. She did not mean to hurt me," he said.

After she had stabbed him a group of people had

"disarmed" her and marched her off to appear in front of a court.

He said he supported the idea of people's courts. For Joe Mahlazi, kangaroo courts have become a way of life that is totally acceptable. To illustrate this he told the story of Mr Mandontsela.

"It was on April 14, a Saturday", he began. "Madontsela went to his shack and demanded to see the man who was involved with his ex-wife. But there was no one there."

"He asked the neighbours where they were and they did not know. So he went home."

"That night the boyfriend returned to the shack — he had come from the shebeen. There were two of them sleeping there."

"Madontsela returned late at night. He took a piece of wire and tied the door shut. Then he put newspaper under the door, poured paraffin over it and set it alight. Then he stood to watch the flames."

"The men escaped with the help of neighbours. They came out in their vests and underpants. Everything was burnt."

"On Tuesday we sent four boys to fetch Madontsela. They brought him to me and he appeared before our people's court."

I questioned him about what he had done. He said he had wanted to kill this man. He said his heart had told him to kill.

"We said to him 'Do you see what you have done? These people could have been roasted alive.' Then Mandontsela became cheeky and wanted to fight with us. There were about 30 of us."

"We told him he would be fined. I said to him 'I am going to give you 200 lashes and he accepted this. I told him that if he kills it is good to be killed so that you can taste what you do to others and he agreed with that.'"

"I told him we don't kill, but we want to turn his mind so that he is able to live with the people peacefully."

"He was sentenced to 200 lashings but after the 25th he screamed for mercy so we stopped. We told him that if he commits a crime again he will get the rest of the lashes."

"Yes", said Joe Mahlazi, "I want to tell you this. The flame that Madontsela had in his hands to roast people alive has slipped out of his hands and down to his buttocks."

I fired through fear, says cop

C/Press 27/5/90 (CAF) (ASU) (252)

A POLICEMAN who fired two rounds of buckshot into a 50 000-strong crowd at Sebokeng had "felt so threatened I would have fired the first shot if my colleague's gun had not fired accidentally shortly before"

This was said by SAP Const Gideon Johannes Jacobus Joubert of the Vereeniging Cattle Theft Unit before the Goldstone Commission on Friday.

Judge RJ Goldstone's commission is urgently investigating the circumstances relating to incidents on March 26 at Sebokeng in which at least 12 people were killed and about 300 injured

A UDF protest march was stopped that day by a police contingent of about 60 men from undertaking a march to the National Party offices in Vereeniging, for which no permission had been obtained.

Joubert said he would have

fired the first shot if his colleague, Const Shaun van Rhyn, had not already done so

"I was frightened enough as they threw stones and were closing in, and moreover felt it was my duty as a policeman to stop this huge, uncontrollable crowd from entering Vereeniging."

The crowd had appeared very threatening "They were waving knobkieries, singing, dancing and slowly closing in towards the police line. The marshals were unable to control the crowd"

He saw stones thrown from the crowd and felt "very anxious as I knew they were going to attack", heard one shot and immediately fired two rounds of buckshot into the crowd. He aimed at "legs and bodies below the belt", he testified

Sebokeng municipal police W/O Gabriel Johannes van der

Lith told the commission he had heard the chant: "Today we will kill you policemen, because we want Mandela's policemen now."

Van der Lith said demonstrators had frequently shouted this slogan to him in Sotho - which he speaks fluently - while he patrolled the townships from early that morning

He said he believed the demonstrators meant to carry out their stated threats to kill policemen

Earlier, Const Willem Joseph John van der Walt of the Krugersdorp Reaction Unit testified the crowd was singing "Shaya ma Boere", dancing and slowly moving towards the police line.

He said he saw stones thrown from the crowd, believed it was going to attack the police, heard a shot nearby - and fired two rounds of buckshot into the crowd

The hearing continues. - Sapa.

Winnie 'defamed'

8/24
23/5/90 By Esmaré van der Merwe
Political Reporter

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African National Congress deputy president Nelson Mandela has accused the Government of deliberately trying to defame his wife, Winnie Mandela, whose name has cropped up repeatedly during a murder trial in Johannesburg.

Witnesses in the Rand Supreme Court trial have alleged that Mrs Mandela had been involved in assaults on a group of youths. Jerry Richardson, manager of the Mandela United football team, stands accused of murdering youth activist Stompie Seipei.

At a press conference yesterday, Mr Mandela accused the Government of using the press to find his wife guilty in "the most inappropriate way of handling judicial procedures".

C/PTM 27/5/90

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Vena acquitted of sabotage

THE former commander of the ANC's military wing, Umkhonto we Sizwe, for the western Cape, 33-year-old Mzwandile Vena was acquitted in the Transkei Supreme Court this week on charges of sabotage and terrorism.

Vena's acquittal by Judge Davis came at the insistence of the military government. Prosecutor Johan du Toit told the court the Ministry of Justice had informed Attorney General Chris Nel that in consultation with the military council, the court has been advised to drop the charges against Vena. No further explanation was given.

Reports by CP staffers, CP correspondents, Sapa.

THE SHADOW OVER

ST. Times 27/1/90

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time during the assaults

"The court finding on this issue is that Mrs Mandela was present on December 29 for at least part of the time"

He also stressed that the evidence presented by the State's three witnesses — Mr Kenneth Kgase, Mr Thabiso Mono and Mr Pelo Mekgwe — had "a ring of truth"

Inconsistencies in their evidence, which the defence had tried to exploit, were to be expected "having regard to the lapse of time and the almost kaleidoscopic nature of the scene and the fact that different witnesses might observe different facets of a situation"

Honest

The judge said Richardson's evidence contained "manifest absurdities" and that "the general impression the court gained of the accused in the witness box was unfavourable"

"In contrast, the State's evidence appeared to be honest and credible," he said

The fact that the judge made a special finding on Mrs Mandela and that he highlighted the "credible" nature of the accusations against her will not, however, weigh heavily in the decision whether or not to prosecute her

Said Mr Von Laeres "We will consider the position in the light of the totality of the evidence available The normal role is that the finding in one case does not carry any weight in a different case."

Arguments in mitigation for Richardson will be heard on August 6
Neither Mr Mandela, who this week accused the Government of defaming his wife in the trial, nor his wife was available for comment

By MARION DUNCAN

THE shadow of Stompie Moeketsi Seipei, the murdered black teenage activist, will hang over Mrs Winnie Mandela for the next two months.

The wife of the deputy president of the ANC will have to wait until August before she knows whether or not she will be prosecuted for her alleged involvement in events leading to Stompie's death

This week Jerry Richardson — her former bodyguard and coach of the Mandela United Football Club — was found guilty

on 11 charges of kidnapping, assault with intent to commit grievous bodily harm, attempted murder and the murder of Stompie

And yesterday, the attorney-general for the Witwatersrand, Mr Klaus von Laeres, confirmed that any decision on Mrs Mandela would "probably have to wait until after the sentencing of Richardson in August"

Assaults

Possible charges against Mrs Mandela include assault, accessory to kidnapping, assault with intent and murder

On Friday a packed and silent Rand Supreme Court heard Mr Acting Justice B O'Donovan pass judgment on Richardson He also made a special finding on Mrs Mandela whose name figured prominently in the four-week trial

She was alleged by three State witnesses to have started the assault on both of them as well as Stompie and of actively participating in a session of stambokking and punching that took place in her home in Diepkloof on December 29 1988

They said Mrs Mandela told them all that they were "not fit to be alive"
However, Richardson and two defence witnesses, said

August deadline as court ponders sentence

she was not at home at the time

Despite the crucial role of Mrs Mandela in the events that led to Stompie's death, she was not subpoenaed to testify by either the State or the defence

Defence counsel Mr H H Joubert led evidence last week that his team had invited Mrs Mandela to "consult" with them with a view to testifying for Richardson, but she was advised by the Mandela family attorney Mr Ismael Ayob not to make herself available

The judge commented specifically on her absence from the trial — and on her presence during the hearings

"Mrs Mandela herself, acting on legal advice, declined to testify," he noted

"This is a matter which was canvassed extensively by both the State and the defence and on which both asked the court to make a finding as to whether Mrs Mandela was present at any

Winnie



ACQUAINTANCES . . . Richardson at Mrs Mandela's house before his arrest



Guilty on all counts

By MARTIN NTSOENGOE

752
#130
C/1989 25/1/90
C/1989 25/1/90

FALSE allegations of homosexuality against a priest led to the abduction of four youths and the eventual murder of young activist Stompie Seipei

This was revealed in the Rand Supreme Court during the trial of Vusi Richardson, 41, former coach of the Mandela Football Club

In finding Richardson guilty on 11 charges, including the murder of Stompie, Judge Brian O'Donovan rejected the evidence of Xoliswa Falati and said no evidence existed to support her allegations that the Rev Paul Verryn of the Orlando West Methodist Mission had sexual relations with young boys to whom he gave sanctuary at the mission

Falati and others appear in court next week charged with abduction and assault

Evidence before the court was that Falati, who had been given sanctuary at the mission with her daughter after their Springs house had been petrol-bombed, was a dominating person who imposed her will on the refugees

There were problems over the washing up of dishes and Falati said she was fetching the Mandela Football Team to discipline the youths

She later told Winnie Mandela the false story that Verryn was molesting the youths

To prove her allegations Falati produced a youth, Katisa Celekhulu, who told a bizarre story of wanting to stab Verryn because he had tried to sexually molest him

Mandela told *City Press* at the time: "This is foreign to our culture"



Rev Paul Verryn - falsely accused.

led to vicious assaults on four youths

Mandela sent the youth to be examined by Dr Abu-Baker Asvat, who was murdered soon afterwards

On December 28, 1988, Richardson and members of the Football Club abducted four youths from the mission, including Stompie. The others were Kenneth Kgase, 30, Barend Thabiso Mono, 20, and Gabriel Mekgwe, 21

They were taken to the Mandela home in Diepkloof Extension, Soweto, where they were beaten and told to confess to sexual misconduct with Verryn

The judge found that Mandela was present while the boys were being assaulted and that she participated in the first assault.

Stompie was accused of being a police spy by Richardson.

The judge said that by December 30 Stompie's face was swollen and he could not eat or communicate

In evidence Kgase told the court that rumours Stompie was a "sell-out" had circulated because he did not fit into the groups at Verryn's house

This, said Kgase, was because he arrived at the house long after the others had formed into groups.

He said there was no evidence Stompie had been a police spy.

Judge O'Donovan said on January 1, 1989 Richardson told Stompie to write his address on a piece of paper because he was taking him home

"However, Stompie was in such bad shape he couldn't write and Richardson took Stompie away. The following morning Richardson's shoes were covered in blood," said the judge

Stompie's decomposed body was found in a ditch near Noordgesig on January 7.

The body was found a kilometre from where Richardson attempted to murder Lerothodi Andrew Ikaneng, another person he accused of being a police spy

The judge said the four young men were beaten with bottles and sjamboks, and dropped from shoulder height. Their blood was splattered on the walls and curtains of the outside room of Mrs Mandela's house.

Although others had participated, the judge said, Richardson had been the instigator

Advocate HH Joubert, for Richardson, asked for Richardson to be sent for mental observation. The judge agreed and postponed sentencing to August 6

Police crackdown on 'people's courts'

ARGUS
7/28/90
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The Argus Correspondent

JOHANNESBURG — Police have moved decisively to crush "people's courts" in Alexandra township near Johannesburg and arrested 40 suspects in connection with a kangaroo court reign of terror in the area.

In a large operation on Saturday, police moved into the township and arrested the suspects, who now face intimidation and assault charges.

A police spokesman said the operation was launched after complaints from Alexandra residents who said they had been "sentenced" by "people's courts" — without the right to a defence or appeal.

Many had been brutally beaten and mistreated by "offi-

cial" of these "courts." One woman, who refused to have sex with a man, was "sentenced" to 100 lashes with a sjambok. Twelve comrades allegedly stripped her naked and administered 43 lashes to her buttocks before ordering her to return another time for the rest of the sentence.

"These courts" wished to impose the regime of the comrades on the residents of Alexandra," police said.

Of the 40 suspects arrested in Alexandra on Saturday, 16 have been positively identified by victims as being members of a "people's court." The others were still being investigated.

The suspects are expected to appear in the Randburg Magistrate's Court today.

B/D am 20/5/90

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Winnie Mandela was present during assaults, court finds

A RAND Supreme Court judge found on Friday that Winnie Mandela had been present for at least part of the assault on Stompie Seipei, 14, and three other youths three nights before the teenager was murdered by her football club's former coach.

Mr Justice B O' Donovan and two assessors found Jerry Richardson, 41, guilty of murdering Seipei on January 1-2 1989.

He was found guilty of kidnapping Seipei, Kenneth Kgase, Barend Thabiso Mono and Gabriel Pelo Mekingwe from Methodist minister Paul Verryn's house on December 29 1988 and taking them to Mandela's home, where he assaulted them.

Before the assaults, Richardson accused the four of sleeping with Verryn and Seipei of being a sellout. He was also found guilty of attempting to murder Andrew Ikaneng in January last year.

Kgase, Mekingwe and Mono said Mandela hit and punched them and sjambokked two of them.

Richardson admitted hitting the four but denied Mandela was present and that anyone else assaulted them.

The court, however, found Mandela was present for at least part of the time during the assaults on December 29.

The judge said no reason was suggested

SUSAN RUSSELL

why the State witnesses, who had every reason to remember December 29, would be untruthful on this point.

The court found three stab wounds on Seipei's neck caused his death.

Mr Justice O' Donovan said evidence against Richardson regarding the murder was circumstantial, but the cumulative effect of all the factors lead to the conclusion he was guilty of murder.

Factors taken into account by the court included:

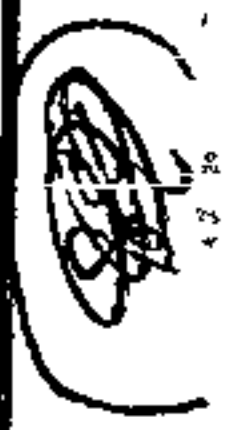
□ The other three youths heard Richardson say Seipei was going to be "dumped" (killed);

□ On January 1 Richardson said Seipei was going home. It was the last time the others saw him;

□ Seipei's alleged offence of being a sellout was seen as more serious than the alleged sexual misconduct of the others. There was no reason why only he should be released from custody.

The trial was adjourned to August 6 at the request of defence counsel H Joubert, who intended leading psychiatric evidence in extenuation

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Tests on Prichester soon

By SONTI MASEKO

JERRY YUSUMUZI
Richardson, the former coach of the Mandela United Football Club, was last Friday found guilty by a Rand Supreme Court judge of murdering 14-year-old child activist Moekezi Stompie Seipei.



WINNIE MANDELA

Mr Justice B O'Donovan, sitting with two assessors, also found that Mrs Winnie Mandela was present for at least part of the time on December 29, 1988, when Stompie and three other youths were assaulted and interrogated at her house in Soweto's Diepkloof Extension.

Mrs Mandela could face charges of assault should the Attorney-General decide to prosecute on the basis of the court's finding.

Richardson (41) stood emotionless as he was convicted of the murder, a charge of attempted murder, four counts of kidnapping and five of assault with intent to do grievous bodily harm.

House in Orlando West on December 29, 1988 and took them to Mrs Mandela's house.

A woman working at the church house, Mrs Xoliswa Falati, had made reports at the Mandela house alleging homosexual activities between the boys staying at the manse and the minister in charge, the Rev. Paul Verryn.

The judge made another ruling regarding Mr Verryn, placing on record that there was no evidence supporting rumours of sexual misconduct at the Methodist church.

At the house the youths were interrogated about the allegations and repeatedly assaulted by a number of people led by Richardson.

Stompie, who was also accused of being a police informer, was assaulted far more seriously than the three other youths and then taken away by Richardson after saying a number of times that he was going to be "dumped."

Kidnapping

Delivering judgment, Mr Justice O'Donovan said Richardson kidnapped Stompie and three companions, Kenneth Kgase (30), Barend Thabiso Mono (20) and Gabriel Pelo Mekgwe from a Methodist Church

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25/790 (252)

Winnie's fate to be decided at end of Stompie case

By Craig Kotze

Winnie Mandela, wife of ANC deputy leader Nelson Mandela, will have to wait until the end of the Stompie Seipei murder trial for a decision on whether she will be prosecuted in connection with the child activist's killing.

"I am reserving my decision on whether to prosecute Mrs Mandela until after the trial," Witwatersrand Attorney-General Klaus von Lieres, SC, told The Star yesterday.

He refused to comment on allegations by Mr Mandela that the Government was "deliberately defaming" his wife and that the Stompie trial was being conducted in such a way that she did not have the opportunity to answer allegations against her.

However, sources in the AG's office said it was "ridiculous" to suggest that the trial was being conducted according to a political agenda as it was originally planned to bring the matter to trial in November last year, a way before Mr Mandela's release from jail.

One of Mrs Mandela's former bodyguards, Jerry Richardson, was found guilty in the Rand Supreme Court on Friday of murdering Stompie (14) and of assaulting four youths.

Mr Justice O'Donovan found that Mrs Mandela was present when Stompie was assaulted at her Diepkloof home in December 1988. His body was found on January 7 last year in Soweto.

"I will, in due course, take a decision on whether to prosecute Mrs Mandela. It was my decision to reserve the right to do so. The police investigated the case to my complete satisfaction," said Mr von Lieres.

Army objector in court today

Staff Reporter

Conscientious objector Gary Rathbone will appear in the Johannesburg Magistrate's Court today on a charge of refusing to serve in the SADF.

His trial will begin immediately after sentence has been passed on fellow objector, Douglas Torr.

Mr Rathbone (29), is charged with refusing to do camps and faces a minimum jail sentence of 18 months

A freelance journalist and former member of the rock group The Spectres, Mr Rathbone is working towards an M A degree in African literature.

Among the witnesses who will appear at his trial will be Es'kia Mphahlele, internationally renowned author and Mr Rathbone's professor

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28/5/90

By Craig Kotze

Police at the weekend moved to crush "people's courts" in Alexandra township near Johannesburg

40 arrested in bid to crush 'people's courts'

In a large operation on Saturday, police moved into the township and arrested 40 suspects, who now face intimidation and assault charges

A police spokesman said the operation was launched after police received complaints from Alexandra residents who said they had been "sentenced" by "people's courts" — without the right to a defence or appeal

One woman, who refused to have sex with a man, was allegedly "sentenced" to 100 lashes with a sjambok. Twelve comrades allegedly stripped her naked and administered 43 lashes to her buttocks before ordering her to return another time for the rest of the sentence.

"These 'courts' wished to impose the regime of the comrades on the residents of Alexandra," police said.

Investigations are continuing in Alexandra.

"These alternative structures will not be tolerated. We will smash them wherever we find them," said the spokesman.

A Bloemfontein policeman has already been murdered by a "court" — he was stabbed 15 times — and many complaints have been received by police from across the country.

Alexandra has a history of "people's court" activity and security forces crushed many of them in 1986, when unrest was at its height in the country.

Of the 40 suspects arrested in Alexandra on Saturday, 16 have been positively identified by victims as being members of a "people's court". The others were still being investigated.

The suspects are expected to appear in the Randburg Magistrate's Courts today.

CA 28/5/90 252

Legal profession 'needs big change'

DURBAN — The present structure of the legal profession has to be examined and changed if it is to regain its legitimacy and represent all South Africans, says the Dean of the Law Faculty at the University of Natal

Speaking at the 13th South African Law Conference, Professor David McQuoid-Mason said of about 8 000 lawyers probably more than 80 percent were white and less than five percent black. The judiciary in the superior courts was all white

The repeal of apartheid legislation would help restore the legitimacy of the legal system

Land

But if the legal profession and the judiciary were to have credibility it was necessary to change their composition to reflect the broader South African community, he said

Professor McQuoid-Mason also said some form of land re-distribution was necessary if the new South Africa was to correct current social, economic and educational imbalances

The African National Congress's Freedom Charter said land should be re-divided among those who worked it. It also stated "All shall have the right

to occupy land wherever they choose".

He added that the Law Commission recognised the need for the State to be able to expropriate property and the means of production, against fair compensation, and that the "objects of affirmative action" should be allowed to be taken into account when exercising such expropriation powers

It felt that an affirmative action clause could be included in a Bill of rights, but that it should be permissive rather than mandatory.

"In social, health and educational services in South Africa the minority white population has enjoyed a much higher per capita level of resources allocation than other race groups

"Likewise, probably 90 percent of capital and economic wealth is controlled by the whites.

"As regards the public service, almost one in four working whites is employed in the public and para-statal sector. Furthermore, since 1948 there has been an Afrikanerisation of the public service, police force, defence force and prison service with almost all top positions held by Afrikaners.

"In a new, non-racial South Africa these imbalances will have to be corrected," Professor McQuoid-Mason said



Brian Leveson of the Legal Aid Bureau

People get into trouble simply because they don't understand

Picture by Ken Oosterbrook

Legal Aid's battle for justice

At 8 in the morning they lock the doors of the Legal Aid Bureau offices in central Johannesburg, allowing in only the lame after that.

If they left the doors open, they would simply never get to the end of the queue of people who pour in each day to lay their problems on the desks of the overworked and underpaid staff

As it is, when the doors close, anything up to 100 people line the narrow corridor — where many will have to wait for an entire day or longer

They bring with them the problems of urban living — consumer problems, marital problems, bureaucratic problems. Each of them will get personal attention and care

In her office, director Pauline Lipson puts her telephone receiver in a drawer (the only way to silence it since there is no switchboard operator to ward off unwanted calls)

Nominally retired, she comes in only three days a week now (except for crisis periods when she works six days). She has been doing this work for 30 years and never in those 30 years has there been a time when the Legal Aid Bureau was financially secure

Today's running costs are R14 000 a month, of which the salary bill for a staff of 12 (which includes five lawyers and a social worker) is R8 590. The rest is

Always strapped for cash, even taking meagre collections to pay their postage bills, Johannesburg's Legal Aid Bureau provides a valuable and caring service in bringing justice to the impoverished. Many lawyers offer their services free of charge, but the bureau struggles to cope with the flood of people who daily arrive for help. PAT SCHWARTZ reports

taken up by rent and overheads

Why the constant struggle for funds? The fact that people have legal problems doesn't tear at the heart strings like crippled children or homeless animals. People tend to feel that people shouldn't make legal problems for themselves

The Legal Aid Bureau, like many other organisations depending on public money to keep going, has also fallen victim to disinvestment. Many of the local subsidiaries of multi-national companies which had been giving generous donations have left the country. "Just another example of harming those people whom sanctions are supposed to assist", she says

Permission

One light on the otherwise bleak horizon for the bureau is that the Director of Fund Raising has given it permission to raise funds abroad. Until a few weeks ago, it was restricted to fundraising within the magisterial district of Johannesburg, even having to get permission to continue to re-

ceive funds from companies which had moved their offices to Sandton or Bedfordview

Those who fill the offices call on the bureau to get them their maintenance when ex-husbands default, to help them when they have bought goods they can't afford from "forked and smooth-tongued salesmen in the townships", to intervene when a newly bought second-hand car turns out to have a dreadful defect, to untie the knots in bureaucratic red tape so an old person can get a pension and help with drawing up wills for would-be homeowners, a condition stipulated by the Soweto Council

Her staff handle as many cases as possible, but when court applications are needed the cases are farmed out to a panel of attorneys and advocates "who not only give us financial assistance but do the work free of charge"

"Occasionally when we are really broke, we even take a collection in the waiting room and at the end of a morning we will find R4 or R5 which will be used for stamps."

What the Legal Aid Bureau

supplies that is unique, contends Mrs Lipson, is "caring" for those who pass the bureau's stringent means test

And it has paid off in trust. Clients she knew decades ago are now returning, bringing their adult offspring when they are in trouble. "It's an ongoing thing"

Equally ongoing is the fact that there will always be somebody out there ready to take advantage of the naive and the poor

With the granting of home ownership rights to blacks in 1986 came a whole new area for exploitation and a new spate of work for the bureau. Would-be homeowners were cheated, often out of their life-savings, by unscrupulous builders, credit brokers and financial consultants

The result has been the establishment of a Housing Advice Project aimed at prevention rather than an often futile attempt to cure. Last week, the South African Housing Trust presented the Legal Aid Bureau with a cheque for R50 000 which will cover six months of the running costs of the project. But the Housing Advice Project cannot operate if the bureau is forced to close down. The two, says Mrs Lipson, are umbilically linked

Attorney Brian Leveson, who heads the Housing Advice Project, believes that if it is to succeed it must move into the community and be targeted at as many people as possible "to warn them about the fact that unless

they understand very clearly what is involved they might fall into a trap. Ideally, we need to set up little sub-offices in the townships. But that depends on funding"

Though consumer education is the major method of controlling the menace, Mr Leveson would also like to see credit brokers and housing companies licensed and registered. But he acknowledges that "given the climate of deregulation this won't happen"

Hidden

"Even when contractors aren't unscrupulous," Mr Leveson points out, "people get into trouble simply because they don't understand and nobody bothers to explain about the hidden costs involved in homeownership — rates and taxes, lights and water, transfer fees and fluctuating interest rates on bonds"

"Our aim is to draw up a standard contract fair to all parties which can be used for negotiating purposes."

Mr Levenson believes the Housing Advice Project is in the interests of the building industry, building societies as well as the homebuyers

The Legal Aid Bureau won't close down this year or next. Pauline Lipson will make sure of that. Already there has been a response to her appeal. But after 30 years of invaluable service a little security would be nice

THE crisis of legitimacy faced by SA's legal system and the profession in the eyes of the majority of its citizens was one of the main themes of the 13th SA Law Conference in Durban last week.

It is generally acknowledged by lawyers that the legal system and the administration of justice are often identified as instruments of oppression by people who have no access to the law because they cannot afford it.

The profession itself faces a crisis of legitimacy in that most lawyers in SA are involved in commercial First World practice and are unable or unwilling to take on cases peculiar to a largely Third World community.

A recent resurgence of informal people's courts in poor communities like Alexandra is a troubling indication of the crisis facing the system. The relatively few lawyers engaged in public interest work through the Legal Resources Centres (LRCs) and other legal and organisations do their best with the limited resources available.

However, from what emerged at the conference, it became clear that what is needed is the integration of mainstream legal practice with the marginalised areas covered by LRCs and similar organisations.

Lawyers at the conference, most of them in commercial practice, were asked to consider how the profession could meet this challenge. Advocate Paul Pretorius told delegates that if the legal system and practitioners were to make any contribution towards the special problems of poor communities in SA, then both the law they practised and the institutions within which they did so had to be meaningful and accessible to those who needed their assistance. Lawyers needed to become scientists of conflict and to assess the effectiveness of the present system of the administration of justice within that context, he said. They also

Moulding a legal system to serve the country's needs

SUSAN RUSSELL

6 Daw 29/990

needed to recognise that adversary litigation was only one method of dealing with conflict.

"The need for lawyers to become proactive legal engineers has already been recognised within the legal profession at the highest level," Pretorius said. "Our role as a profession must be dynamic — proactive, not reactive."

Pretorius said many of the solutions offered by lawyers in response to the legitimacy crisis amounted to providing more of the same. "More black lawyers, more legal aid, a better pro deo defence structure, more judges and more courts of a specialised nature."

"Necessary and commendable as these moves may be, they do not address a fundamental and logically primary problem and that is to what extent the whole system of administration of justice itself in whatever quantity, is suited to deal with conflict and other problems in poor communities."

Pretorius put forward a number of proposals for discussion. These included the formation of institutes for the study of conflict within univers-

ity law departments, the concept of judicial activism adapted for SA as has been in India and the training of lawyers in forms of conflict resolution incorporating negotiations and mediation.

At the same time, lawyers were called on to involve themselves in public interest litigation, most of which until now has been handled by organisations like the LRCs.

Durban's former LRC director Chris Nicholson told delegates it was essential to entice and harness the profession to assist clients who could not afford lawyers.

Nicholson, now a lecturer at Natal University, defined public interest work generally as cases which resulted in rulings that benefited not only the litigant, but other oppressed and indigent members of the community.

"While I was director of the Durban LRC I calculated that every file the LRC opened throughout SA cost R1 600 in resources. In agreeing to act for a client one had to realise that

the matter had to justify such expenditure in the light of public interest goals," he said.

Natal University law professor David McQuoid Mason calculates that every legal aid case costs the taxpayer an average of R603.

Nicholson said it was therefore crucial to ensure that cases taken up benefited the public interest and had the widest possible consequences in combating injustice.

The main fields of public interest law in SA at present are labour and administrative law.

"It is felt that it is in the public interest that fairness be maintained in the field of labour relations, and that people who, for example, are dismissed for belonging to a trade union or without an adequate or fair reason and without a fair procedure should be represented," Nicholson said.

"Similarly the public interest is clearly well served by exposing and remedying the injustices flowing from a delinquent bureaucracy."

Nicholson said in most Western countries public interest law was financed by the government on the

grounds that legal aid was a basic human right.

"The government expenditure on legal aid is some R17m for the current financial year, which is grossly inadequate," he said. "Even if one adds to this the private funding of public interest law and national budget for the LRC for the financial year ending February 1990 (some R6,2m), it is still impossible to deal with more than a small percentage of the needs of the community."

Nicholson said the LRC employed 35 lawyers full time. He pointed out that SA had about 8 000 lawyers, of whom 10% were advocates and 80% white, while more than 80% of the population was black.

"Most of our white lawyers are engaged in First World commercial practice which seldom, if ever, contemplates Third World law or problems."

Nicholson went on "Last year some 130 000 prisoners were sent to jail without legal counsel. David McQuoid Mason has advocated the appointment of public defenders modelled on the institution in the USA. He calculates that the legal aid budget paid for some 16 000 cases in 1989 in SA and the same budget divided among 200 salaried lawyers would have handled 40 000 defences in the lower courts."

Nicholson put it to delegates that there was a real need for legal services in rural areas where, for example, large numbers of people are not paid pensions.

"Properly trained paralegals would serve a crucial role in addressing the deluge of problems facing the polarised and marginalised clientele."

Ultimately, however, Nicholson said, the legal profession needed restructuring if it was to serve Third World problems.

Washington correspondent Simon Barber has been away and unable to write his weekly column. It will resume next Tuesday.

Probe hears of Ribeiro killing

Soweto 29/5/90

A WITNESS told the Harms Commission of Inquiry yesterday he had information about the death of anti-apartheid activist Dr Fabian Ribeiro.

He said, however, he was not personally involved in the killing of the Mamelodi, Pretoria, doctor.

Mr Willie van Deventer, a former member of the SADF's Civil Co-operation Bureau, said he could not divulge the information concerning the death of Dr Ribeiro, who was shot in December 1986, as it could incriminate him despite although he was not involved in the assassination.

Van Deventer also refused to answer questions relating to the death of Mr Peter Ntuli in 1986 on grounds that it would incriminate him.

He told the commission that all he knew about the incident was what he had seen on television news.

He also admitted knowledge about the springing of Charles Sebe, brother of former Ciskei president Lennox Sebe, from prison and various incidents in Bophuthatswana.

Questioned on the content of an article which followed an interview with him in the Afrikaans weekly Vrye Weekblad, he said he had mentioned SADF involvement with members of Inkatha.

He denied having said the CCB had trained about 200 members of the organisation and taught them to make home-made firearms.

Cross-examined by Mr Willem Burger, SC, for the SADF, Van Deventer admitted he had only heard about SADF force involvement in Natal and later conceded the military was not training Inkatha members.

During cross-examination by Mr Eberhard Bertelsmann, SC, for the Vrye Weekblad, he admitted people working on his behalf had approached Time magazine and Granada Television to sell the story of his involvement with the CCB and its forerunner "Barnacle". - Sapa.

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EACH

†Mr H A SMIT He has no respect for the Chair!

[The hon member for Overvaal thereupon withdrew from the Chamber] ~~(S)~~

†The CHAIRMAN OF THE HOUSE Order! I now once again call on the hon the State President ~~(S)~~ *Hansard 29/5/90*

†The STATE PRESIDENT Mr Chairman, the hon the Minister of Justice said in public that he had informed me after I became leader of the NP and that I was aware of the fact that Mr Mandela would meet Mr P W Botha On account of my line function prior to this, I was not involved with this matter [Interjections]

Ministers

Question standing over from Tuesday, 22 May 1990

Nuclear Non-Proliferation Treaty' signing
*20 Mr C W EGLIN asked the Minister of Foreign Affairs ~~(S)~~ *Hansard 29/5/90*

Whether, subsequent to his reply to Question No 9 on 20 February 1990, the Government has taken a decision to sign the Nuclear Non-Proliferation Treaty, if not, why not, if so, when does it intend to sign the treaty? B1066E

The MINISTER OF FINANCE (for the Minister of Foreign Affairs)

The position of the Government has not changed in essence since I replied to Question No 9 on 20 February this year

New questions

Adoptions different race groups

*1 Mr L FUCHS asked the Minister of National Health and Population Development

Whether the race group of prospective adoptive parents is a factor in determining their suitability, if so, why? B1048E

†The MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

Yes ~~(S)~~ *Hansard 29/5/90*

The Child Care Act, 1983 (Act 74 of 1983) provides that the court shall not place a child in the custody of any person whose classification in terms of the Population Registration Act,

1950 (Act No 30 of 1950) is not the same as that of the child except where such person is the parent or guardian of the child

Mr L FUCHS Mr Chairman, arising out of the hon the Minister's reply, can she inform us as to whether any steps are being taken to do away with this discrimination? ~~(S)~~ *Hansard 29/5/90*

†The MINISTER Mr Chairman, the Government is committed to removing all discriminatory legislation, and this matter will receive attention when the Child Care Act is revised next session [Interjections] ~~(S)~~

†Mr H D K VAN DER MERWE Mr Chairman, further arising out of the hon the Minister's reply, in the case of a White being married to a non-White, may a married couple adopt a child of any race group at present?

†The MINISTER Mr Chairman, I think that is a hypothetical case Each adoption is evaluated according to specific circumstances, and I do not want to speculate now, solely on the grounds of superficial remarks, on how a child may be placed

Crossroads Town Committee licences to carry fire-arms

*2 Mr J VAN ECK asked the Minister of Law and Order

Whether licences to carry firearms have been issued to certain members of the Crossroads Town Committee, Cape Town, whose names have been furnished to the South African Police for the purpose of the Minister's reply, if so, (a) for (i) how many fire-arms, and (ii) what types of firearms, in each case, (b) why and (c) what are the names of the members in question? ~~(S)~~ *Hansard 29/5/90* B1055E

The MINISTER OF LAW AND ORDER

(a) to (c) ~~(S)~~ *Hansard 29/5/90*
It can only be ascertained beyond doubt, whether a person is the holder of a fire-arm licence on the basis of the person's identity number and name I can unfortunately not furnish the required information, owing to insufficient particulars furnished by the hon member

Cape Town- deaths due to unrest-related incidents

*3 Mr P G SOAL asked the Minister of Law and Order ~~(S)~~ *Hansard 29/5/90*
Whether any persons died in Cape Town as a result of unrest on or about 6 September 1989 if so, how many? B1056E

†The MINISTER OF LAW AND ORDER

No As far as could be ascertained not in the area of jurisdiction of the Cape Town police station

Durban academic hospital earthworks programme delayed ~~(S)~~

*4 Mr R M BURROWS asked the Minister of National Health and Population Development

(1) Whether the Cabinet injunction not to proceed with major hospital construction has meant that the commencement of the earthworks programme for the new Durban academic hospital has been delayed, if so, (a) for how long has it been delayed and (b) what additional costs are likely to be incurred as a result,

(2) whether the University of Natal has been informed of the delay, if not, why not, if so, when,

(3) whether she will furnish the date on which the said earthworks programme will commence, if not, why not, if so, what is that date? ~~(S)~~ *Hansard 29/5/90* B1068E

The MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

(1) No,

(2) falls away,

(3) the existing planning provides for the calling of tenders during July 1990

Mr R M BURROWS Mr Chairman, arising from the reply of the hon the Minister, I wish to say that her reply now is in total contradiction to a reply to a similar question asked in respect of the Natal Provincial Administration's Hospital Services Section, which indicated that there had been a delay of six months in the earthworks commencement
The CHAIRMAN OF THE HOUSE Order! What is the hon member's question?

Mr R M BURROWS Mr Chairman, is the hon the Minister aware of the position of the Natal Provincial Administration? ~~(S)~~

The MINISTER Mr Chairman, the answer is yes I stated during the discussion of my Vote that the situation at King Edward VIII Hospital is being considered as a priority ~~(S)~~ *Hansard 29/5/90*
*5 Mr R R Hulley—Law and Order [Question standing over]

†Irradiated food health problems

*6 Mr M J ELLIS asked the Minister of National Health and Population Development

Whether she or her Department has received any reports of instances or alleged instances of individuals experiencing health problems as a result of the consumption of irradiated food, if so, (a) when, (b) from whom and (c) what was the (i) purport of and (ii) response to each such report? ~~(S)~~ *Hansard 29/5/90* B1071E

The MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

No

Harms Commission- evidence by Minister

*7 Mr C W EGLIN asked the Minister of Defence- ~~(S)~~ *Hansard 29/5/90*

(1) Whether he, in his capacity as the Minister of Defence, is willing to give evidence in person before the Harms Commission, if not, why not, if so,

(2) whether he has indicated this willingness to the chairman of the Commission, if not, why not, if so, when? ~~(S)~~ *Hansard 29/5/90* B1075E

†The DEPUTY MINISTER OF DEFENCE

(1) Yes

(2) Yes By means of my legal representative during February 1990 and personally on 2 March 1990 The hon member is also referred to column 1631 of the Hansard of 26 February 1990

Cycads illegally removed

*8 Mr R J LORIMER asked the Minister of Justice

(1) Whether certain persons, particulars of whom have been furnished to the Minis-

'Nats taking law into own hands'

CABE TOWN — The National Party was taking the law into its own hands, not acting in terms of the Constitution, Chris de Jager (CP Bethal) said yesterday. *See 29/5/90 (252)*

Speaking in debate on the own affairs Budget, he asked which law allowed the Government to declare a white own affairs hospital open to all races.

"When was it passed by Parliament?" Mr de Jager asked.

The National Party members were the executioners. It was they who were taking Own Affairs to its grave. — Sapa

ster
29/5/90

The
Goldstone
Commission



252

'Hard to halt Sebokeng march at short notice'

By Melody McDougall, Vereeniging Bureau

An organiser of the proposed UDF march through Vereeniging, which was scheduled for March 26, yesterday told the Goldstone Commission they had intended going ahead with the event unless there was a heavy police presence.

Bavumile Vilakazi, a member of the Vaal Civic Association and UDF area committee, testified that this was despite the fact that the march had been banned several days before by the Vereeniging Town Council and the local chief magistrate.

The commission, chaired by Mr Justice R.G. Goldstone, is investigating circumstances relating to all incidents, including the Sebokeng shootings, in Vaal Triangle townships on March 26.

Mr Vilakazi said March 26 had been fixed as the date for the proposed march by the UDF and affiliated organisations at a meeting in February.

Three days before the event the organisers had been informed that the march had been prohibited. The general view of the people was "disappointment at not been allowed to hold a peaceful protest march". They felt it would be almost impossible to stop the event from going ahead at such short notice.

Mr Vilakazi had suggested that the march be decentralised and that participants should instead march to police-stations in their respective townships to present copies of the memorandum.

Asked by Johan du Toit, who is leading all evidence before the commission, whether the organisers still considered going ahead with the march at that stage, Mr Vilakazi said they had — unless there was a heavy police presence that morning. If that was the case, they would have decided not to proceed with the march because that "could lead to bloodshed".

Later, while discussing the handing-over of the memorandum with Colonel Paddy Mazibuko, station commander of the Sebokeng police, at the colonel's office, they heard noises outside. They realised the march was going beyond the agreed point, and drove to the front of the march near the Sondela brewery gate, where a police line-up was encountered.

Mr Vilakazi requested the gathering to disperse and go home, but another huge group from Evaton arrived and came driving through the crowd.

Asked whether he had heard the police shouting at the crowds before the shooting, Mr Vilakazi replied "One person was appealing to a policeman, 'My brother, whatever happens, please don't shoot.'"

Others in the crowd shouted to police that they were "also workers and should be part of the march, not blocking it off" and "hit the Boere".

The hearing continues

CCB had plans to eliminate attorney

A CIVIL Co-operation Bureau member yesterday told the Harms Commission he had drawn up a plan to eliminate Durban attorney Mr Kwenza Mlaba.

The agent, codenamed Shane du Plooy, said he had drawn up the plan on orders from his former regional co-ordinator Mr Pieter Botes, after receiving information that Mlaba was a senior ANC member and provided arms to militant ANC members inside South Africa.

He said he had told Botes that he could not

eliminate Mlaba because the CCB was not allowed to act inside South Africa, but had drawn up the plan because he was afraid of Botes.

He had not expected the plan to be authorised and had not heard about it again after handing it to Botes.

Last week, Botes testified that the plan had been drawn up on the instructions of the CCB managing director Mr Joe Verster.

This was denied by Verster when he testified.
(Proceeding).

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Hospital probe postponed

By McKeed Kotlolo,
Pretoria Bureau

29/5/90 252
The commission of inquiry looking into the causes and consequences of a week-long strike at Ga-Rankuwa Hospital near Pretoria was unexpectedly postponed yesterday to June 13

The three-man Cillie Commission opened at the Medical University of Southern Africa at Ga-Rankuwa yesterday under the chairmanship of Mr Justice P M Cillie, with Professor Robert Lipschitz and Advocate H de W Botha assisting him

Advocate R J Tucker, for the National Education, Health and Allied Workers Union, was granted his request for a postponement to allow him time to

conduct "intensive consultations" with his clients. The postponement will also give the legal teams a chance to reach agreement on certain issues

The commission will look at whether any child or patient at the hospital died as a result of the strike, whether any person or organisation could be held responsible for the deaths, and whether any person or organisation was criminally liable for taking part in or organising the strike.

The commission will look into ways in which similar strikes can be prevented in future

Unconfirmed reports alleged that more than 20 babies died at the hospital during the April 4-12 strike

March 'depended on police presence'

A DAY before the prohibited mass march on Vereeniging on March 26, the Vaal Civic Association had decided to go ahead with it anyway — unless there was "too heavy a police presence" the next morning.

In that case, the alternative plan was to organise "alternative marches" at the last minute to three local police stations — Sharpeville, Evaton and Sebokeng — where copies of the protest marchers' memorandum to the local National Party MP would be handed over. (252)

This was heard by the Goldstone Commission in Vereeniging yesterday when Vaal Civic Association organiser and UDF area committee member Bavumile Vilakazi testified

The Goldstone Commission, chaired by Mr Justice R J Goldstone, was appointed to investigate and report urgently on circumstances relating to incidents on March 26 in Sebokeng, Boipatong, Sharpeville and Evaton — known as the Lekoa area — in which at least 12 people were killed and an estimated 300 anti-apartheid demonstrators injured at 10 different sites.

Legal representatives of the families of the deceased and of victims allege police unnecessarily fired shots into a 50 000-strong crowd at Sebokeng as police lives had not been in danger.

There were indications the commission could complete its public hearings in Vereeniging on Friday. — Sapa.

WANTED FOR CASE

CCB chief names top SADF men

LINDEN BIRNS

TOP SADF chiefs were named as the "higher authorities" for Civil Co-operation Bureau (CCB) projects during evidence in Pretoria yesterday.

Under cross-examination, CCB chairman and former SADF Special Forces commander Maj Gen Eddie Webb told the Harms Commission he referred any (CCB) projects concerning the ANC to the Chief of the Army (at the time Gen Kat Liebenberg) Those not involving the ANC he sent to Chief of Army Staff Operations Gen Jan Klopper for approval

"I told them about the CCB and its activities during a report meeting in September last year," said Webb

Webb told the commission he approved CCB project budgets on a quarterly basis without necessarily knowing the projects' specific contents

"In this type of organisation we need freedom of movement without the restrictions of red tape. So you can say 'Okay, monitor the person, and then take the necessary action'," he explained

Webb said up to R1 000 at a time could be transferred between projects without authorisation

Files

He did not know about the allocation of R10 000 for monitoring ANC leader Nelson Mandela's lawyer, Dullah Omar Webb also denied knowing whether R500 000 was given to "Niemoeller", who was "either a conscious or unconscious member of the CCB"

It was also established that Webb rarely went through CCB files, and was not even sure how many people worked for the CCB

Webb said he relied on CCB MD Joe Verster to keep him informed It was put to Webb that he was "in Verster's hands" and that Verster could have initiated operations without approval or Webb's knowledge

"I have no reason to see why Verster would go behind my back," replied Webb "If somebody had initiated a project without my approval, it would have been picked up when we did our quarterly budget reviews, and also by an external auditor," he added

He knew of a project to monitor — but not eliminate — journalist Gavin Evans.

"Evans was linked to (Hein) Groskopf, who also used the alias Evans," he explained

But he admitted knowing slain Swapo executive member Anton Lubowski was monitored in Johannesburg and Cape Town

Webb claimed privilege on several occasions, saying he feared self-incrimination

Tomorrow former Transvaal rugby player and CCB member Calla Botha will appear for cross-examination

Star 30/5/90

Lekoa council's case withdrawn

An urgent application by the former mayor and town council of Lekoa for a review of the Transvaal Administrator's decision to remove them from office for not collecting rent arrears and other charges did not go ahead as expected yesterday.

By consent between the parties, the Rand Supreme Court application was withdrawn. The matter is expected to

return to court as an opposed motion after further papers have been filed.

The application was brought by former mayor Kate Ngwenya and 21 former city councillors, all of whom were dismissed on May 18 after they decided it would be "tactically wrong" to take action against rent defaulters in the present political climate — Court Reporter.

252

Bill of Rights could breathe life into the law

SUSAN RUSSELL

The bill of rights in the new constitution is a landmark in the history of the judiciary, capable of checking the exercise of executive power, and at the same time foster a legal system respected by all citizens in SA, came under scrutiny at last week's 13th SA Law Conference in Durban.

Among the speakers were two prominent Zimbabwean jurists, recently retired Chief Justice Enoch Dumbutshena and judge of appeal Mr Justice N J McNally.

Both told delegates of the positive effect the constitutionally entrenched bill of rights had had on the administration of justice in Zimbabwe.

Mr Justice McNally said most countries in Commonwealth Africa had bills of rights entrenched in their constitutions.

"This means that the courts in our countries have a much more profound and creative role in the affairs of our nations than yours do here," he said. "In my view the existence of a bill of rights brings the legal profession to life."

He said SA judges were basically

detached from the realities of the country's life.

"They are compelled by the constitutional structure to spend their time solving legal 'cro' word puzzles."

"Our judges are writing the history books, while yours are writing in the Law Reports."

Mr Justice McNally said in theory judiciaries in these countries were more independent than in SA because of the principle of the separation of powers and the judges' role as guardians of the constitution and the individual human rights enshrined therein. But judicial independence in Commonwealth Africa was limited in practice by severe constraints.

One of these was the low remuneration judges received in some countries, compelling them to run small businesses on the side.

Another problem was what he called the "slender thread" on which judicial independence hung in countries where the executive was inse-

cure and liable to react arbitrarily to too much judicial assertiveness.

Mr Justice Dumbutshena said a bill of rights transferred the sovereignty of parliament to the people and entrenched constitutional rights protecting the individual's freedom.

"The judiciaries in India, Zambia and Zimbabwe, to name but a few new members of the Commonwealth, exercise great power as custodians of the constitution and guardians of the rights of the people," he said.

"As far as the new commonwealth countries are concerned the question of parliamentary sovereignty does not arise. For instance the constitution of Zimbabwe is the supreme law of the land."

"Any law passed by parliament

which is inconsistent with the provisions of the constitution is, if challenged, struck down by the court."

The judge said a bill of rights entrenched in a constitution was important for the development of a universal concept of justice. These rights, he said, were the basis upon which many countries and nations were building a new jurisprudence which was universally accepted.

Mr Justice Dumbutshena spoke of the recent conflict between the judiciary in Zimbabwe and the speaker in the House of Assembly over the court's decision to uphold Ian Smith's right to a parliamentary salary after his suspension as an MP.

Smith appealed against the Zimbabwean High Court's dismissal of his application for payment.

"We allowed the appeal on the ground that the suspension of his salary contravened the constitution," Mr Justice Dumbutshena said.

After the speaker insisted that

Parliament was supreme and would not pay a man like Smith, the cabinet and the president issued a statement to the effect that it was the duty of the judiciary to interpret the laws passed by parliament.

The judge said the Smith incident had established the supremacy of the judiciary in the public mind.

However, Mr Justice McNally pointed out there was no way to devise a constitution which prevented a government from depriving people of their rights if it was bent on doing so.

"If a government wants to subvert a constitution and take away the rights of its people it will always find some way of doing so, even if that involves putting judges up against a wall and shooting them," he said.

"A constitution can do no more than reflect the will of the people."

Mr Justice McNally said what could be done to ensure that government respected the constitution was to create what he called a "human rights culture" in a society. This was already emerging among young lawyers in Zimbabwe.

REVIEWS

Prof J S A Fourn	Lecturer	LLD	Law	University
Dr H Fox	Prisoner	DED	Education	Self
Mrs G Giannelos	Housewife	BDrama	Drama/Films	Self
Prof A Gouws	Lecturer	DED	Education	University
Mr C I Gregory	Lecturer	BA Hons	Politics	University
Dr J Greyvenstein	Minister of Religion	DD	Theology	Church
Prof J A Heyns	Theologian	ThD/DPhil	Theology	University
Father H J F Hovers	Priest	ThD	Theology/Languages	Church
Mrs M M Howell	Housewife	BA/UTD	Film expert	Self
Prof J P Jansen	Pensioner	DPhil	Africa studies	Self
Mrs S Kahn	Housewife	HPTD	Film Knowledge	Self
Rabbi S Katz	Rabbi	MA	Hebrew	Church
Adv G F Koze	Lecturer	LLM	Law	University
Prof M Koze	Lecturer	DPhil	Political Science	University
Mr L Kreiner	Architect	BArch/MIA/ARIBA	Film expert	Self
Mr L Kruskal	Businessman	Mairre	Film expert	Self
Rev K W Kuhne	Priest	BTh	Theology	Church
Prof J Labuschagne	Lecturer	LLD	Constitutional/International Law	University
Mrs M M Labuschagne	Housewife	BA	Languages	Self
Mrs R le Roux	Artist	Diploma in Art	Art	Self
Rev C R Liebenberg	Minister of Religion	BTh	Theology	Church
Dr C J Malan	Minister of Religion	ThB/DLit	Theology	Church
Mr W Malan	Pensioner	BA Law	Politics	Self
Mr Y Martinovic	Lecturer	BA (Languages)	Languages	Education
Mrs A McFarlane	Writer	BA/STD	Literature	Self
Prof A T Moller	Lecturer	DPhil	Psychology	University
Rev J Mostert	Lecturer	BA/BTh	Theology	College
Dr J C Muller	Minister of Religion	DD	Theology	Church
Col H F Nel	Pensioner	MA/BE	Politics	Self
Prof P R Nel	Lecturer	DPhil	Marxism	University
Mr J D Nelson	Lecturer	BA Theology	Religion	College
Mrs J Pickard	Housewife	BSc Radiography	Education	Self
Mrs L Rabie	Principal	BE	Education	University
Mrs U Ramsay	Housewife	BA/Diploma	Literature/Fine arts	Self
Mr A J Rhoode	Principal	BA/BE	French literature	Education
Mrs W J Rust	Housewife	BA/HTD	Education	Self
Pastor N W Scheffers	Minister of Religion	BTh	Theology	Church
Mrs E H Scholtz	Housewife	BA Hons	Literature/Arts	Self
Prof P C Smit	Lecturer	LL D/DPhil	Law	University
Prof G Stander	Lecturer	DEd/PhD	Education/Psychology	University
Dr E Pretorius	Lecturer	DPhil	Communication	Bank
Mr M Roets	Businessman	BCom	Film/Arts	Self
Mr A A Roulier	Designer	BA	Arts	Self
Mr S Rudolph	Lawyer	BA/LLB	Law	Justice
Mrs I E Scholtz	Researcher	BA (Languages)	Languages	University
Prof M G Scholtz	Lecturer	DLit/ET Phil	Literature	University
Dr M A Simpson	Psychiatrist	MBBS	Psychology	Self
Dr J W Snyman	Lecturer	PhD	African Languages	University
Rev K D Sprong	Minister of Religion	BTh	Theology	Church
Rev N J R Steenberg	Minister of Religion	BD/Diploma	Theology	Church
Mrs A C Steenkamp	Housewife	Diploma	Arts	Self
Dr J S Steyn	Lecturer	DLit	Literature	College
Rev A Strydom	Minister of Religion	BA Hons/BD	Theology	Church
Prof P J L Strydom	Lecturer	MED	Languages	College
Mr J J Swartz	Lecturer	MED	Languages	University
Mrs E M Theron	Housewife	MA	Drama/Arts	Self
Mr F Theron	Lecturer	MA	Political Science/Films	University
Dr P J Turner	Physician	MBChB	Medicine	Hospital

Dr E S van Aswegen	Lecturer	DPhil	Literature	College
Rev G E van der Merwe	Minister of Religion	BA	Films/Arts	Church
Mr L van der Merwe	Librarian	BA Hons/BD	Arts	Services
Prof J G van der Walt	Theologian	DTh	Theology	Church
Prof P B van der Walt	Theologian	DTh	Theology	Church
Prof A A van Niekerk	Lecturer	DPhil	Philosophy/Political Science	University
Prof D J van Zyl	Lecturer	DPhil	History	University
Prof G J van Zyl	Specialist	MBChB/MED	Medicine	Hospital
Mr M P Williams	Teacher	BA	Education	Education
Dr G C Veltuisen	Editor	DD	Theology	Newspaper
Prof R A Viljoen	Lecturer	DPhil	Sociology	University
Rev J Vink	Minister of Religion	BA Hons/Lis Th	Theology	Church
Rev I J H Visagie	Minister of Religion	Hons (Filos)/BTh	Theology	Services
Mr C H P Volschenk	Journalist	Lis Theology	Theology	Services
		BA/LLB	Media	Magazine

Persons awaiting execution

397 Mr D J DALLING asked the Minister of Justice *252* against him and (b) in out-of-court settlements, if so, what amount in that year? B945E

How many (a) males and (b) females of each race group were awaiting execution in the Republic as at the latest specified date for which information is available? *Hansard 30/5/90* B944E

The MINISTER OF JUSTICE

It is general knowledge that no executions have taken place since 14 November 1989. Bearing this in mind, the undermentioned (a) males and (b) females were in detention on 10 May 1990 after having been sentenced to death.

(a) White	12		
Black	247		
Coloured	48		
Indian	5		
	312		
(b) Black	1		
TOTAL	313		

Minister of Justice: lawsuits

398 Mr D J DALLING asked the Minister of Justice *Hansard 30/5/90* *252* whether any lawsuits were brought against him in 1989 in his capacity as Minister of Justice by members of the public, if so, (a) how many and (b) what (i) were the circumstances of the lawsuits, and (ii) was the outcome in each case.

(1) Whether any lawsuits were brought against him in 1989 in his capacity as Minister of Justice by members of the public, if so, (a) how many and (b) what (i) were the circumstances of the lawsuits, and (ii) was the outcome in each case.	1	Order against assault
(2) whether he paid out any moneys (a) as a result of successful lawsuits brought	1	Order against unjust detention
	2	Order for release on medical grounds
	1	Order for the furnishing of medical records

APPLICATION BY WAY OF MOTION

Number	Subject
1	Order against assault
1	Order against unjust detention
2	Order for release on medical grounds
1	Order for the furnishing of medical records

Heurwax
30/5/90
252

(iii) CLAIMS

Number	Result
2	Order against sus-pension
1	Order for release
3	Settled out of court
8	Not proceeded with by the plaintiff
36	Pending
1	Prescribed

APPLICATIONS BY WAY OF MOTION

Number	Result
1	Settled out of court
7	Pending

(2) (a) No
(b) Yes — R162 363 28

The amount includes settlements reached pursuant to letters of intention to institute action and actions instituted before 1989 but settled during 1989

Publications Act. Items declared undesirable

404 Mr P G SOAL asked the Minister of Home Affairs *Heurwax* 30/5/90

- (1) How many items were declared undesirable in 1989 in terms of section 47(2)(a), (b), (c), (d), (e) and (f), respectively, of the Publications Act, No 42 of 1974,
B951E
- (2) whether any appeals were lodged against decisions to declare any such items undesirable, if so, how many cases in respect of each of the categories referred to in section 47(2) of the said Act (a) had been (i) upheld and (ii) dismissed and (b) were pending as at 31 December 1989?

THE MINISTER OF HOME AFFAIRS

Heurwax 30/5/90
327

	Publications and objects	Films	Public entertainment
(1) Section 47(2)(a)	275	123	—
Section 47(2)(b)	16	6	—
Section 47(2)(c)	5	1	—
Section 47(2)(d)	8	1	—
Section 47(2)(e)	68	1	—
Section 47(2)(f)	—	—	—
(2) Yes	Yes	Yes	No
(a) (i) Section 47(2)(a)	15	19	—
Section 47(2)(b)	1	—	—
Section 47(2)(c)	—	—	—
Section 47(2)(d)	—	1	—
Section 47(2)(e)	2	1	—
Section 47(2)(f)	—	—	—
(ii) Section 47(2)(a)	6	9	—
Section 47(2)(b)	1	—	—
Section 47(2)(c)	—	—	—
Section 47(2)(d)	—	—	—
Section 47(2)(e)	—	—	—
Section 47(2)(f)	2	—	—

Publications Act: prohibitions

405 Mr P G SOAL asked the Minister of Home Affairs *Heurwax* 30/5/90

Whether the possession of any publications or objects was declared prohibited in 1989 in terms of section 9(3) of the Publications Act, No 42 of 1974, if so, how many publications or objects in terms of section 47(2)(a), (b), (c), (d), (e) and (f) respectively?

B952E

THE MINISTER OF HOME AFFAIRS

Section	Number
47(2)(a)	55
47(2)(b)	2
47(2)(c)	2
47(2)(d)	3
47(2)(e)	8
47(2)(f)	—

Persons restricted

438 Mr S S VAN DER MERWE asked the Minister of Justice *Heurwax* 30/5/90

(a) How many persons in the Republic were restricted under each specified section of the Internal Security Act, No 74 of 1982, as at 31 December 1989 and (b) how many restricted persons left the Republic in 1989?

B1029E

THE MINISTER OF JUSTICE

- (a) None
(b) Falls away

Certain Transvaal hospitals: bed occupancy

446 Dr Z J DE BEER asked the Minister of National Health and Population Development

(1) (a) What is the current bed occupancy rate in the (i) White and (ii) Black sections of (aa) Welkom Provincial Hospital, (bb) Virginia Provincial Hospital and (cc) Odendaalsrus Provincial Hospital and (b) in respect of what date is this information furnished?

(2) when is it anticipated that the hospital being built at Thabong will be completed?

THE MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

- (1) (a) (aa) Welkom Provincial Hospital
(i) White — 38,14%
(ii) Black — 122,65%
- (bb) Virginia Provincial Hospital
(i) White — 39,50%
(ii) Black — 93,63%
- (cc) Odendaalsrus Provincial Hospital
(i) White — 23,21%
(ii) Black — 143,96%

(2) building operations of the Thabong Hospital commenced during December 1988 and will in all probability be completed by December 1992

Handwritten
30/5/90
252

2 Order against sus-
pension
1 Order for release

The amount includes settlements reached pursuant to letters of intention to institute action and actions instituted before 1989 but settled during 1989

(ii) CLAIMS

Number Result
3 Settled out of court
8 Not proceeded with
by the plaintiff
36 Pending
1 Prescribed

APPLICATIONS BY WAY OF MOTION

Number Result
1 Settled out of court
7 Pending

(2) (a) No
(b) Yes — R162 363 28

Publications Act: items declared undesirable

404 Mr P G SOAL asked the Minister of Home Affairs *Handwritten* 30/5/90

(1) How many items were declared undesirable in 1989 in terms of section 47(2)(a), (b), (c), (d), (e) and (f), respectively, of the Publications Act, No 42 of 1974,

(2) whether any appeals were lodged against decisions to declare any such items undesirable, if so, how many cases in respect of each of the categories referred to in section 47(2) of the said Act (a) had been (i) upheld and (ii) dismissed and (b) were pending as at 31 December 1989? B951E

The MINISTER OF HOME AFFAIRS

Handwritten 30/5/90

(1) Section 47(2)(a)
Section 47(2)(b)
Section 47(2)(c)
Section 47(2)(d)
Section 47(2)(e)
Section 47(2)(f)

Publications and objects

275
16
5
8
68

Films

123
6
1
1
1

Public entertainment

—
—
—
—
—

(2) Yes

(a) (i) Section 47(2)(a)
Section 47(2)(b)
Section 47(2)(c)
Section 47(2)(d)
Section 47(2)(e)
Section 47(2)(f)

Yes

15
1

No

(ii) Section 47(2)(a)
Section 47(2)(b)
Section 47(2)(c)
Section 47(2)(d)
Section 47(2)(e)
Section 47(2)(f)

6
1

9

(b) Section 47(2)(a)
Section 47(2)(b)
Section 47(2)(c)
Section 47(2)(d)
Section 47(2)(e)
Section 47(2)(f)

2

Publications Act: prohibitions
405 Mr P G SOAL asked the Minister of Home Affairs *Handwritten* 30/5/90

Certain Transvaal hospitals: bed occupancy
446 Dr Z J DE BEER asked the Minister of National Health and Population Development

Whether the possession of any publications or objects was declared prohibited in 1989 in terms of section 9(3) of the Publications Act, No 42 of 1974, if so, how many publications or objects in terms of section 47(2)(a), (b), (c), (d), (e) and (f), respectively? B952E

(1) (a) What is the current bed occupancy rate in the (i) White and (ii) Black sections of (aa) Welkom Provincial Hospital, (bb) Virginia Provincial Hospital and (cc) Odendaalsrus Provincial Hospital and (b) in respect of what date is this information furnished? B1038E

The MINISTER OF HOME AFFAIRS

Section 47(2)(a) 55
Section 47(2)(b) 2
Section 47(2)(c) 2
Section 47(2)(d) 3
Section 47(2)(e) 8
Section 47(2)(f) —

(2) when is it anticipated that the hospital being built at Thabong will be completed? *Handwritten* 30/5/90 B1038E

Persons restricted

438 Mr S S VAN DER MERWE asked the Minister of Justice *Handwritten* 30/5/90

(1) (a) (aa) Welkom Provincial Hospital
(i) White — 38,14%
(ii) Black — 122,65%
(bb) Virginia Provincial Hospital
(i) White — 39,50%
(ii) Black — 93,63%
(cc) Odendaalsrus Provincial Hospital

(a) How many persons in the Republic were restricted under each specified section of the Internal Security Act, No 74 of 1982, as at 31 December 1989 and (b) how many restricted persons left the Republic in 1989? B1029E

The MINISTER OF JUSTICE

(a) None
(b) Falls away

(2) building operations of the Thabong Hospital commenced during December 1988 and will in all probability be completed by December 1992

New banking legislation puts all on equal footing

Stev 30/5/90
252

By Peter Fabricius

Political Correspondent

CAPE TOWN — New legislation regulating the banking business would protect depositors by preventing banks going bust, according to Democratic Party Finance spokesman Mr Harry Schwarz.

He said yesterday he welcomed the mammoth Deposit-taking Institutions Bill which was published earlier.

The bill provides for the regulation and supervision of the business of public companies taking deposits from the public.

The main object of the bill is to create a framework for regulating, including the supervision of, the business of accepting and employing deposits made by the

general public.

The bill safeguards depositors by prohibiting deposit-taking business by persons not registered as such.

Mr Schwarz said one of the main features of the bill was that it increased the percentage shareholding which one company could have in a bank from 30 percent to 49 percent.

Mr Schwarz said that this would help to prevent banks getting into financial trouble.

They were much more likely to get financial support when needed from a 'big brother' with a 49 percent shareholding — than someone with only 30 percent or less.

The other significant aspect of the bill was that it would

force banks to pay more attention to the merits and quality of their management.

There was one potential 'downside' to the bill flowing from the fact that it would put all deposit-takers — including building societies — on the same footing.

This might encourage banking institutions to seek the most profitable business and ignore the business that building societies have traditionally pursued — providing housing for the middle-income group.

Mr Schwarz said the DP would ensure during the committee amendments to the bill, that this problem was attended to.

SA 'must create its own law', African jurisprudence 'a reservoir of justice'

It is time to stop highlighting the colonial origins of our law, lawyer and writer Albie Sachs told a group of colleagues at a meeting organised recently by the Centre for Applied Legal Studies.

Discussing the future of the legal profession in South Africa, Mr Sachs, a member of the African National Congress's constitutional committee and former dean of the law school at the University of Mozambique, said an important future issue would be the creation of a real South African law.

This would incorporate elements of African law which up to now had been sidelined and had had to "creep in through the back door" though it was the law of the majority of people in the country.

Much of African jurisprudence constituted an important reservoir of justice, said Mr Sachs, and these areas had to be explored and developed.

South Africanising the law would be impossible, however, without South Africanising the judiciary

Albie Sachs, a member of the ANC's constitutional committee, recently told lawyers from the Centre for Applied Legal Studies about his views of a future South African legal system. **PAT SCHWARTZ** reports

"Everybody must feel when they go into a court that they are going into a South African court as South Africans"

Attitudes to the language used in court had to change "If we make English and Afrikaans the only languages people can use it is assuming that the courts are restricted to a certain view, a certain culture"

"We can have a language of record but I believe everybody should be free to use their own language in court. If the magistrate doesn't un-

derstand, it's the magistrate's problem, not the litigant's, and the magistrate can have an interpreter"

Magistrates and judges would have to be drawn from all sections of the community and once that happened, said Mr Sachs, judges themselves would help to reformulate the law.

He spoke of lay participation in the administration of justice as in England, where magistrates are drawn from the community, and of the need for the introduction of non-racial juries

The legal profession in the post-apartheid South Africa would, he believed, function within the framework of a written constitution which would provide a point of reference, enshrine fundamental law and "add a new dimension to legal life in this country"

"Hardly anybody has begun to appreciate what it means to live under a constitution," he said "If we have a constitution it will be operative and significant. It will affect the way lawyers practise. Everything will be evaluated in terms of its constitutionality and it will be the great achievement of our generation to have introduced constitutionality to South Africa"

Significant

Really significant constitutions, said Mr Sachs, were not those left behind by some previous authority but documents created through struggles and in which people had enshrined their ideals and goals

The constitution would be an important document used by ordinary people to achieve their rights and law in South Africa would be a law that would relate to the constitution. There would be a new system of political rights and guarantees, freedoms of expression and assembly, a Bill of Rights that would have to be upheld by the courts and other institutions, and a whole new framework of legal operation

"We don't have to start from scratch. We have the foundations of a truly South African profession serving South African law before a South African judiciary"

But the profession would have to be deracialised. In the 24 years since he had left the country, said Mr Sachs, the ratio of black lawyers to white had barely increased and still stood at below 10 percent

"The obstacle to blacks entering the profession isn't just money, it's a sense of not being welcome. That's not something that statute has prevented. You cannot put the blame on the Government or the National Party, but on the profession for not seeing it as an issue"

Harms focus on hit squads next week

THE Civil Co-Operation Bureau (CCB) comes under the spotlight of the Harms Commission for the last time today when cell member Mr Calla Botha takes the witness stand to be cross-examined by legal representatives.

On Monday, the commission will resume with the investigation of the alleged police hit squads.

Free State Attorney-General Mr Tim McNally, who is leading evidence before the commission, said yesterday although the commission intended to hear evidence until June 22, this time limit could be extended if necessary.

If evidence about political violence by the ANC were presented to the commission, it would be heard before the June 22 deadline, he said.

Earlier, police lawyer Mr Louis Visser said he had evidence about ANC violence which he wanted to present to the commission.

Testifying before the commission yesterday, the man in command of the CCB, Major-General Eddie Webb, could not give the commission an assurance that projects for the elimination of perceived enemies could not be carried out without his knowledge.

Webb said CCB managing director Mr Joe Verster or any regional manager could authorise the monitoring of "enemies of the State" without his permission, although active operations had to be submitted to him for approval.

Webb said financial controls and internal audits would eventually bring to light any unauthorised projects, but admitted that these controls had not brought the monitoring of ANC attorney Mr Omar or journalist Mr Gavin Evans to his knowledge.

Youth tells court of police 'brutality'

South 30/5 - 4/6/90

252

From PATRICK GOODENOUGH
PORT ELIZABETH — A 16-year-old witness to an alleged death in detention in Humansdorp police cells has accused two policemen allegedly involved of threatening to kill him

In papers before the Supreme Court the youth said he saw several policemen brutally assault a prisoner whom he believed died in his cell shortly

afterwards

Several days later two of the constables allegedly involved — named Prinsloo and Hlatswayo — threatened to kill him because he named them as parties to the assault when detectives questioned him on the incident

Minister of Law and Order and Eastern Cape Divisional Commissioner of Police have given the boy's father an undertaking to do everything possible to prevent Prinsloo and Hlatswayo from assaulting him

Attorneys for the father insisted the undertaking be made an order of the Supreme Court

According to papers the boy said he was arrested in the street on the night of May 14 by Prinsloo and a Detective du Preez, one of whom told him "Ek vang jou vir die toyi toyi"

He was put into the back of a police van with other men. At the charge office a policeman sprayed teargas into the back of the van, the youth claimed in his affidavit

In the charge office he was ordered to

sit on the floor behind the counter

He said he saw a man, whose first name he later learnt to be Andile, lying on the floor. He watched as Prinsloo, Hlatswayo, a Warrant Officer Jackson and a Constable Ndlovu assaulted Andile by striking him with a rifle and baton

Then Prinsloo, Hlatswayo, Ndlovu and a Constable Bongani started kicking Andile and jumping on him. They picked him up and "smacked him with open hands", according to the affidavit.

When a 'white sergeant' entered the beatings stopped and Andile was taken away

The sergeant left and Prinsloo told the boy to stand and smacked him before walking away, saying "Ek loop nou jou kaffir"

He was taken to a cell where he discovered Andile was being held

They had a few words. Andile saying he was related to a Boet Mendisi. Andile then 'went to sleep'. Other prisoners were brought into the cell, and the boy slept

In the early morning two policemen shouted at the prisoners to get up. The boy tried to wake Andile and told a Constable Vuko Williams that he appeared to be dead as his body was very cold

The two policemen inspected the body and ordered prisoners to remove it

Public violence

Later the boy was taken by Du Preez to the Humansdorp detective branch offices where a Detective Ndevu asked him if he could remember the policemen who had assaulted Andile the night before

"Du Preez then told me I should not mention this to anyone else particularly the people in the township"

He was returned to the cells appeared in court on public violence charges the following day, and was released into the custody of his father

On the following Saturday, May 19, he was walking to town when he saw Prinsloo and Hlatswayo. Neither of them spoke to him but 'looked at me in a threatening manner'

The next day the two policemen stopped their van alongside him and Hlatswayo said he had heard the youth had told Ndevu he (Hlatswayo) and Prinsloo had killed Andile

Frightened

Hlatswayo warned him that if he ever saw me alone in the future, he and Prinsloo would shoot me

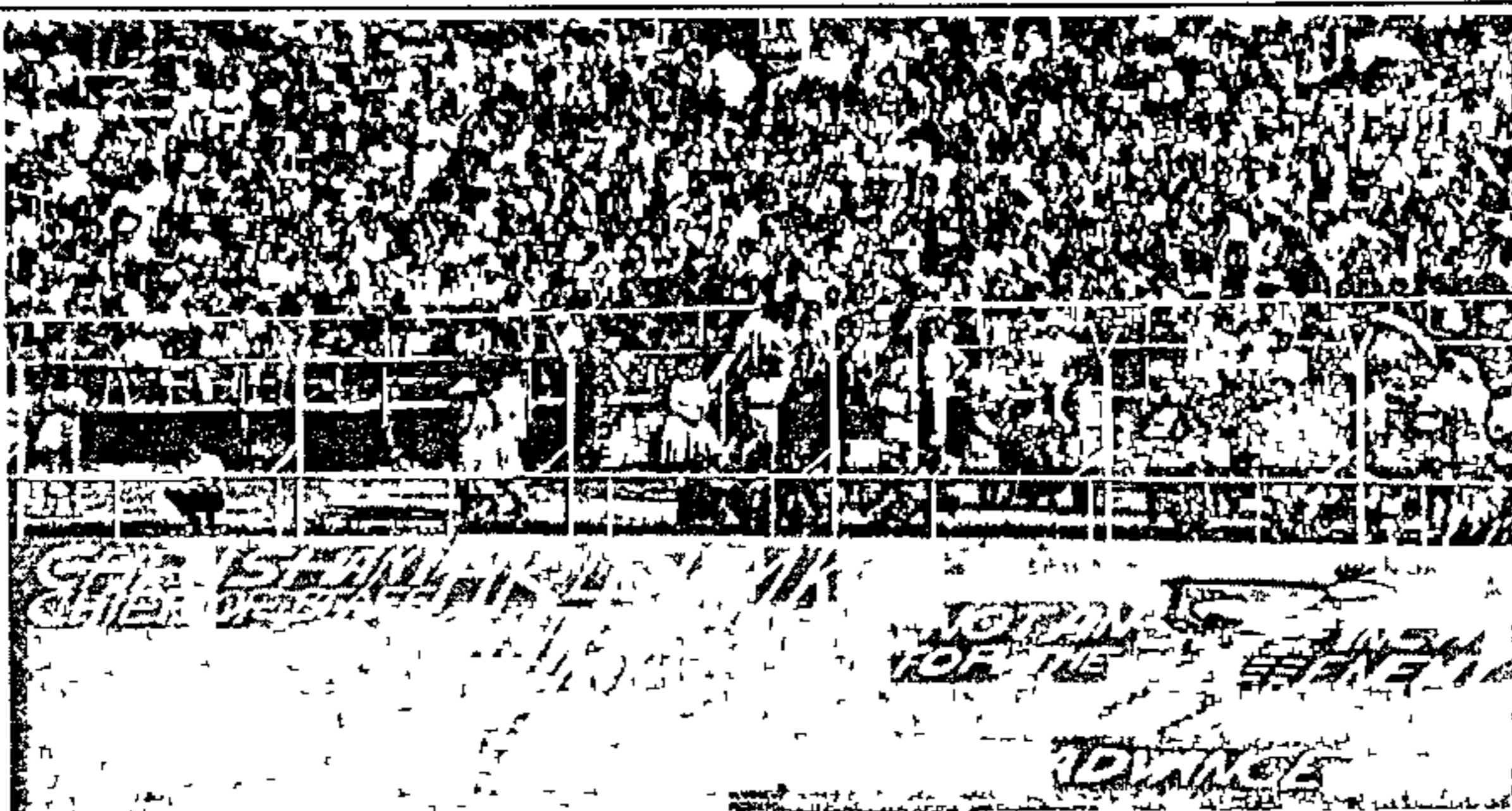
"I became very frightened and ran home," the boy said

Neither the hospital or the police mortuary in Humansdorp have any record of a death on either May 14 or 15

In response to inquiries, the police public relations division in Pretoria said no person died in the Humansdorp police cells during the night of May 14 1990 as is alleged

The president of the Humansdorp Civic Organisation, Sam Swepu said attempts were being made to find out who Andile was

The arrest of the youth and some 18 others during that week, came at a time of tension between township residents and a community of chokka fishermen which led recently to assaults, stabbings and the burning down of several shacks



WRITINGS ON THE WALL: Graffiti extolling the leadership of the ANC adorned the Atteridgeville stadium near Pretoria last weekend when ANC deputy president Nelson Mandela addressed a crowd of 60 000 people
PIC CECIL SOLS, DYNAMIC IMAGES

JECT DIRECTOR

Health Mission Project

The following post are invited from people prepared to make a contribution to the University's commitment to the establishment of a health society

Applicants are expected to assume duties as soon as possible

The project is to formulate policy and practice to enable the University, in the health and welfare sector, to give expression to its commitment to the community with the skills necessary to meet real community needs. Areas of concern include Dentistry, Human Ecology, Nursing, Pharmacy, Physiotherapy, Psychology and Social Work. The project director will be required to play a major role in planning and implementation of the project within these sectors to explore and work towards formulating an appropriate approach to personnel training. The project will involve the organisation of workshops, conferences and study visits, and the promotion of progressive health and community organisations such as CDS.

Applicants should be able to work within and promote a democratic structure, should have experience in community health, and an Alma Ata view of primary health care and have a strong sense of commitment to the community

Appointment and will be for an initial 18 month contract period. A remuneration package will be negotiated depending upon experience

For application forms, please telephone (021) 959 2990. Alternatively, send a detailed CV (including the names and addresses of three referees) in assured confidence to the Registrar, University of the Western Cape, Private Bag X17, Bellville 7530. Further details can be obtained from Dr N Myburgh on (021) 931-4281 or Mr P Eagles on (021) 959 2190

Closing date for all applications 15 June 1990

University of the Western Cape

ALMA MATER THE BEST PEOPLE FOR THE JOB C88790

Molteno residents resist local govt

EAST LONDON — Residents of the small town of Molteno near Queenstown are resisting the re-imposition of local government by the Cape Provincial Administration (CPA)

According to the chairperson of the Molteno Crisis Committee, Mr Mbuyiselo Ntsabo, councillors from both the old and new townships of Molteno resigned in April but the CPA refused to recognise the new committee

Ntsabo said CPA representative in the Eastern Cape, Mr D Bezuidenhout, said in a meeting earlier this month that unless new councillors were elected there would be no improvement in the township's deteriorating conditions

According to Ntsabo, Bezuidenhout avoided a meeting with the committee accusing the organisation of forcing the councillors to resign

Bucket system

Councillors said they resigned because of the "national call" for them to step down. Some claimed to have "other commitments"

Residents demands included the upgrading of the township, the abolition of the bucket system and the building of more houses

Residents also demand the privately owned Molteno hospital be administered by the CPA. They complained about racial discrimination at the hospital

"Because of such attitudes people have chosen to send their relatives to other hospitals far from here," said Ntsabo

Ntsabo said the committee is preparing to investigate allegations of corruption and mismanagement of funds — **ELNEWS**

'No blame' for death of Athlone pair

Sowit 30/5-6/6/90
(252)

ON the eve of her daughter Coline's 23rd birthday, Mrs. Wilhelmina Williams knows what was responsible for her daughter's death.

On Monday, Wynberg magistrate Mr. G. Hoffman found no-one was to blame for the death of Cape Town activists Coline Williams and Robert Waterwitch, killed in a bomb blast near the Athlone Magistrate's Court on July 23.

Said Mrs. Williams: "Apartheid is responsible for my daughter's death. If it wasn't for apartheid, she and Robert would still be here today."

The magistrate found the cause of their deaths was an explosion caused by an unknown explosive.

Williams died as a result of widespread internal and external injuries.

Waterwitch suffered neck and face injuries and severe bleeding of the lungs.

Birthday

Hoffman found their deaths were not due to an act or omission on the part of any person.

Coline would have celebrated her 23rd birthday on Wednesday.

In an affidavit at the inquest, Sergeant Johannes Loubser said he was on duty at the Athlone police station when he heard a loud blast.

He ran outside towards the Magistrate's Court and asked people who were running in that direction whether they had seen anything.

He was told a flame was seen opposite the court near a power pylon. He then went to the public toilets opposite the Magistrate's Court.

"As I entered the premises, I smelled a sharp smell, like electricity wires which had shorted,"

Loubser said.

● TO PAGE THREE

Athlone inquest

Sowit 30/5-6/6/90
(252)

● FROM PAGE ONE

"I couldn't see anything, it was too dark, so I told the bystanders it was only a short circuit, and they left."

Loubser said he returned a few minutes later with a torch and found two bodies behind the building.

Both mothers said in affidavits their children had never left South Africa nor been away from home for long periods.

"I last saw my son on Sunday July 23 at 8pm. He said he was going out and did not say where he was going or who he was meeting," Mrs. Coetzee said.

Mrs. Williams last saw her daughter at 2.30 that afternoon. Like Waterwitch, Coline did not say where she was going.



Gary Rathbone . . . claimed he had served almost four years in Permanent Force.

Army objector acquitted

30/5/90 By Celeste Louw

Conscientious objector Gary Rathbone was yesterday acquitted on a charge of refusing to do camps in the SADF, "because no reasonable court could safely convict him on the poor evidence placed before the court," the magistrate found.

Mr Rathbone, guitarist for The Spectres rock band, faced a maximum sentence of 18 months' jail for refusing to render further service in the SADF.

He pleaded not guilty, saying he was not obliged to attend camps as he had already served a period of almost four years in the Permanent Force.

The court found that Warrant Officer John Flattery of the Military Police gave the impression that his evidence was unreliable. He told the court that Mr

Rathbone was still liable to render 660 days service, but that after revision his file indicated that 420 days were outstanding.

During cross-examination, the warrant officer conceded it was possible Mr Rathbone had no further liability towards the SADF if the concessions made by the State President to reduce the term of national service was taken into account.

He later said it could not be taken into account because the concessions were made only after Mr Rathbone refused to report for a camp.

Magistrate H Verhoef said there should be a clear basis for prosecution. "Reliable evidence of what a person's liability is should be placed before the court," he said.

Bill carries hope for 313 on Death Row

Political Staff

A TOTAL of 313 people were on Death Row on May 10, Justice Minister Mr Kobie Coetsee said yesterday in reply to a written question from Sandton MP Mr Dave Dalling.

Twelve were white males, 247 black males, 48 coloured and five Indian. The only woman was black and one of the Upington 14.

No executions have taken place since November 14 and the death penalty is the subject of legislation which would give automatic right of appeal and give courts wider discretion.

It also provides for a panel of appeal judges who would review the cases of all those on death row in the light of the new legislation.

It is understood that considerable progress has been made in the discussion on the bill by the Justice Standing Committee which is expected to reach consensus next week.

Thereafter, the bill will be placed on the Parliamentary Order Paper — and it is expected to be passed during this session.

PUBLIC SECTOR-GOVT- JUSTICE

1990

JUNE - July.

Dangerous confusion

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■ A proper Bill could reconcile individual rights with minority concerns

The thinking is that, yes, we do need a Bill of Rights. It's that part of a constitution which defines a citizen's fundamental freedoms and entitlements. If it is to mean anything, a Bill of Rights must be generally acceptable and it must have the constitutional weight to override laws which contravene it. But there is an alarmingly wide divergence between views on what it should contain.

Success in shaping a Bill of Rights — as much as a new constitution — is going to depend on whether government and its negotiating partners, mainly the ANC, can give effect to what President F W de Klerk described on February 2 as "a broad consensus about the fundamentals of a new, realistic and democratic dispensation."

If a Bill of Rights is not to be merely a statement of apple-pie good intentions — and vulnerable to being thrown away — it has to be enshrined as part of the constitutional, and judicial, process.

Judge P J Olivier is vice-chairman of the SA Law Commission, which is to publish a report on a draft Bill of Rights this year. He says "a future constitution will have to be a legitimate one that is, one which comes about by the will of the majority and is accepted by the majority of all the people in the country, whether as the result of negotiation or otherwise."

"Only after such a constitution has been adopted, and all racially discriminatory legislation has been repealed or amended, can a full Bill of Rights become part of the constitutional dispensation."

De Klerk says his government "accepts the principle of the recognition and protection of the fundamental individual rights which form the constitutional basis of most Western democracies. We acknowledge, too, that the most practical way of protecting those rights is vested in a declaration of rights justiciable by an independent judiciary."

However "The formal recognition of individual rights does not mean that the problems of a heterogeneous population will simply disappear. Any new constitution which disregards this reality will be inappropriate and even harmful." It is "not government's policy nor its intention that any group — in whichever way it may be defined — shall be favoured above or in relation to any of the others," said De Klerk.

The ANC's Albie Sachs puts it this way "At the constitutional level, the issue is no longer whether to have a democracy and equal rights, but how best to achieve these principles and how to ensure that within the overall democratic scheme, the cultural diversity of the country is accommodated and the individual rights of all citizens are re-

spected."

Just over a year ago the Law Commission published its 490-page working paper on human and group rights. It proposed the adoption of a Bill of Rights of all the recognised "first generation" civil and political rights as part of a new constitution. It also said the Bill should be justiciable, which means that any Act of parliament or the executive could be tested by the Supreme Court to ensure it does not violate the Bill of Rights — and could be set aside if it did. This is the kind of power reserved to the US



Picture Courtesy Beeld

Olivier

Sachs

Supreme Court in constitutional matters.

The ANC adopted a justiciable Bill of Rights, based on the Freedom Charter, as official policy in January 1986 (*Current Affairs* May 25).

The Law Commission has been asked by De Klerk to undertake and report on a further task "directed at the balanced protection in a future constitution of the human rights of all our citizens, as well as of collective units, associations, minorities and nations."

Terms of reference include identifying other constitutions relevant to its task, an analysis of the ways in which the relevant rights are protected in every model, and legitimate safeguards.

The trick, of course, is to marry minority rights in the constitution with a Bill of Rights which is an integral part of it.

Discussing the fundamental differences between the main players, Stellenbosch professor Willie Esterhuysen wrote "The ANC vision is based on a nonracial democracy, mass participation and socio-economic equity, achieved through a united SA based on one-man, one-vote on a common voters' roll. (The) NP is itself still an exclusive white political party, in direct contrast to the ANC's constitutional guideline that political parties will be prohibited from organising and operating on a racial basis in a new SA."

The bridge, suggests RAU professor Ig Rautenbach, a leading constitutional adviser to government, could well be in the recognition of cultural, language and religious rights — all, including the ANC, agree on this

This would be the basis of a Bill of Rights — and he goes further "It will be very useful as the agenda for a new constitution, because a Bill of Rights covers the whole spectrum." It would be valuable, for example, if they could talk through the question of property rights and the land question, which, as in Zimbabwe, promises to be one of the most intractable issues.

On the right to private property, the ANC stance is that any entrenchment would have to take account of the reality in which 87% of the land, and possibly 95% of productive capacity, is in the hands of the white minority. While the ANC's constitutional guidelines include "constitutional protection of property for personal use and consumption," it does not want to preserve those proportions.

Another major difference is over the role of the State in the economy. This leads on to the concept of "second generation" or socio-economic rights. Adapting Anatole France, Albie Sachs illustrates the ANC position "If the law in its majesty were to give equal protection to a family of 10 occupying a two-roomed shanty, and a family of two living in a 10-roomed mansion, it would not be enlarging the area of human freedom in SA."

The ANC's Bill of Rights, therefore, insists on "affirmative action" as a mandatory constitutional principle, setting out a series of special efforts or interventions to overcome or reduce inequalities as a result of past discrimination.

How wide is the gulf? The Law Commission's draft Bill came out in favour of a clause on affirmative action. Article 2 allows the government to make laws "as may reasonably be necessary for the improvement, on a temporary basis," the position of those disadvantaged for historical reasons.

First generation rights are always protected because the State cannot violate them. According to Olivier "But the true aim of second generation rights is a claim for positive action by the State, for example, to provide a job, housing," and so on "However, how is a court of law to enforce such a claim?"

Sachs says "The fact is that they are enforceable but through different mechanisms, and that's what people should be thinking about. Take hunger. You can pass a law requiring minimum nutritional standards for the whole population. School feeding, which we used to have in SA, was taken away. In housing, you can impose a duty on local authorities to investigate homelessness, and to take steps about it." While the political process obviously plays a bigger role in second generation rights, he adds, you can always have the back-up of legislation and,

ultimately, recourse to the courts

Like the US, SA faces an apparent contradiction between promoting nonracism (which presupposes blindness to the factor of race) and equality, which requires a hard look at actual discrepancies. The difference in SA is that it is not a question of advancing minority rights but of materialising the rights of the majority.

So there are two reasons for the ANC position on affirmative action. Firstly, to anticipate attempts to use a Bill of Rights as a mechanism for blocking challenges to existing material and social privileges. Secondly, the constitution should ideally not be seen as embodying the victory of one side over the other, but as a solemn compact based on trust and realism, which establishes in advance certain fundamental principles and procedures to enable all South Africans to live in peace. This would at least legitimate parliamentary programmes of legislative intervention to promote equal opportunity.

The problem, says Sachs, is not to oppose this process but to ensure that the process is anchored in law. "The objective in a society undergoing major transformation can never be to separate law and politics, but to find the right relation between them, and to recognise and act upon the need for a statutory programme of change based on extensive public intervention."

Well, like apple-pie and motherhood, it all sounds wonderfully reasonable. It is also wonderfully woolly and just isn't good enough *Policies* to help redress the inequi-

ties of apartheid are one thing, human rights are another.

The human rights which societies like Britain and the US have established over centuries are abstract. They had to be, or they simply would not have endured the particular conditions of particular periods.

Let not the ANC now try to re-invent the wheel. The work of collective genius that is the American constitution has survived for more than two centuries with its basic principles intact (the amendments, while important, have all followed from them).

There are two main reasons for this remarkable endurance: the Articles are uncompromising, yet vague enough to allow adaptation, and interpretation of them is the sole province of the Supreme Court. The combined forces of President, Senate, Representatives, Pentagon, General Motors and the local PTA could not change that.

As soon as a constitution goes into detail, it must become vulnerable to intellectual fashion and changing needs. Eternal truths may be universally self-evident, economic policies are not quite so accommodating.

Taxes, inflation, social welfare, services, property, education, health, wealth, poverty — it is these things, and the relationship



Living in shackland . . . and demanding more

between them, that the ANC is concerned with Fair enough — but they are not things that can be written into a Bill of Rights.

Either the ANC concedes that the right to private property (and the right to freedom of speech, assembly and movement) can be enshrined in a Bill of Rights, immune to the greedy advances of any future government, or it does not.

If the ANC does not concede these rights, and continues to qualify absolute principles, we must expect that someone (whatever his race) who owns a large house and garden could, by future government decree, be forced to accommodate tents for a dozen squatters.

The ANC should pause and remember that a Bill of Rights which protects the rich man also protects the poor man. And if the rich man is not protected, why should anyone bother to improve himself?

Teachers to stop invigilating today

BlD ay 11/6/90

TANIA LEVY

MID-YEAR exams at about 40 coloured schools on the Reef will come to a standstill today when teachers refuse to invigilate

Late salary payments and employment grievances sparked the decision to down chalks again, taken unanimously by about 1 000 teachers at a mass meeting in Eldorado Park on Wednesday

Progressive Teachers Union (PTU) spokesman Mike Davy said teachers were extremely angry that the coloured Department of Education and Culture had failed to respond in any way to a list of grievances handed over by teachers at the end of the work stoppage two weeks ago

The department had been given until May 29 to respond to teachers' short-term demands which included prompt payment of salaries, employment of temporary teachers for more than three months at a time, supply of all teaching materials particularly at primary school level and suspension of inspections

Davy said teachers were so angry that although exams were already underway teachers had refused to invigilate or to teach until a favourable response from the department was received

House of Representatives Ministers' Council liaison officer Thinus Dempsey said Education and Culture Minister Allan Hendrickse was looking into teachers' demands. He did not know when the department would respond

And at a press conference at Wits on Wednesday National Education Co-ordinating Committee (NECC) general secre-

tary Ihron Rensburg said teachers increasingly would refuse to collaborate with the system as long as government refused to negotiate short-term solutions and the longer-term reconstruction of education

Teachers were finding it "increasingly difficult to work under present autocratic controls for poverty wages under conditions that were not conducive to effective teaching or learning", he said

About 170 000 teachers would be drawn into the non-racial national teachers' organisation to be launched in September. The aim was to have about 200 000 teachers as members by the end of the year

Rensburg asked if it would take teachers walking out of classrooms on a national basis for government to take the crisis seriously. SA's black school system was perilously close to collapse and urgent intervention was needed to save the present school year, Rensburg said

Government should realise the crisis would not be solved in the high-handed manner shown by Education Minister Gene Louw who this week refused to meet a delegation of representatives from the National Teacher Unity Forum (NTUF), Cosatu and the NECC. Rensburg said the delegation would meet Louw on Tuesday to indicate their concern about the situation in schools and to show their willingness to negotiate solutions

The National Education Department still appeared to be trying to find solutions on the community's behalf

CCB monitored Webster's friend

LINDEN BIRNS

"You weren't waiting for a good opportunity to murder White?" asked Luitingh

Mr Justice Louis Harms warned the advocate to "be careful making suppositions like this"

"It doesn't make sense," replied Luitingh. "A man stands there for five days doing nothing? We will lead evidence by a witness who'll testify that Mr Barnard told him the reason you (Botha) and Barnard monitored White was because you were going to kill him," he said.

Botha said he had orders to monitor White and he took Barnard with him so

as to avoid looking conspicuous. They stood together at an intersection for the few days while they monitored White

In his testimony early in May, investigating officer Brig Floris Mostert linked Barnard and Botha to Webster and Swapo executive member Anton Lubowski, who were killed last year

Asked about his link to Donald Acherson, who was charged and later released in connection with Lubowski's death, Botha said he had been given Acherson's name by Barnard

"Barnard felt this person (Acherson) had possible access to other African countries because of his Irish passport," he explained

HAMILTON
RUSSELL
VINEYARDS

NATAL UNREST DEATHS

September 1987 — January 1989	668
February 1989 — May 29 1990	1 026
Past 48 hours' official toll	2
TOTAL	1 696

W. Mail 176-716/90
**Family appeals
against inquest
'done on paper'**

By CARMEL RICKARD,
Durban

THE body of a suspect found hanging in a police cell showed unexplained bruising and the inquest magistrate should have ordered a full inquiry, said relatives of the dead man, Douglas Xulu (252)

Xulu died in December 1988 after twice being arrested in connection with firearm theft.

His body was found hanging by a jersey from the bars of his cell in Westville Prison (253)

The magistrate decided not to hear oral evidence on his death. Instead, on the basis of affidavits by police and a doctor, he ruled there was "no specific anatomical cause of death — consistent with hanging"

Through Lawyers for Human Rights (LHR), the family requested that the inquest be re-opened and that oral evidence be heard. However, the attorney general declined to do so.

Now the family has taken the matter to the supreme court, asking for a ruling on whether the findings of the magistrate should be set aside and the matter re-opened.

Xulu's girlfriend, Angie Mkhize, arrested when he was, said he was badly assaulted by police.

Hours before he was found dead she said she saw him crying in pain and heard police shouting at him.

After Mkhize was told Xulu died she was taken to the mortuary where she saw two large cuts on his head.

In her application for the matter to be re-opened, Mkhize says the doctor who performed the post mortem was not asked to explain several features discovered in his investigation.

Mkhize refers to other findings — that there was bruising of the brain left temple area, with the trachea and lungs both congested and the heart and pericardium showing bruising.

Mkhize believes these injuries were inflicted by police. However, because the magistrate decided not to allow oral evidence in the case, the role of the police and the origins of the bruising could not be canvassed, and LHR decided to take up the matter.

This week Collins was informed by the state attorney's office they will not contest the case.

THE LUBOWSKI AFFAIR

Beyond the damages

Damages of R1m are being claimed by the family of Anton Lubowski, the murdered Swapo executive member. Summonses are expected to be served within weeks against Defence Minister Magnus Malan and Law & Order Minister Adriaan Vlok (in their official capacities). Lawyers acting for Lubowski's former wife, Gaby, and his family have confirmed this to the *FM*.

The damages are being claimed for loss of support for Lubowski's children and maintenance for his divorced wife, on the grounds that he was killed by government agents.

The prescribed period for claims against the ministers lapsed on February 11. However, the lawyers are depending on court statements by Col Jumbo Smith (the Namibian police officer who has been investigating Lubowski's murder) and Brig Floris Mostert (the SAP detective trying to solve the murder of Wits activist David Webster).

The policemen's statements were made after an application by Brenda van Zyl, wife of confessed Civil Co-operation Bureau (CCB) member Slang van Zyl, against the minister of law & order to have her husband released from detention. In their statements Smith and Mostert suggested that certain members of the CCB may have been involved in Lubowski's murder.

Attorney Henk Smith, whose Cape Town law firm Mallinck Ress Richman & Closen-berg acts for the Windhoek firm Lorentz & Bone, told the *FM* this week that letters to Vlok and Malan were delivered at their offices on May 3. The letters point out that the court appearances by Smith and Mostert provided the first reasonable opportunity since the murder for the Lubowski family to give notice of their intention to issue summonses.

As the *FM* went to press, Malan's office had acknowledged receipt of the letter, we were waiting for a reply from Vlok's office.

Attorney Chris Steyn of Lorentz & Bone tells the *FM* that he has already instructed his Pretoria advocates. He is waiting for certain documents to be attached to the summonses.

Steyn says he is relying on Supreme Court rules concerning the "discovery" of exhibits to force the authorities to hand over certain papers which served as exhibits during the Harms Commission proceedings. "At least we know which exhibits exist," he says.

The terms of reference given to Judge Louis Harms to investigate allegations of death squads have so far hampered the judge from extending his investigation to any incidents which took place outside SA. But Steyn says this will not apply to the civil action. "That is also why I have decided to issue summonses in Pretoria," he says.

The murder of Lubowski outside his Windhoek home has produced more riddles than answers — including Malan's statement in parliament that Lubowski, though a

senior member of Swapo, had actually been a paid agent of SA Military Intelligence. The family's civil action might just clear up some of the mystery.

Eddie Botha

Kitskonstabel jailed: judge blames SAP

A Cape Town Supreme Court judge has criticised the police for "arming an unqualified, poorly trained and mentally ill-equipped person" as a special constable (Kitskonstabel).

Passing sentence on Mbulelo Gwemntu on Wednesday after his conviction for culpable homicide following a shooting incident in Langa, Mr Justice J H Conradie said the authorities were partly to blame for what had happened to him.

Argument

A police spokesman said yesterday he was unable to comment on the views expressed by Mr Justice Conradie until the SAP had scrutinised a written copy of the judgment.

In court, evidence was that Gwemntu fatally wounded Reuben Mathobela Nxusaka, who had tried to calm him during an argument with a woman in the New Flats hostel, Langa, by shooting him in the chest on December 10 1988. Gwemntu was sentenced to six years' jail, of which three were conditionally suspended for five

years.

He was also declared permanently unfit to possess a firearm.

Mr Justice Conradie said a serious degree of negligence, which bordered on recklessness, was present in Gwemntu's action. Special constables are appointed by order had to be punished, the judge said.

"Unfortunately, in the recent past, there have been numerous problems with special constables and in particular with unlawful actions by them.

Shootings

"The incidence of such transgressions is naturally something this court would take into consideration when imposing sentence.

"I know from experience that this shooting incident in which the accused was involved was not an isolated incident. There have already been three similar fatal shootings before this court in recent times.

"When guardians of order transgress in this manner, it must be made clear to society that they are penalised for their actions," the judge said.



What price saving face?

Winnie's role in the Stompie affair puts the ANC in a dilemma

PATRICK LAURENCE

THE African National Congress faces a task of damage control" now that the Supreme Court has found that Winnie Mandela was present on the night that four abducted youths were assaulted at her Diepkloof home in Soweto.

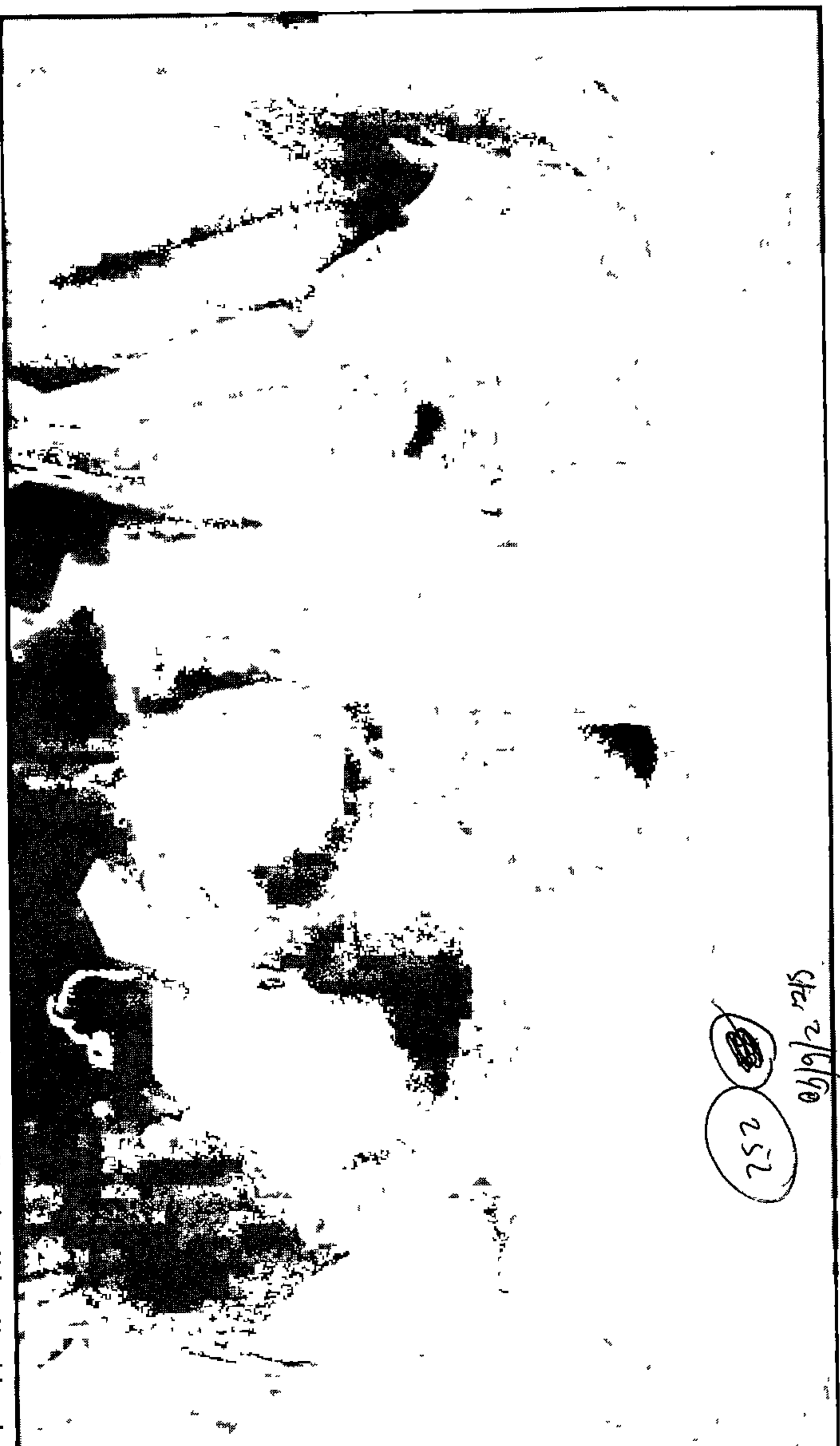
Mrs Mandela, of course, is not the ANC. She is, however, closely identified with it through her husband, Nelson Mandela, and through her long espousal of its cause.

One of the youths who was assaulted at her home was Stompie Moekeisi, according to evidence at the trial, he was accused by Mrs Mandela of being an informer.

His decaying body, punctured with stab wounds, was later found in Soweto. Jerry Richardson, coach of the Mandela United Football Club, was found guilty of murdering Stompie.

The evidence of the three youths who were abducted with Stompie — Kenneth Kgase, Thabiso Mona and Pelo Mekgwe — had the "ring of truth", Mr Justice B O'Donovan said.

Summarising part of their testimony, Mr Justice O'Donovan said "Mrs Mandela punched and slapped each of them and



TOGETHERNESS . . . Winnie takes her place at her husband's side after his release from Victor Verster prison on February 11. Since then Nelson Mandela, who more than any person symbolises the political aspirations of the ANC, has made it clear that he intends to stand by his wife

nists. Since then, however, the ANC, through Mr Mandela, has admitted that torture did take place in ANC camps.

The Manichean view of the South African struggle as a fight between total good and absolute bad no longer holds. Allegations about the ANC that many people refused to hear or consider can no longer be dismissed without careful appraisal.

Mr Mandela's admission, made in response to allegations from the Nairobi group, was qualified by two important corollaries that torture was not ANC general policy, that its occurrence was an intolerable aberration, and that those responsible had been disciplined.

These potentially damaging allegations have been muted by several factors. Perhaps the most significant is the South African government's own heavily tarnished record.

Since the introduction of interim without trial, nearly 70 people have died in detention, without a single policeman being brought to trial.

According to the Human Rights Commission, nearly 50 people, the vast majority of them anti-apartheid activists, have been murdered since 1977 in what appear to be political killings. No one has been brought to justice. These unresolved killings do not include cross-border

...a et... brought to her. Each of the four was beaten by Mrs Mandela.

One way, theoretically, in which the ANC can exercise damage control is to dissociate itself from Mrs Mandela.

The pro-ANC Mass Democratic Movement took that option in February last year after news of the Stompe affair first broke.

It accused Mrs Mandela of abusing the trust placed in her, of violating the "spirit and ethos of the democratic movement" and — even at that pre-trial stage — of "complicity in the recent abductions and assault of hompie."

It called on "our people, particularly in Soweto," to dissociate themselves from Mrs Mandela while re-affirming its unqualified support for Nelson Mandela.

But that choice, it seems, no longer open to the ANC.

Since the MDM's decision last year to "distance itself from Mrs Mandela and her actions," Mrs Mandela has gradually re-emerged as a "rehabilitated" figure in ANC-MDM ranks.

In recent months she has taken her place beside her husband at rallies in the townships at home and glittering banquets aboard The MDM has, at the east, acquiesced with her public rehabilitation. To repudiate her second-time would be difficult and inconsistent.

Moreover, Mr Mandela, who more than any person symbolises the political aspirations of

the ANC, has made it clear that he intends to stand by his wife.

Only days before Mr Justice O'Donovan's judgement, the ANC leader accused the authorities of "persecuting" his wife.

His rationale was that by not prosecuting her they had deliberately denied her the opportunity of proving her innocence.

"When my wife is not charged and the whole case centres around her, she has no way of defending herself and her innocence," Mr Mandela said.

"They don't want to charge her and give her the opportunity of proving her innocence. My wife's reputation is being besmirched without her having an opportunity to reply."

Mrs Mandela, who, on the advice of her lawyer, chose not to testify as a witness for the defence in trial of Richardson, may still have a chance to prove her innocence in a court of law.

After Richardson has been sentenced — the trial has been postponed to August 6, to enable his legal counsel to lead psychiatric evidence in mitigation — a decision will be taken on whether or not to prosecute Mrs Mar-

del, Transvaal Attorney General Klaus von Lieres has said. Until then the ANC can sit tight and refuse to comment on the grounds that a trial at which Mrs Mandela may be put in the dock, may be in the offing.

If Mrs Mandela is tried and acquitted, the ANC's problems may well be over on that score, if she is not tried or — worse still from the ANC's perspective — if she is tried and cannot prove her innocence, its problems may only have begun.

The suspicion will linger that Mrs Mandela may have — to quote the MDM's 1989 statement — abused her power and she may not be able to evade responsibility for the "reign of terror" by "her creation", the Mandela United Football Club.

These suspicions have been rekindled by Mr Justice O'Donovan's judgement at an inconvenient time for the ANC. They have been reactivated amid charges of torture in ANC camps by dissident ANC members.

The "Mkato Shinga" dissidents, who returned to South Africa last month, accused the African National Congress of

Abusing human rights

Refusing to countenance requests to hold a conference to hear guerrilla grievances about being deployed to fight against Ian Smith's Rhodesian forces and, later, against Jonas Savimbi's UNITA insurgents

Detaining them as mutineers at the Quatro "prison camp" in Angola for daring to insist on democratic discussion of the ANC's "strategy and tactics"

In a ringing declamation, the Mkato Shinga rebels accused the ANC external leadership of "crimes of genocide", saying "We are aware of the names of people who are now lying in shallow graves in Africa."

Earlier, another group of dissidents, based in Kenya, made similar accusations. They spoke of brutal beatings at Quatro, of having to lie on concrete floors while prison warders wearing heavy boots walked over them to see if their bones would break, of having to push a tank of water uphill and to endure beatings while doing so, and of having hot melted plastic dripped on to their bodies.

Known loosely as the Nairobi group, they spoke, too, of the "disappearance" of 60 inmates from Quatro.

Their allegations were, however, tempered by protestations of loyalty to the ANC political leaders. Their quarrel was with its military commanders and, in particular, its security person-

nel, known as Mbokodo, "the rock that crushes".

(Coincidentally, and ironically, the dreaded KwaNdebele vigilantes who tried to drag non-bele independence, were also known as the Mbokodo).

These accusations, in turn, stimulated memories in South Africa and overseas of the largely ignored US Senate hearings in 1982 on the role of the Soviet Union, Cuba and East Germany in fomenting terrorism in Southern Africa.

Organised by Senator Jeremiah Denton, who spent eight long years in a North Vietnamese prison camp and who had no love for communism or communists, or their allies, the hearings heard testimony from several ANC renegades.

One of them was Jeffrey Bosgo, who is presumably the same Askari who today serves in the police "anti-terrorist unit" or "death squad" highlighted by former policemen Dirk Coetzee and Almond Nofemela.

Another witness at the Denton hearings was Nokonono Kave A niece of Ex-Ciskei President

Lemox Sebe's, she was converted to black consciousness by, she told the Denton sub-committee, its charismatic founder, Steve Biko.

After Biko's death she fled to Botswana, where she joined the ANC, from Botswana she travelled to Lusaka, Dar-es-Salaam, the Soviet Union, and back to Lusaka.

During that time, according to her testimony, she was subjected to continued pressure to repudiate her black consciousness beliefs and embrace those of the ANC.

Her harrowing tale included allegations of torture injections to make her lose consciousness, deprivation of food, rejection of a Government-ANC settlement.

Mr de Klerk has already been accused of protecting Mrs Mandela from prosecution in an interjection in Parliament. It brought an adamant denial.

The allegations will undoubtedly be picked by forces to the left of the ANC — pre-eminently the Pan-Africanist Congress — and used against it.

The need for the ANC to consider its "damage control" options carefully is as obvious as it is difficult.

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to a large extent — neutralised allegations of ANC excesses in its camps.

But the ANC cannot assume that the same neutralisation will apply in future.

As the political pace increases, as the stakes become higher, the ANC's political foes will cast about for a stick to beat it with.

Hence the political pertinence of the Winnie Mandela saga.

It gives resonance to accusations that the ANC has a "Stalinist" element, that it abuses power. It threatens to cancel the authority earned for the ANC by — to quote Nadine Gordimer in her testimony in 1988 for the defence in the Delmas I treason trial — the "moral sacrifice" of Mr Mandela and his comrades who were jailed in the Rivonia Trial of 1964.

If Mrs Mandela is not charged there will be allegations of a political deal between President F W de Klerk and Mr Nelson Mandela, struck in the interests of a Government-ANC settlement.

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Starb/6/90

Pegg's estate sequestered

THE estate of Mr Stuart Pegg, allegedly one of the men behind the R47 million Trust Bank fraud, was finally sequestered in the Rand Supreme Court yesterday.

Mr Pegg was arrested and detained in Switzerland in April this year. Yesterday, the Attorney General for the Witwatersrand Local Division, Mr Klaus von Lieres, said he had decided not to continue with extradition proceedings against Mr Pegg.

Time up

Mr von Lieres said time had run out and the Swiss authorities had not granted his application for an extension.

He understood Mr Pegg faced criminal charges in Switzerland as a result of complaints laid by Trust Bank.

Efforts to contact Trust Bank's attorney, Mr Antony Mostert, yesterday were unsuccessful as he is in Luxembourg for the matter involving Mr Pegg.

Trust Bank's media manager, Mr Louis de Villiers, said the bank preferred not to comment

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CATHY STAGG

on what action was being taken by the bank against Mr Pegg overseas — nor on the Attorney General's decision.

Yesterday Mr Justice H J C Flemming granted the final sequestration of Mr Pegg's estate. The application was initially launched in December last year after the bank discovered the R47 million fraud.

In papers before the court, Trust Bank's attorney, Mr Mostert said he had personally spoken to Niko Shefer (who has since stood trial, been convicted of fraud and sentenced to 14 years' imprisonment) and Mr Shefer had confirmed Mr Pegg's involvement.

According to evidence led during the trial a former bank clerk, Gotz Guntenhoner, (convicted of fraud and sentenced to 14 years' imprisonment in an earlier trial) stole clearance vouchers and, after these inter-bank transfer documents had been completed, the funds were

used to buy gold coins, emeralds and an aircraft.

The idea of using funds from this fraud, about R26 million, to buy a Falcon 50 aircraft, was proposed by Pegg, Mr Mostert said in an affidavit.

In an affidavit, a facsimile of which was apparently sent to Cannes, France, Mr Pegg had protested his innocence and said he had earned commission "in the normal course of business" but Mr Mostert rejected this.

Transactions

He said it was significant that Mr Pegg referred to various discussions and transactions with a variety of people and organisations — yet did not submit any evidence from them to support his claims. Among people mentioned by Mr Pegg were members of the Department of Foreign Affairs and local aircraft firms.

Trust Bank has obtained a judgment against Mr Pegg in Luxembourg for more than R47 million.

Kimberley	14
Pietermaritzburg	83
Pretoria	506
Total	887

Cape Provincial Division of Supreme Court: death sentences: **252**

475 Mr D J DALLING asked the Minister of Justice *Hansford 4/6/90*

Whether he will furnish information on the number of death sentences imposed by each judge of the Cape Provincial Division of the Supreme Court in 1986, 1987, 1988 and 1989, respectively, if not, why not, if so, what are the relevant particulars?

B1102E

The MINISTER OF JUSTICE

No The information is not recorded as there is no need therefor

Motor vehicles stolen prosecutions/convictions

500 Mr H H SCHWARZ asked the Minister of Justice

Whether any (a) prosecutions were instituted and (b) convictions were obtained in respect of motor vehicles reported stolen to the South African Police in 1988, if so, how many in each category as at the latest specified date for which figures are available?

B1154E

The MINISTER OF JUSTICE

The required information is not readily available. To obtain it all court records pertaining to the crime concerned will have to be scrutinised

In an effort to be of assistance to the hon member, the following information for the period 1 July 1987 to 30 June 1988 was obtained from the Central Statistical Services

- (a) 7 770
- (b) 5 240

Own Affairs

Group Areas Act, permits refused

61 Mr A J LEON asked the Minister of the Budget and Local Government *Hansford 4/6/90* Whether any applications received in 1989 by his Department for permits in terms of the

Group Areas Act, No 36 of 1966, in respect of residential premises were refused, if so, (a) how many persons from each race group were refused permission to occupy such premises in areas reserved for (i) Whites, (ii) Coloureds, (iii) Indians and (iv) Blacks in each province and (b) for what reasons in each case?

Hansford 4/6/90 B544E

The MINISTER OF THE BUDGET AND LOCAL GOVERNMENT

Yes

(a) (i) Only the function regarding permit administration as far as White group areas are concerned has been entrusted to me with effect from 21 July 1989. Since that date until 31 December 1989, the following applications were refused

Cape Province	Coloured	35
	Indian	7
	Black	1
Orange Free State	Coloured	—
	Indian	—
	Black	—
Transvaal	Coloured	—
	Indian	—
	Black	2
Natal	Coloured	3
	Indian	14
	Black	1

(ii), (iii) and (iv) fall away

(b) Each application is considered on merit in terms of the provisions of section 21(2)(a) of the Group Areas Act, 1966

Group Areas Act, applications for permits

62 Mr A J LEON asked the Minister of the Budget and Local Government

(a) How many applications for permits in terms of the Group Areas Act, No 36 of 1966, in respect of residential premises did his Department receive in 1989 and (b) how many persons from each race group applied for permission to occupy such premises in areas proclaimed for (i) Whites, (ii) Coloureds, (iii) Indians and (iv) Blacks in each province?

B545E

The MINISTER OF THE BUDGET AND LOCAL GOVERNMENT

(a) 502

(b) (i) Only the function regarding permit administration as far as White group areas are concerned has been entrusted to me with effect from 21 July 1989. Since that date until 31 December 1989, the following applications were received

Cape Province	Coloured	211
	Indian	54
	Black	24
Orange Free State	Coloured	—
	Indian	—
	Black	—
Transvaal	Coloured	46
	Indian	84
	Black	16
Natal	Coloured	17
	Indian	48
	Black	2

(ii), (iii) and (iv) fall away

Group Areas Act: permits granted

63 Mr A J LEON asked the Minister of the Budget and Local Government

Whether any applications received in 1989 by his Department for permits in terms of the Group Areas Act, No 36 of 1966, in respect of residential premises were granted, if so, how many persons from each race group were granted permission to occupy such premises in areas reserved for (a) Whites, (b) Coloureds, (c) Indians and (d) Blacks in each province?

B546E

The MINISTER OF THE BUDGET AND LOCAL GOVERNMENT

Yes

(a) Only the function regarding permit administration as far as White group areas are concerned has been entrusted to me with effect from 21 July 1989. Since that date until 31 December 1989, the following applications were granted

Cape Province	Coloured	171
	Indian	44
	Black	22
Orange Free State	Coloured	—
	Indian	—
	Black	—
Transvaal	Coloured	7
	Indian	22
	Black	9
Natal	Coloured	7
	Indian	28
	Black	—

(b), (c) and (d) fall away

Schools, unutilised/underutilised facilities made available

83 Mr B B GOODALL asked the Minister of Education and Culture

Whether any unutilised or underutilised facilities falling under his Department have been made available to other population groups, if not, why not, if so, (a) which facilities, (b) to whom have they been made available and (c) in respect of what date is this information furnished?

Hansford 4/6/90 B630E

The MINISTER OF EDUCATION AND CULTURE

Yes

(a)

- Klaarvoogds Primary, Robertson
- Klipdam-Holpan Primary, Holpan
- Krantzbosch Primary, Knysna
- Novo Primary, Riversdale
- Transvaal Road Primary, Kimberley
- Papendorp Primary, Lutzville
- Redlands Primary, Knysna
- Rungtewlei Primary, Knysna
- Salt Lake Primary, Douglas
- Wolraad Woltemade Primary, Woodstock

(b)

Department of Education and Culture
House of Representatives

Concern over new laws on capital punishment

BIDAY 4/6/90.

252

CAPE TOWN — Legislation abolishing compulsory death sentences has been welcomed as a major reform of capital punishment in SA. But there is widespread concern that the legal amendments do not reflect the President FW de Klerk's acknowledgement that the death penalty should be imposed only in extreme cases.

The Criminal Law Amendment Bill — currently being considered by the Justice Standing Committee, which is expected to reach consensus this week — is likely to be passed during this session of Parliament

Right

The major amendment it proposes is the abolition of compulsory death sentences. Previously a court was obliged to impose the death penalty for certain specified crimes if there were no extenuating circumstances.

The Bill also introduces an automatic right of appeal, review and petition, and provides for state intervention to ensure that an accused or condemned person exercises all these rights. It places a moratorium on the application of death sentences retrospectively from February 2 until Parliament has passed the new legislation and a Special Panel of Judges has assessed the cases of all 313 death row prisoners against the legal amendments.

While it removes the legal justifica-

LESLEY LAMBERT

tion of judges with a higher predisposition for hanging, the Bill does nothing else to limit them in the exercise of their discretion. It maintains the long list of crimes subject to capital punishment. These include murder, treason, robbery, attempted robbery, housebreaking with intent to robbery, intended housebreaking, kidnapping, child stealing and rape.

There are two different approaches to the way legal practitioners and academics feel the draftsmen should deal with the latter issue. Either they should limit the list to murder with aggravating circumstances or leave it as it is with the proviso that death is the only competent sentence for extreme cases, in which no other sentence would apply.

It is understood that the Standing Committee will decide whether to reduce the list this week.

More worrying to many in the legal profession is an amendment extending the jurisdiction of the Magistrate's Court to include murder cases where the death sentence is not expected to be passed. To accommodate this it also increases magistrates' sentencing jurisdiction from 10 to 15 years.

The official reasoning is that the amendment has been introduced to rectify the existing situation, where a number of murder cases not expected to get the death sentence are referred to the Regional Courts as culpable

homicide cases. By increasing magistrates' sentencing jurisdiction, these cases can be heard as murder cases, rather than being pushed through under an inappropriate charge.

The sentencing jurisdiction is another issue which the Standing Committee is understood to have considered at length. Agreement on a possible reversion to the original 10-year limit is also expected to be reached this week.

DP Justice Committee secretary Tony Leon argues that if it is left at the proposed maximum of 15 years, more than 80% of murder cases — that being the percentage of convictions which get 15 years of imprisonment or less — could be transferred from the Supreme Court to the Magistrate's Court.

Wrong

Leon believes the amendment could have serious consequences. It could transfer much of the Supreme Court's legal adjudication to courts in which magistrates have neither independence of office nor breadth of experience of judges, where they do not sit with assessors as Supreme Court judges do when the death sentence is being considered, and where there is no automatic provision of pro deo counsel for the accused.

This, says Leon, is "fundamentally wrong because ordinary people need the protection of the Supreme Court in criminal cases".

The only individuals who would be invol- spent on the

Vertical text on the right margin, possibly a list of names or a reference list.

Actstop will probe alleged assault

Star 4/6/90 By Abel Mushi

252

Actstop is to launch an "internal" commission of inquiry this week to investigate the case in which one of its members, a former magazine editor, is claiming he narrowly escaped death after being assaulted following a "people's court" hearing held by the organisation in Johannesburg last Wednesday.

Junior Ngubeni (36), former editor of the now-defunct Sun Africa magazine, rents a two-bedroom flat at Export House in the city. He sublet it to six tenants and was staying at his girlfriend's flat.

Mr Ngubane says:

"I had made arrangements with my sub-tenants to find alternative accommodation when I returned.

"Though I notified them well in advance, the sub-tenants are refusing to honour the arrangement. They are claiming they have nowhere to go. They have made it clear they have no intention of leaving even when I had agreed.

"I was accused by a tenants' committee at the building of overcharging my sub-tenants, though only three of them had to contribute R85 towards a R250 monthly rental.

"A meeting was held last Wednesday at the Central Methodist Church where the case was discussed and I was found to be in the wrong.

"At the end of the meeting, about 25 armed men acted suspiciously and when I tried to avoid them, they chased me to the Johannesburg Sun hotel.

"They dragged me on to the ground, assaulting me all the way to my flat. The beating continued in my flat where I was ordered to pay about R800 after my visitors were accused of having stolen some things (in the flat).

"I have not yet reported the matter to the police, as the mob threatened to do much worse if I did."

Actstop says:

"Last Wednesday's meeting was just another Actstop forum meeting, which we hold every fortnight. It was not in the fashion of a people's court. Mr Ngubane's case was raised at the meeting and was not part of our agenda.

"Mr Ngubane's case was discussed after Export House tenants presented it as an emergency. The matter was not resolved and Cas Coovadia (Actstop's publicity secretary) did not give anyone authority 'to do what they wanted' with Mr Ngubane.

"There were no men armed with pangas and guns at the meeting.

"Mr Coovadia said he remained at the scene for about 15 minutes after the meeting and did not notice anything suspicious. He was not aware of anyone having been chased.

"Actstop's general secretary, Pressage Nkosi, intimated that Mr Ngubane was a member of their organisation and had in the past helped them with some 'very important' issues.

"There must have been misunderstandings somewhere and it's very unfortunate that he had to go through all that.

"Apparently there are people who are using our name to achieve their own aims and because of that we have decided on an internal commission of inquiry into this particular case."

Frank Ndlovu, chairman of the tenants' committee, declined to comment.

Death Row 'mental torture for comrades'

Pretoria Correspondent

(252)
A Uitenhage man, whose sentence and conviction for a neck-lace murder have been set aside, has called on organisations to continue fighting for the abolition of the death penalty

Thozamile Mooi (29) was released from Pretoria Central Prison last week after spending 26 months on Death Row

His sentence and conviction were set aside by the Appeal Court. A one-year sentence for public violence has been suspended for five years

Speaking at a press conference in Pretoria yesterday, Mr Mooi said he could not believe that he had been released

He described Death Row as "mental torture"

Mr Mooi said although a mor-



Thozamile Mooi

atorium on the death penalty, had been declared, "comrades were still trapped there"

He was told by prison warders that his appeal had been successful and said a hurried goodbye to fellow prisoners before

leaving

Mr Mooi, who was unemployed at the time of his arrest, said he still needed time to adjust before deciding on future plans

He said after political prisoners on Death Row embarked on a hunger strike in February, prison conditions improved and inmates were now allowed to play soccer and visit one another in their cells

The United Democratic Front vice-chairman in Pretoria, Moss Chikane, called on the Government to release all political prisoners as an act of good faith

He said negotiations affected all South Africans and prisoners should be freed to contribute to a new South Africa

Sta 5/6/90

Fake AK-47 rifle scare at Vaal shootings hearing

A YOUNG man dressed in a camouflage jacket and carrying a fake AK-47 rifle was removed by police from the public gallery at the Goldstone Commission of Inquiry hearing in Vereeniging yesterday.

The man, who has not been identified, was searched by police outside the building.

He was noticed in the gallery minutes after an Evaton resident, Mr Andries Mokoena, was called to the witness stand to testify before the commission.

The hearing was adjourned and Mr Justice RG Goldstone hurriedly

SOWETAN Correspondent

left the council chambers.

Police rushed to the upstairs gallery and took possession of the plastic AK-47 reproduction.

A group of about five or six young men - some of them wearing ANC badges and camouflage clothing - were then escorted outside the building where they were frisked by police.

It could not be established whether the gun-toting man had actually pointed the weapon at members of the commission.

The hearing resumed

shortly afterwards with no mention being made of the incident.

Giving evidence earlier yesterday a student minister at the Presbyterian Church of Africa, in Evaton, Mr Vuyisile Mnothoza, said he had attended a meeting in connection with the proposed UDF march to Vereeniging.

The march by 50 000 people sparked the clash between police and marchers in Sebokeng on March 26. However, he was not involved in organising the event.

He said on the day in question, he had encountered a large group of

people assembled in Evaton. 252

Police had positioned themselves in front of the marchers. He asked one of the organisers what was happening and was told a memorandum was to be presented to Colonel Paddy Mazibuko, station commander of the Sebokeng police.

After the memo was presented he climbed onto the roof of his car, which was parked nearby, to tell the crowd with a loud hailer that they should go home.

The hearing is continuing.

Harms: Cop refuses to talk

Sowetan

Correspondent

A SECURITY police sergeant yesterday refused to testify before the Harms Commission after the chairman, Mr Justice Louis Harms, ruled that his photograph and other personal details could be divulged.

Jeffrey Mamasela had asked through his counsel that the ruling be made because he was "in some danger", were he to be identified.

It was alleged in evidence earlier this year that Mamasela had been a member of a hit squad which allegedly killed Durban lawyer, Griffiths Mxenge. (252)

The allegation was made by Butana Almond Nofemela, a former policeman and convicted killer, who told the Commission that Mamasela had been with him on the Mxenge project in 1981. Two other men - David "Spyker" Tshukulungu and Brian Nqulungu - had allegedly been with them.

The Harms Commission, which is investigating alleged politically motivated murders, yesterday began its 14th week of deliberations.

Yesterday Sam Maritz,

● To Page 2

Harms: Cop 'in danger'

● From Page 1

for individual policemen, asked that Mamasela not

be identified. This was immediately objected to by Denis Kuy, SC, who said it was important for the public that Mamasela be identified, and that he was well known as a security police officer.

Maritz claimed that Mamasela's family could be affected by his photograph being published. He had played an important role at the Vlakplaas police farm, where members of terrorist groups had been "turned".

Mr Justice Harms refused Maritz's application. (Proceeding).



Black Local Authorities Act, 1982 until a by-election takes place in the local authority concerned

Cape Town Supreme Court: Case Numbers 13082/86 and 13083/86

*5 Mr R V CARLISLE asked the Minister of Law and Order

- (1) Whether he will furnish particulars relating to the counsel involved in the matters of *The Methodist Church in Africa v The Minister of Law and Order* and *P N Mzanga and 20 others v The Minister of Law and Order* (Case Numbers 13082/86 and 13083/86 of the Cape Town Supreme Court between September 1987 and March 1990), if not, why not, if so,
- (2) (a) who acted as counsel for the Minister concerned, (b) (i) what were the total legal costs of retaining counsel from the Bar and (ii) how are these costs computed with regard to the various counsel retained,
- (3) in respect of a certain counsel, whose name has been furnished to the South African Police for the purpose of the Minister's reply, (a) how many witnesses for the applicant did he cross-examine, (b) how many witnesses for the respondent did he consult or lead in evidence, (c) how many days did he spend in court during the proceedings, (d) from which office did he work during the course of those proceedings and (e) what is the name of this counsel?

B1143E

THE MINISTER OF LAW AND ORDER

- (1) Yes
- (2) (a) Advocate G D Gnessel SC
Advocate L Visser SC
Advocate F Brand
Advocate C Y Louw

(b) (i) (ii) The advocates concerned did not receive retainers. A fee structure was compiled beforehand by means of agreement. The final legal costs are at present still being calculated and can at this stage not yet be furnished. It is expected that the final cost calculation will be completed by the end of June 1990.

(3) (a) to (c)

Owing to the extent of the case and the distribution of the work between the individual advocates, it is not possible to furnish the required particulars before the final cost calculation has been completed.

†Adv C D DE JAGER Mr Speaker, arising from the hon the Minister's reply, can he tell us at what tariff they were to be remunerated according to the agreement?

†The MINISTER Mr Speaker, as I indicated, we are at present working out those details, and thereafter I will make them available if the hon member wants to have them.

†Mr J H VAN DER MERWE You have of course already made an agreement with them! [Interjections]

Mr R V CARLISLE Mr Speaker, arising further out of the hon the Minister's reply, which I have to say I find extremely unsatisfactory after the long period, is he not aware of what is being said about this matter? Did he not consider it urgent to obtain this kind of information? Did the hon the Minister not consider it urgent to obtain this kind of information? I have to say it seems like an incredibly long time.

Mr SPEAKER Order! Does the hon member for Wynberg have a question to ask?

Mr R V CARLISLE Mr Speaker, the question is whether the hon the Minister recognises the seriousness of this matter and whether he has any response to it.

Mr SPEAKER Order! Thank you!
The MINISTER Mr Speaker, I realise the seriousness of this matter and that is why I am prepared to provide the House with full particulars as soon as it has been finalised. [Interjections]

†Adv C D DE JAGER Mr Speaker, further arising from the hon the Minister's reply, is it correct that they were remunerated at R75 000 and R90 000 per month respectively? [Interjections]

†The MINISTER Mr Speaker I do not know I cannot give that information to the hon member now because I do not have it at the moment. [Interjections]
Mr R V CARLISLE Mr Speaker, further arising from the hon the Minister's reply, is he aware that it appears that the counsel in question was paid even though the court was not in session while the judge took leave? [Interjections]

The MINISTER Mr Speaker, as I have said the final costs are being calculated now and after the matter has been finalised the information requested by hon members will be provided. [Interjections]

Cape Town Supreme Court: Case Numbers 13082/86 and 13083/86

*6 Mr R V CARLISLE asked the Minister of Law and Order

- (1) Whether, with reference to the cases of *The Methodist Church in Africa v The Minister of Law and Order* and *P N Mzanga and 20 others v The Minister of Law and Order* (Case Numbers 13082/86 and 13083/86 of the Cape Town Supreme Court between September 1987 and March 1990), he will furnish particulars relating to a certain counsel, whose name has been furnished to the South African Police for the purpose of the Minister's reply, if not, why not, if so, what is the name of this counsel,
- (2) whether this counsel was paid a retainer and/or refresher, if not, what did his legal fees amount to, if so, what was the amount of the retainer and/or refresher,
- (3) whether such retainer and/or refresher covered the period during which the presiding judge took leave, if so, (a) what was the amount of the retainer and/or refresher during this period and (b) what were the conditions of the retainer and/or refresher,
- (4) whether he is still being retained,
- (5) whether he was paid any fees additional to the retainer, if so, (a) why and (b) what are the amounts involved?

B1144E

THE MINISTER OF LAW AND ORDER

- (1) Yes
- The name which was furnished by the hon member
- (2) No, the fee structure of the advocate was compiled beforehand by means of agreement. The final legal costs are at present still being calculated and can therefore not be furnished at this stage.
- (3) to (5) Fall away

Harms Commission: Police counsel

*7 Mr R M BURROWS asked the Minister of Law and Order Unrecorded 5/16/90

- (1) Whether he retained a certain counsel, whose name has been furnished to the South African Police for the purpose of the Minister's reply, to represent the Police before the Harms Commission, if so,
- (2) whether he will furnish particulars relating to this counsel, if not, why not, if so, (a) what is the name of this counsel, (b) what is the monthly amount of the retainer paid to him and (c) for how long (i) has he been and (ii) will he be so retained,
- (3) whether this counsel receives State assistance in regard to the offices used by him, if so, (a) why, (b) what is the nature of such assistance and (c) where are these offices situated?

B1145E

THE MINISTER OF LAW AND ORDER

- (1) and (2)
- The advocate concerned has not been retained. He was appointed to look after the interests of the South African Police at the Harms Commission. A fee structure for his services was compiled beforehand by means of agreement.
- (3) No. However, an office in the Synodical Centre, Visagie Street, Pretoria was placed at the disposal of the South African Police for the purpose of urgent discussions and consultation.
- (a) to (c) Fall away

Mr R V CARLISLE Mr Speaker arising from the hon the Minister's reply, if a fee structure was established can the hon the Minister inform us what the amount was? [Interjections]

Pre-primary schooling for Blacks

*8 Mr K M ANDREW asked the Minister of Education Unrecorded 5/16/90
Whether his Department considers the provision of pre-primary schooling to be a cost-effective method of improving Black education, if not, why not, if so, (a) what is being done to provide such schooling and (b) what

Witness balks at testifying after judge rules on picture

ALLEGED Vlakplaas hit squad member, murderer and former security police informer Joseph Mamasela yesterday refused to appear before the Harms Commission after a ruling allowing publication of his photograph.

Advocate Dennis Kuny SC, for Butana Almond Nofemela and others, applied to Mr Justice Louls Harms to issue the ruling in favour of photographing or sketching Mamasela "In the interests of Press freedom there's no reason to withhold his picture We all know who he is," said Kuny.

Advocate Sam Maritz, for Mamasela, argued for prohibition, claiming Mamasela's "family and children faced possible threats if his picture was published, especially since he played such a deep role as an informer".

Kuny argued that publication of Mamasela's picture might encourage members of the public to offer the

LINDEN BIRNS

commission more information. Other witnesses might also take advantage of a similar ruling.

After making his decision, Mr Justice Harms asked for the witness to take the stand, only to be told by Maritz that Mamasela refused "point-blank to appear without protection of his identification".

Absent

Commission Secretary Chris Erasmus said the issue would be "treated exactly the same as any other criminal case. It will be referred to the State Attorney." Mamasela could face a contempt charge.

Absent from the proceedings was Nofemela, the death-row prisoner who exposed the alleged Vlakplaas hit squad's activities just before his scheduled execution.

This week's commission sittings are to be devoted solely to issues

surrounding Nofemela's testimony, in which, among other things, he confessed to the murder of Durban lawyer Griffiths Mxenge in November 1981.

Nofemela named Mamasela, Brian Justice Nqulunga and David Tshikilanga as his partners in the murder.

Free State Attorney-General Tim MacNally said Nofemela's presence "disrupted the prison warders' activities, and that a possible escape attempt could not be ruled out".

Kuny disagreed. "Surely it's not a consideration of logistics getting Nofemela here. If we're concerned with getting to crucial matters, it's important to have him here.

"It's true affidavits are furnished to him in advance, but other things come to light during cross-examination, and if we were to ask for an adjournment every day to consult with and be instructed by our client, it would hold up the commission."

The hearing continues

Police 'doused' fire at

Police 'doused fire at torched fuel station

81 Day 5/6/70 (252)

A POLICE sergeant told the Goldstone Commission yesterday he and seven other policemen doused a fire at a Shell petrol station after a large crowd torched it on March 26.

Paul le Roux of the Vanderbijlpark Reaction Unit testified he and the men repeatedly tried to chase away the crowd between 4pm and 6pm that day.

The crowd surrounded their patrol cars and sporadically threw stones at police. He fired teargas and arrested one man.

"Suddenly a man from the street near the opposite houses told us to 'come and fetch the man we had shot'. I did not believe him and thought they wanted to lure us away."

He radioed a Casspir for assistance

They drove to the houses, where they found the body. He refused to believe the man could have been shot by any of the seven men under his command as they had been armed only with No 5 birdshot and teargas,

and no-one had fired any shotgun shells in the direction where the dead man was found.

At 10 30am during testimony Mr Justice R J Goldstone left the council chambers after Adv J J du Toit SC pointed out to a policeman that a spectator in camouflaged clothing was carrying what appeared to be an AK-47 firearm.

About four or five spectators were asked to leave and were only allowed to return after they had removed their camouflage jackets and what turned out to be a toy rifle.

Le Roux testified that earlier that day, at 1pm, he had been in Sharpeville where a 10 000-strong crowd had marched past the police station before handing over their memorandum. They reached a police roadblock, but singing drowned out marshals' orders to turn back and the policemen were ordered to fire teargas. The crowd dispersed with no injuries. — Sapa

Harms Commission is toothless ²⁵² claim

^{8/10/90 516190}
THE Harms Commission's powers have been blunted, according to a self-appointed watchdog group which is conducting research into "informal repression"

The Independent Board of Inquiry into Informal Repression (IBIIR), made up of legal academics and lawyers, said yesterday "The surgeon's scalpel which the Harms Commission should have has been blunted"

At a briefing called by the organisation in Johannesburg, Stellenbosch law professor Laurie Ackerman, speaking for the IBIIR, explained "Firstly there is the planning of operations to be carried out

LINDEN BIRNS

externally The commission is prevented from investigating this"

Ackerman said the second problem lay in the unavailability of Civil Co-operation Bureau (CCB) internal project files to the commission These files had not been submitted to the Harms Commission despite a parliamentary order and a military order from the Chief of the SADF

IBIIR members expressed concern that the CCB could still be operating

IBIIR member Peter Harris said they

had evidence of recent activities at Vlakplaas, a CCB base

He also called on Defence Minister Gen Magnus Malan to "come and explain what has happened to the missing documents These are vital for referral, especially when a witness claims privilege"

Harms Commission secretary Chris Erasmus said last night that in February Malan had offered, through his lawyers, to appear before the commission "Then again on the 2nd or 3rd of March, Malan came in person to the commission and offered to testify"

● See Page 2

Death Row's mental torture

252
~~253~~

Sowetan 5/6/90

**Sowetan
Correspondent**

A UITENHAGE man, whose sentence and conviction for a necklace murder have been set aside, has called on organisations to continue fighting for the abolition of the death penalty.

Mr Thozamile Mooi (29) was released from Pretoria Central Prison last week after spending two years and two months on Death Row.

His sentence and conviction have been set aside by the Appeal Court but a one-year sentence for public violence has been suspended for five years.

Speaking at a Press conference in Pretoria

yesterday, Mooi said he could not believe he has been released.

He described Death Row as "mental torture".

Although a moratorium on the death penalty had been declared, "comrades were still trapped there", he said.

Appeal

He was told by prison warders that his appeal had been successful and said a hurried good-bye to fellow prisoners before leaving prison.

Mooi, who was unemployed at the time of his arrest, said he still needed

time to adjust before deciding on future plans.

He said after political prisoners on Death Row had embarked on a hunger strike in February, prison conditions improved and inmates were now allowed to play soccer and visit one another in their cells.

Political prisoners on Death Row were hopeful

they would be released soon.

United Democratic Front vice chairman in Pretoria, Mr Moss Chikane, called on the Government to release all political prisoners as an act of good faith.

He said negotiations affected all South Africans and prisoners should be freed to contribute to a new South Africa.

ANC murderer loses appeal

Sowetan 6/90
252
51670

THE Appeal Court in Bloemfontein has dismissed the appeal of a trained ANC soldier, Oupa Alex Seheri, of Soweto, against a finding that there was no extenuation for two murders at Zola 3 on the night of January 24 1987.

The court, however, allowed the appeal of Setimiso Buthelezi, of Alexandra - who was Miss Zinzi Mandela's boyfriend at the time - against his sentence for unlawful possession of an AK-47 rifle and a Scorpion machine pistol.

It set aside the imprisonment of four years (one year conditionally suspended) and substituted 18 months, antedated to November 17 1988 when he was sentenced by Mr Acting Justice B O'Donovan in the Rand Supreme Court.

Seheri received a double death sentence on February 3 1989 after it was found he had murdered Mr Mlando Michael Ngubeni and Mr Xola Ashley Colen Mokaula.

Evidence at the trial was that Seheri fetched the pistol from the house of Mrs Winnie Mandela and left an AK-47 there.

Later that night he was involved

in a shebeen brawl and the pistol was taken from him. He then went back to Mandela's home, where he fetched the AK-47 and enlisted the aid of Buthelezi and other young men to help him retrieve the pistol.

Mr Justice Steyn said that, while it was clear Seheri must have been angered and distressed when he was deprived of the Scorpion, it did not necessarily follow that he had lost self-control and acted impulsively thereafter without realising the consequences of his conduct

His action when he fired at the group assembled on the verandah of Mokaula's house was clearly neither impulsive nor senseless

He caused his group to initially drive past the people without doing anything more than scouting the situation. That was a controlled action

Shooting at the group from the moving car when he passed for the second time was equally controlled and well-reasoned

The group was obviously waiting for him to attempt to recover the Scorpion and were prepared to prevent it, Steyn said.

Seheri's ability to control his impulses was also well demonstrated

by not using violence against Mokaula's sister or her mother. His alleged amnesia was never mentioned by him when he testified fully and clearly as to the events of that night.

His choice of a known haunt as a place to sleep may well have been due to an impression that he had so cowed his surviving victims that they would not dare to expose him

There were consequently no grounds to interfere with the trial court's finding that there was no extenuation.

Regarding Buthelezi, Steyn said it had to be borne in mind that over an extended period he repeatedly took into his possession and hid two dangerous firearms which were used for illegal and potentially lethal purposes.

Because of the gravity of the offence a substantial term of imprisonment was the only appropriate sentence. But the judge said the sentence imposed was too severe.

A sentence of 18 months was the appropriate sentence

The Chief Justice Mr Justice Corbett and Mr Justice Friedman (acting judge of appeal) concurred - Sapa

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Spying on ECC was for military — Egan

The
Hiemstra
Commission



By Louise Burgers
and Helen Grange

Information was gathered on the End Conscription Campaign and some of its members because infiltrator John Egan knew the military would be interested

The information had "nothing to do with the Johannesburg City Council", the Hiemstra Commission heard yesterday

Mr Egan, who was in charge of infiltrating black trade unions, said he was aware the council liaised with the military and on that basis "I would submit everything"

Questioned by Gilbert Marcus, for the ECC and others, Mr Egan admitted compiling a report on Ian McKenzie, an ECC office bearer

The information on Mr McKenzie was "handed in for what it was worth", although he knew it was of no use to the council

Mr Marcus asked Mr Egan whether the reason why he had provided the military with information on the ECC was because members of the ECC were perceived to be unpatriotic — as people not prepared to do their duty for their country

Pressed

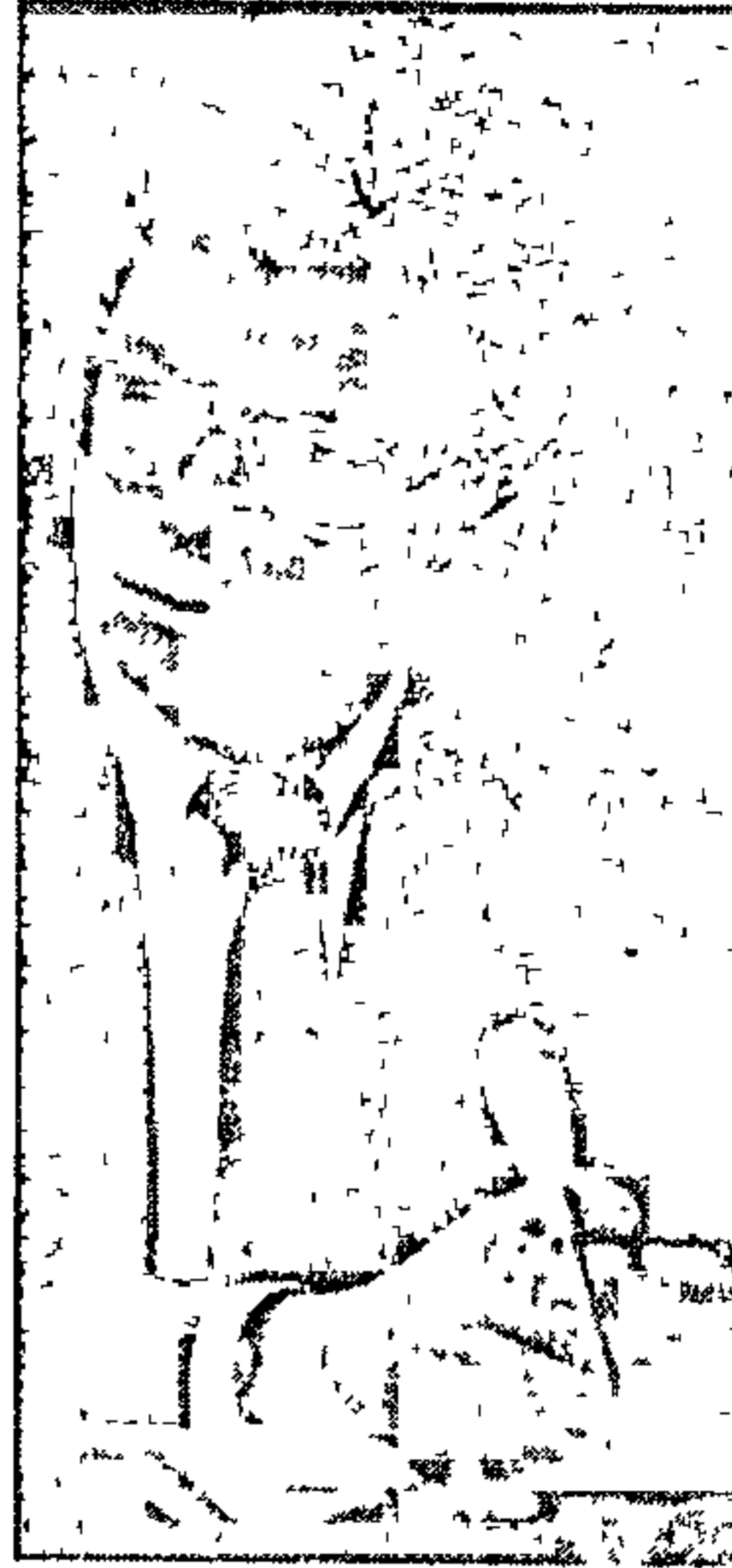
After being pressed for an answer by Mr Justice V G Hiemstra, Mr Egan finally answered "yes"

He, however, denied knowing anything about an attack on actor Andre-Jacques van der Merwe, who was assaulted after appearing in an ECC play

Mr Egan told the commission he had participated in military incursions into Soweto at night for the purpose of "surveillance" This could mean monitoring a school, he said

"I was utilised as a Citizen Force member in a supportive role I manned radios relaying information from men in the field"

The commission heard last month that council security officials formed part of a military team involved in assaults, in Soweto among other places Mr Egan admitted frequently visiting a military training farm near Sandton



Spy handler . . . John Egan
● Picture by Sean Woods.

Mr Egan said he infiltrated various black trade unions such as the SA Municipal Workers' Union, the Municipal Workers' Union of SA, the breakaway Transport and General Workers' Union, and the National Unemployed Workers' Co-ordinating Committee

After persistent cross-examination by Mr Marcus, Mr Egan admitted having spied also on the Paper, Printing, Wood and Allied Workers' Union

"Why did you not tell us it was infiltrated?" Mr Marcus asked

Mr Egan said it had "slipped my mind" and he had not wanted to compromise his source

Mr Marcus accused him of misleading the commission

Mr Egan also admitted that the Johannesburg Municipal Combined Employers' Union had been infiltrated

Yesterday the commission heard that house plans had been obtained and profiles of people had been drawn up, including former Progressive Federal Party councillor Geoff Stark

~~251~~ 252

Crowd 'failed to stop as agreed'

By Melody McDougall,
Vereeniging Bureau

The Goldstone judicial commission of inquiry yesterday heard how a gathering of 10 000 people had marched about 5 km beyond the Sharpeville police station, their supposed destination, before presenting a memorandum to a local police officer on the day of the Sebokeng shooting on March 26

Sergeant Paul Hermanus le Roux of the Vanderbijl Reaction Unit told the commission that the group was between 8 km and 10 km away from Vereeniging at that stage

From evidence led last week it emerged that another gathering of about 50 000 had also failed to stop their peaceful protest march at the Sebokeng police station, as agreed, the same day

Instead, they, too, marched on beyond the police station in the direction of Vereeniging until they encountered a police line up. This sparked a confrontation between the police and marchers, in which at least five people were killed

The commission, chaired by Mr Justice Goldstone, is investigating all incidents, including the Sebokeng shooting, in Vaal Triangle townships on March 26

Initially, organisers of the proposed UDF protest had decided to march to the National Party offices in Vereeniging that day to

The
Goldstone
Commission



present a memorandum to local MP Tom Gunning. However, after the event was banned by Vereeniging authorities, it was agreed to decentralise the march to various township police stations

Testifying yesterday Sergeant le Roux said he was on duty in Sharpeville on the morning of March 26 when a group of about 10 000 people marched some 5 km beyond the police station before stopping between 500 m and 1 km from a police blockade, where they presented their memorandum to a police officer

Afterwards, the commanding officer gave the crowd five minutes to disperse. When one of the organisers addressed the gathering and asked them to go home, they drowned out his voice by singing. A while later the commanding officer gave the order to fire teargas, and only then did the gathering disperse

Most of yesterday's testimony centred around the discovery of an unidentified man's body in Evaton, several hours after the Sebokeng shooting

According to an autopsy report the man

had been shot in the head with SSD pellets. However, several policemen who were called to the witness stand to testify, said they had at no stage fired shotguns in the direction where the body was found. Most of them were called to this particular spot in Evaton after rioting mobs had looted and smashed windows at a Shell garage in Adams Road

During the same incident the crowd had also surrounded patrol cars and sporadically thrown stones at the police and the filling station itself

● Earlier yesterday, a young man dressed in a camouflage jacket and holding a fake plastic AK-47 rifle was removed by police from the packed public gallery

The man, who has not been identified, was searched by police outside the building

A group of about five or six young men, some of them wearing ANC badges, were then escorted outside the building where they were frisked by police

It could not be established whether the gun-toting man had actually pointed the weapon at members of the commission

Proceedings resumed shortly afterwards. The hearing continues today

Cosatu also 'drawing up profiles'

By Helen Grange
and Louise Burgers

6/6/90
The Congress of South African Trade Unions (Cosatu) was drawing up its own profiles on senior white Johannesburg City Council officials, the Hiemstra Commission heard yesterday

In response to this submission by his legal counsel, Hans Bornman, spy handler John Egan said "That's the impression I got."

Mr Egan said he had discovered that Cosatu was gathering details on senior white officials in the council's electricity department. Mr Egan was in

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The Hiemstra Commission



charge of the infiltration of several Cosatu trade unions.

Among other reports he had received from his sources were

- That a member of the Municipal Workers' Union of SA had knowledge of a necklacing relating to a strike by the SA Transport Services

- That the SA Council of Churches had donated R10 000 to

the municipal workers' union for striking workers

- That a "violent action" was planned against deputy director of security Frik Barnard and senior deputy director Brigadier Jan Visser

Mr Egan admitted obtaining from sources three private documents which had been drafted by various attorneys. He would not say how they had come into his possession.

Mr Egan denied he had obtained plans of Cosatu House and said he did not know who was responsible for bombing of the building in 1987.

Security for cop who fears for life

Sowetan 6/6/90

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A FORMER police informer who is now a sergeant in the Security Police was yesterday given protection in return for testifying to the Harms Commission.

Mr Joseph Mamasela on Monday refused to take the witness stand because he feared for his life if he were to be identified in photographs

Mr Justice Louis Harms, the Commission chairman, changed a ruling he made on Monday about photographs and ordered yesterday that, in view of new evidence having been placed before him, he had decided that Mamasela could receive protection

Facts

The Harms Commission is investigating alleged politically motivated murders.

Making the new application today, Mr Sam Maritz, SC, acting for past and present members of the SAP, argued that it was necessary to offer protection to Mamasela.



SOWETAN Correspondent

He had not been in a position on Monday to place all the facts before the commission but had been able to do so yesterday.

Mr Denis Kuy, SC, acting for Butana Almond Nofemela, said that as a result of the new facts, it was now agreed protection should be offered although it was not totally acceptable

Taking the stand, Mamasela said that on October 26 last year and again on April 18 this year, he had made statements denying involvement in various alleged activities of the alleged SAP hit squads.

In 1976 he had been involved in the Soweto

HARMS
PROBE
INTO
HIT
SQUADS

riots while a schoolboy but had not fled the country as had hundreds of his friends

He was arrested in 1979 on housebreaking and theft charges, which were dropped when he was found to be innocent.

However, because of rumours within the ANC, he had been harassed He was recruited by the ANC and sent to Botswana to attend an intelligence course and was unmasked in 1981 as an SAP agent.

He escaped from the ANC and returned to South Africa

Trained

Mamasela told Harms that he had then joined the SAP and was trained at Vlakplaas police farm outside Pretoria. His work mainly involved the trac-

ing of insurgents

He said he had met former police Captain Dirk Coetzee and Nofemela at the farm.

He denied allegations by Nofemela and Coetzee that he was a hit squad member.

"I emphatically deny I was involved in the murder of Durban attorney Griffiths Mxenge. As far as I am concerned, I did not know of the existence of Coetzee or Nofemela at the time of the murder in 1981

"I also emphatically deny I was involved in the murder of a diamond dealer in the Free State," Mamasela said

He also denied involvement in abductions as claimed by Nofemela before the commission

Mamasela said he had nothing to do with the kidnapping of Ernest Dipale, who was, the commission heard in earlier evidence, taken to a farm near Zeerust and subsequently disappeared

He said hit squads had never existed and added: "There has never been any love lost between me and Nofemela."

Kangaroo courts: more people held

Sowetan 6/6/90

EAST Rand police have made more arrests in connection with kangaroo courts activities in Daveyton.

Spokesman for East Rand police, Lieutenant Ida van Zuuvel, yesterday confirmed that a number of suspects had been arrested in the past week on charges of running the courts, also known as the "people's courts".

Van Zuuvel declined to state how many people had been arrested

By MZIKAYISE EDOM

"because it will hamper our investigations".

She could not say when the suspects would appear in court.

Sjamboks

Police sources told *Sowetan* that more than 10 people have been arrested since last week when police raided the headquarters of these courts in the township's Xhosa Section.

Van Zuuvel said sjam-

boks and records of the courts proceedings were confiscated.

She said people were sentenced to fines of up to R100 and if they failed to pay, they were lashed.

Youths took turns in flogging the victims on the buttocks.

In most cases, police said, victims and witnesses did not report the courts activities fearing further attacks.

* Last month police arrested 16 of 40 suspects in an "Operation Watchdog" raid aimed at clamping down on "people's courts" in Alexandra township, near Johannesburg.

Soldier fit to stand trial for murder

A POTCHEFSTROOM-based South African Defence Force member accused of killing three blacks - a woman and two men - earlier this year is fit to stand trial.

This was disclosed in a psychiatric report this week when Pieter van der Merwe of Leeuwardin stad, appeared on three counts of murder.

~~SECRET~~ C/P 6/5/90

SECRET

SECRET

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Bid to end Mamelodi rent boycott

THE Mamelodi People's Delegation (MPD) will meet the TPA in Pretoria on Wednesday in an attempt to solve the continuing rent boycott in the township.

Reports by CP staffers, Sapa

Star C/Press 6/5/90

21,75

23,45

24,39

28,99

3,89

0,95

Application is rejected

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THE Appeal Court in Bloemfontein has refused an application by Daniel Saul Nkopodi - no address given - for leave to appeal against his conviction for six contraventions of the Internal Security Act. *Sowetan* 6/6/90

The charges involved assistance to members of the PAC and the transport of arms and ammunition for them. He was convicted in the Pretoria regional court on October 26, 1988 and effectively imprisoned for 16 years. - Sapa.

Produced by...

Two named in Mxenge killing deny involvement

TWO Security Branch policemen yesterday told the Harms Commission they "emphatically denied" involvement in the murder of Griffiths Mxenge in November 1981 despite being named as accessories by three self-confessed members of hit squads.

Sgt Joseph Tshelo Mamasela and Const Brian Boy Elliot Ngqulunga also said they knew nothing about the hit squads allegedly operating from Vlakplaas, a Security Police base near Pretoria.

They could offer no explanation to the Harms Commission of Inquiry as to why they were named by former police Capt Dirk Coetzee, his former gardener David "Spyker" Tshikalinga and Death Row prisoner Butana Almond Nofemela, Sapa reports.

The three former members of the staff at Vlakplaas confessed to killing Mxenge at Umlazi Stadium in late 1981 and said Mamasela and Ngqulunga were present.

According to affidavits before the commission, Mamasela had difficulty removing a knife from Mxenge's

LINDEN BIRNS

chest while Ngqulunga was alleged to have been at the scene but did not participate in the stabbing.

In an affidavit handed in to the commission, Mamasela said he was not in the police force at the time but was working as a police informer.

While awaiting trial on charges of housebreaking in 1979, Mamasela met Security Branch officer Maj Gerhard Kruger and agreed to work for him "combating terrorism" after his release from prison.

Kidnapped

He became a paid SAP informer from June 1979 and joined the SAP on February 4 1982, he said.

As an informer Mamasela infiltrated the ANC in Botswana, undergoing intelligence training with them.

In the winter of 1981 his cover was blown, and a friend of his was allegedly kidnapped and murdered by the ANC. Mamasela was kidnapped in Gaborone and taken to Selibe Pkwe, 400km north of Gaborone, by colleagues from the intelligence course.

He later escaped.

Earlier in the day, Adv Denis Kuy SC, for Almond Nofemela and others, asked that two senior SAP officers move out of Mamasela's line of sight.

The two men, a Gen van der Westhuizen and a Gen du Plessis, then moved to the back of the room.

Ngqulunga also denied any involvement in the Mxenge murder.

It was put to Ngqulunga that due to his background and knowledge of the Durban area he was the perfect person to advise the killers.

In an affidavit he admitted he had been in Durban in November 1981 but said he was looking for ANC members and knew nothing of Mxenge's assassination.

Former ANC member Ngqulunga, who had not been promoted since going over to the SAP in January 1981, was given the task of identifying ANC members he knew from his period of membership.

He admitted that during his nine years with the police not one arrest had arisen from his work, as he had failed to identify anybody.

Cross-examination of Ngqulunga continues this morning.

Commission set up to investigate plight of ERPM

Stw 6/6/90

252

Political Correspondent
CAPE TOWN — The Government has appointed a commission of inquiry to decide whether or not it should give further financial help to the struggling gold mining company ERPM.

Mineral Affairs Minister Dawie de Villiers made the announcement last night.

The commission is to be headed by Mr Justice DA Melamet, who has conducted other inquiries into financial matters.

He will be assisted by Professor DG Krige and S Rossouw. The secretary to the commission will be G D Greyvenstein.

Its brief will be to probe ERPM's mining activities and management, whether or not to continue financial support for ERPM, "the implications of ERPM continuing its business in its present or another form or not at all", and other matters it chooses to investigate.

Dr de Villiers said ERPM had applied for further aid and the Government realised the seriousness of the matter because jobs, foreign exchange and gold reserves would be lost if it closed.

The state had already been helping ERPM for a considerable time in the form of

- A Government-guaranteed loan of R220 million
- Subsidisation of interest on this loan above seven percent to a maximum of 10 percent.
- Help in pumping overflow

water from neighbouring mines — which could cause ERPM to close within five years.

● A Government guarantee for deferred interest payments. This allowed ERPM to defer and capitalise the portion of the interest on the government loan it was due to pay — up to a maximum of R67 million.

However, ERPM was still threatened with closure as a result of various factors which needed large technical and financial re-structuring and a drastic reduction in labour.

These included the relatively low rand price of gold, the inflow of water into the mine, two huge "seismic occurrences", which had closed down about 75 percent of the older, high-grade sections of the mine, and unforeseen capital costs incurred with the sinking of the Far East vertical shaft.

Before considering further assistance, the Government had decided to appoint a commission of inquiry.

● ERPM chairman Clive Knobbs would not comment on the announcement last night, saying he had not had a chance to study it, Ann Crotty reports.

"There is a lot to digest in the statement. It will take a while to study it," he said.

He felt that Mr Justice Melamet's brief was quite wide.

The loss of jobs (estimated at a direct figure of around 11 000),

gold reserves and foreign exchange earnings have to be viewed against the fact that ERPM has not paid a dividend for 10 years and that the mine has not made a profit since 1985.

In 1986, ERPM reported a loss of R696 000; in 1987 the loss shot up to R67,2 million, in 1988 there was a loss of R61,8 million and in 1989 the loss was R54,8 million.

Figures so far for this year show that ERPM turned in a loss of R20 million in the March quarter.

These losses were recorded despite financial help from the Government in the form of water-pumping assistance and the interest subsidy.

Last April, ERPM management decided to apply for provisional judicial management — a step which usually precedes liquidation.

Given that the mine's liabilities far exceed its assets, it is in fact technically insolvent. Rand Mines, which holds 18,9 percent of ERPM and appears to have board control of the mine, last year wrote off its R59,9 million exposure to ERPM.

However, moves towards liquidation were delayed by a decision to approach the Government with a request for additional financial assistance.

The appointment of the commission of inquiry is the response to this request.

Policeman denies he shot man in Evaton

By Melody McDougall,
Vereeniging Bureau

A Krugersdorp policeman yesterday denied allegations that he was the person who shot dead an unidentified man in Evaton, shortly after the Sebokeng shootings on March 26

Constable Jacobus Johannes Horn of the Krugersdorp Unrest Unit denied he had been in the vicinity where the man's body was found, or that he had fired any shots that day

The Goldstone Commission of Inquiry, chaired by Mr Justice Goldstone, is investigating all incidents in the Vaal Triangle township on March 26, including the Sebokeng shootings, which were apparently sparked after a 50 000-strong proposed UDF march to Vereeniging was halted by a police line-up.

According to evidence led so far, at least five people were killed and many more injured during the confrontation

Several other people were killed and injured in various incidents in other Vaal townships the same day

Giving evidence, Constable Horn told the commission he had arrived in Evaton with his

The
Goldstone
Commission



commanding officer, Sergeant Pieter Prinsloo, and three other policemen in a Casspir on the afternoon of March 26 to deliver ammunition supplies and collect a broken down vehicle

He said they had stopped at a garage in Adams Road, which had been looted by unruly mobs earlier in the day, to inquire about directions to the broken down vehicle

Shortly afterwards they left, but could not find the vehicle and returned to the garage

According to the constable he got out of the Casspir, had a drink of water at a tap and then asked policemen on the scene, who were guarding the garage, for directions to the stranded vehicle.

About 10 minutes later he got back into the Casspir and while they were pulling out of the filling station, they were approached by a man who informed the commanding officer

that a person's body had been found in a yard next to a house close by. After the officer told him to report this to the policemen at the garage, they drove off in search of the vehicle

However, they still could not find it and later returned to the garage again where they were told to go and check if the report about the body found nearby was true

They drove to the spot and found a man's body, later identified as Mahlomola David Khaile (35). According to an autopsy he had been shot in the head with SSG pellets

Under cross-examination by George Bizos, SC, representing relatives of 12 dead and the injured, Constable Horn denied he was the person who had shot the deceased

On Monday an Evaton resident, Andries Mokoena, testified he had seen a white policeman standing in front of a Casspir and firing shots in the direction of where the body was found

The constable admitted he had had a shotgun with him that day, but said he had left it in the Casspir. He denied he had at any stage stood in front of the police vehicle at the scene

● The inquiry ends today.

Kangaroo court suspects arrested

East Rand Bureau

Police on the East Rand have arrested a number of suspects in Daveyton at the weekend allegedly involved in assaults on residents at kangaroo courts.

Lieutenant Ida van Zweel of the East Rand police liaison office confirmed the arrests but declined to give the number of suspects arrested.

She said such disclosures would hamper further police investigations

According to reports, more than 10 people were said to have been arrested when police raided the headquarters of the "courts" in the Xhosa section of the township

Lieutenant van Zweel said she did not know if the suspects had appeared in court.

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6/6/90

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8/1
6/6/90

Corruption claims as councillors questioned

By Montshiwa Moroke

The independent commis-
sion of inquiry into alle-
gations of maladminis-
tration in the South West-
ern Management Com-
mittee (SWMC) began
yesterday in the Johan-
nesburg Civic Centre.
Evidence was present-
ed by at least three coun-
cillors.

Several ratepayers' or-
ganisations, under the
umbrella of the United
Civic Association, are ex-
pected to testify before
the commission.

The one-man commis-
sion is being chaired by
advocate Henk Botha.
Allegations are expect-
ed to be made that there
were irregularities in the
allocation of certain resi-
dential sites by the
SWMC, and that mem-
bers were dilatory in the
performance of their
duties.

Victor Thomas, a coun-
cillor, declined to give
evidence because he had
been found guilty in court
and fined R2 000 for ac-
cepting money from two
people as an inducement
to allocate housing.

Accepted

Mr Botha accepted Mr
Thomas's wish not to give
evidence and said the
commission would obtain
the necessary court docu-
ments.

Kurt Mateman, an-
other councillor, denied
an allegation that he had
accepted custom-made
units worth
R3 500 in his house in El-
dorado Park as payment
for the allocation of a
house to a Wilham Vol-
mink.

Many of the allegations
in the documents refer to
Margaret Mateman, who
is alleged to have accept-
ed money in payment for
the transfer of a flat and
houses, and accepted
R3 000 for built-in wardrobes worth
R3 000.

Mrs Mateman is also
alleged to have accepted
an amount of R10 000 for
herself as payment to se-
cure 50 stands for Murray
International.
The hearing continues
at 9 am today.

Cosatu 'also had dossiers'

By Helen Grange
and Louise Burgers

The Congress of South African Trade Unions (Cosatu) was drawing up its own personal profiles on senior white officials in the Johannesburg City Council, the Hiemstra Commission heard yesterday

In response to this submission by his legal counsel Hans Bornman, spy handler John Egan said "That's the impression I got"

Mr Egan said he had discovered that Cosatu was gathering details on senior white officials in the council's electricity department. Mr Egan was in charge of the infiltration of several Cosatu trade unions.

Among other reports he had received from his sources were

The
Hiemstra
Commission



- That a member of the Municipal Workers Union of SA (MWUSA) had knowledge of a necklacing relating to a strike by the SA Transport Services

- That the SA Council of Churches had donated R10 000 to the SA Municipal Workers Union for striking workers

- That a "violent action" was planned against deputy director of security Friek Barnard and senior deputy director Brigadier Jan Visser

Mr Egan admitted obtaining from sources three private docu-

ments which had been drafted by various attorneys. He would not say how they had come to be in his possession. One concerned security measures at Cosatu House.

Mr Egan denied he had obtained plans of Cosatu House and said he did not know who was responsible for bombing of the building in 1987.

Mr Egan was again queried on the monitoring of Geoff Stark, former PFP councillor, and the methods used to obtain "political-type" documents.

Wim Trengove, SC, asked what methods of surveillance were used, whether he had burgled Mr Stark's offices to obtain documentation and whether he had taken anything other than the documentation. Mr Egan refused to answer on the grounds that he could incriminate himself.

'No record of fees paid to council spies'

Star 7/6/90 Staff Reporters

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The Johannesburg City Treasury had no knowledge of how the security department administered its funds, although it continued to allocate monies for the payment of spies



The Hiemstra Commission

Yesterday, the Hiemstra Commission heard that no records could be found for the payment of informers from 1985, when the monitoring network of the department was established, until April 1987

In a 36-page report to the commission, the City Treasurer, Willie Siebert, said the security department had kept its own records because the former City Treasurer, Perry Rabie, had accepted in good faith that the payment of informers was a sensitive matter and records could not be kept in an ordinary way

The cash book and supporting documents relating to the payment of spies were kept by the security department

Mr Siebert said, however, the bookkeeping system of the security department was "not so wonderful"

● The National Intelligence Service (NIS) yesterday denied having exchanged information with the Johannesburg City Council, as was previously testified before the Hiemstra Commission by council's top security official, Brigadier Jan Visser.

In an affidavit handed to the commission, the director-general of the NIS, Lukas Barnard, said the only liaison with the city council was for the purpose of facilitating NIS duties that required the help of the council.

2 SOUTH, June 7 to June 13 1990

SHINING NEWS

'Death squads active'

South 7/6 - 13/6/90

25A

From MONOBADELA

JOHANNESBURG.—

"Death squads" are still operating from the SAP farm Vlaktplaas near Pretoria, it was claimed here this week.

Dr Max Coleman of the Human Rights Commission also said that 250 Askaris — turned ANC and PAC cadres now working for the SAP — were being kept at the farm where he claimed arms were being stockpiled.

Coleman said on April 7, Alexandra Township activist, Aldo Mogano, had been murdered by unknown assassins

On April 23, PAC member Sam Chand and his family of four were ruthlessly murdered in Botswana by an unknown hit squad

Five days later, the Rev Michael Lapsley — said to be an African National Congress supporter — survived a parcel bomb explosion in Harare. The parcel had allegedly been posted

in South Africa

Coleman endorsed a call made by Professor John Dugard, a member of the independent Board of Inquiry into Internal Repression, that the government should extend the terms of reference of the Harms Commission to cross-border raids

He said this would be the only way the full extent of the hit squads' activities would be ascertained

Coleman said that it was known that about 160 CCB projects were current

Coleman said it was not enough merely for the Harms Commission to investigate the actions of the CCB and other covert operations. The government must take steps to halt the current operations

"Negotiations cannot begin if well-defined obstacles like the CCB and other covert operations are not removed"

Human rights lawyer Peter Harris said a member of the Askaris had alleged that more arms and ammunition were being stockpiled at the farm

Dugard said the police had also paid little attention to about 256 cases of politically-motivated violence presented to them and the Commission by Lawyers for Human Rights

Brian Curran of the Lawyers for Human Rights and a member of the Independent Board, said that since the appointment of the commission of inquiry into hit squads, little information had surfaced

The police has persistently refused to comment on allegations related to death squads until the work of the Harms Commission has been completed

'Spy boss took explosives into Jo'burg civic centre'

FRIK Barnard, the man said to have run Johannesburg City Council's "spy network", was once observed carrying a box of plastic explosives inside the civic centre, the Hiemstra Commission heard yesterday (252)

Former council security guard Jan Griffith said Barnard had told him not to talk to anyone about the explosives when the two men met inside the civic centre one night (253)

Griffith said he knew the box Barnard had been carrying contained plastic explosives because he had seen and handled the substance often during his military training

Under cross-examination by Barnard's legal counsel, advocate Solly van Nieuwenhuizen, Griffith insisted he knew the difference between plastic explosives and braai fire lighters B. van Nieuwenhuizen 26/90

The commission also heard that the network apparently ran its own finances and only liaised with the city treasurer's department when it wanted money

City treasurer Willie Siebert testified that the only financial documentation available to record payments made by the network to spies for "secret" information over a two-year period were documents approving advances to the network

Siebert said former city treasurer Perry Rabe had approved the extraordinary system whereby the network conducted its own financial affairs. He, however, would not have done so, he said — Sapa

HOUSE OF DELEGATES

QUESTIONS

† Indicates translated version

For oral reply

General Affairs

State President

Cabinet appointments from HOR/HOD

*1 Mr D K PADIACHEY asked the State President

- (1) Whether he intends appointing any members of the House of Representatives and/or the House of Delegates to his Cabinet, if not, why not, if so, when,

- (2) For what reasons were no members of the House of Representatives and the House of Delegates included in his team that had talks with certain extra-parliamentary bodies from 2 to 4 May 1990?

Hansard 7/6/90

D164E

THE STATE PRESIDENT

- (1) It is not convention for the State President to discuss or to motivate publicly appointment of members of the Cabinet. There is in principle no objection to appointment of members from the House of Representatives or the House of Delegates, as was proved during the period when the Chairmen of both Ministers' Councils served in the Cabinet. There are various reasons why this is not the case at present. This does not, however, mean that the leaders concerned are excluded from negotiations and discussions. In fact, I created a forum for discussion of matters of common interest among the three Ministers' Councils, the State President and members of the Cabinet and regular discussion takes place in this forum.

- (2) The meeting between the Government and the ANC from 2 to 4 May 1990 was merely one of several discussions in the pre-negotiation process which the Government is conducting with a variety of parties and organisations. The main purpose of this meeting was the removal of

obstacles which might be standing in the way of the real negotiating process, with special reference to the ANC. Discussions were held recently with other parties and organisations as well. This series of discussions has to be distinguished from the real negotiating process, which will be far more representative.

THE LEADER OF THE OFFICIAL OPPOSITION

Mr Chairman, arising out of the answers given by the hon the State President, while I do accept the principle that details in respect of Cabinet appointments are not for public discussion, what would the hon the State President's view be in respect of the genuine concern and criticism that while this Parliament consists of three Chambers, the members of the Cabinet are appointed from one Chamber only? I am not questioning details, I am questioning a principle, particularly in that there were Deputy Ministers with portfolios who were Ministers attached to the Cabinet of this country.

Hansard 7/6/90

The STATE PRESIDENT Mr Chairman, I cannot fully agree with the statement by the hon the Leader of the Official Opposition that he accepts that the composition of the Cabinet should not be discussed by the public. They are welcome to discuss it. What I am saying is that it is not the convention for the State President to motivate the composition of the Cabinet.

In circumstances where there can be full co-operation and when there is general agreement about the major policy directions, obviously it would be best if majority leaders from the other Houses also served in the Cabinet. This matter has a history, as the hon member knows, and because of this history I have in a very specific way tried to accommodate the need for regular interaction. Discussions take place on a regular basis between myself and the Chairman of the various Ministers' Councils of all three Houses of Parliament, and we are satisfying the need for proper interaction and communication as best we can.

Hansard 7/6/90

The ACTING CHAIRMAN OF THE HOUSE Order! We shall now proceed to the next question. We have only five minutes for all four questions, and I regret that we have no more time for this question.

Ministers

James Commission of Inquiry: representations

*1 Mrs D GOVENDER asked the Minister of Justice

Whether he or his Department has received any representations in respect of prosecution arising out of the report of the James Commission of Inquiry, if so, (a) (i) when and (ii) from whom in each case and (b) what was the (i) purport of and (ii) response to each such representation?

Hansard 7/6/90

D185E

THE MINISTER OF JUSTICE

As far as could be ascertained no representations in respect of a prosecution arising from the James Commission of Inquiry were received by the Department of Justice. However, the Office of the State President as well as my office received representations pertaining to matters arising out of the report of the above-mentioned Commission.

Motor-car licences: concessions to pensioners

*2 Mr K PANDAY asked the Minister of Transport

Whether it is the intention to grant concessions to pensioners in respect of motor-car licences, if not, why not, if so, (a) when and (b) what is envisaged in this regard?

D197E

THE MINISTER OF TRANSPORT

No, although the present road traffic regulations, which came into force on 1 June 1990 in accordance with the Road Traffic Act, 1989 (Act No 29 of 1989), provide for the exemption from motor vehicle licence fees of certain persons or body of persons, it is envisaged that all exemptions be phased out according to the principle that every person or body of persons that owns a motor vehicle and is a public road user, should pay licence fees.

- (a) and (b) fall away

Grey Street: business watch

*3 Mr M MOHANLALL asked the Minister of Law and Order

- (1) Whether, in view of the current crime rate in the Grey Street complex in Durban, he intends establishing a so-called business

watch in this area, if not, why not, if so, (a) when and (b) (i) what form will this business watch take and (ii) by how many policemen will it be manned,

- (2) whether he will make a statement on the matter?

Hansard 7/6/90

D205E

THE MINISTER OF LAW AND ORDER

(1) and (2) During 1989 the Regional Commissioner of Natal and the Chairman of the Natal Chamber of Industries, started a business watch in the central business area of Durban.

The business watch consists of 1 lieutenant, 2 sergeants and 10 constables with their own vehicle, radio network and a control centre at the Broad Street charge office.

The South African Police and the Durban City Police also entered into an agreement of co-operation in terms of which the City Police make approximately 15 members per shift available to assist the business watch with the combating of crime. By so doing the activities of the business watch could be expanded to also include Grey Street and Warwick areas. Members attached to the business watch, patrol the business areas concerned mainly on foot.

In addition to this, a satellite police station was opened at the Berea West railway station which borders on Grey Street.

At present serious attention is being given to enlarging the numerical strength of the business watch with a further 10 members as soon as possible.

Business interrupted in accordance with Rule 180C (3) of the Standing Rules of Parliament

Harms Commission legal team

*4 The LEADER OF THE OFFICIAL OPPOSITION asked the Minister of Justice

- (1) Whether he or his Department authorised the State Attorney to engage the services of a legal team to represent any persons appearing before the Harms Commission

of Inquiry in connection with the alleged hit squads, if so, why,
 (2) whether any conditions were attached to this authorisation, if so, what are these conditions?

The MINISTER OF JUSTICE

- (1) No
- (2) Falls away

For the sake of clarity, I would like to elaborate on the legal position which is as follows

(1) In terms of section 3(1) of the State Attorneys Act, 1957, the State Attorney is authorised to perform such work on behalf of the Government of the Republic as is by law, practice or custom performed by attorneys, notaries and conveyancers

(ii) Section 3(3) provides further that the State Attorney may, unless the Minister of Justice otherwise directs, perform like functions in connection with any matter in which the Government, though not a party, is interested or concerned in, or where in the opinion of the State Attorney it is in the public interest

The State Attorney may, in terms of this section, namely 3(3), perform work on behalf of an individual, provided that the Government is interested or concerned in the matter. In such cases it is practice that an undertaking is made by the person

concerned, to the effect that if it appears at a later stage that the Government did not have any interest or concern in the matter, costs expended by the State on the individual's behalf, will be reimbursed by the latter

The State Attorney, as is the case with any other attorney, receives his instructions from clients. The applicable section is 3(1). The State Attorney's clients are, *inter alia*, Government departments who issue the relevant instructions to the State Attorney. In such cases the approval of the Minister of Justice is not required

In the case of the Harms Commission there are two legal teams, one on behalf of the South African Police and the other on behalf of the South African Defence Force, appearing before the said commission by direction of the State Attorney. The instructions to the State Attorney in this regard were given respectively by the South African Police and the South African Defence Force, as Department- clients of the State Attorney

Another two legal teams, one on behalf of individual members of the South African Police and the other on behalf of the CCB, are also appearing before the Harms Commission by direction of private attorneys. These two legal teams were instructed by the South African Police and the South African Defence Force, respectively. The legal costs are borne by the two departments concerned

D213E
 252

HOUSE OF ASSEMBLY

QUESTIONS

† Indicates translated version

For written reply

General Affairs

Natal Provincial Administration hospitals' posts

408 Mr M J ELLIS asked the Minister of National Health and Population Development

(1) How many posts had been established as at 31 December 1989 for (a) nurses, (b)

B955E

(2) whether any posts at these hospitals were frozen as at 31 December 1989, if so, how many in each category in respect of each hospital,

(3) (a) how many applications were made from each of these hospitals in each category for the unfreezing and filling of posts in 1989 and (b) how many applications were (i) granted and (ii) refused in each case?

The MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

(1)	(a)	(b)	(c)	(d)	(e)
Addington Hospital	1 287	65	128	172	877
Ambulance/Emergency Medical Services			4	34	387
Christ the King Hospital	117	1	4	10	64
Clarwood Hospital	736	17	27	49	311
Central Radiological Division		172	19	1	10
Dundee Hospital	226	3	9	23	169
Estcourt Hospital	193	3	12	25	166
Emmaus Hospital	107	1	6	11	161
Empangeni Hospital	98	3	7	14	126
Eshowe Hospital	270	4	16	38	167
G J Crookes Hospital	190	3	15	36	144
Grey's Hospital	744	17	51	95	658
Greytown Hospital	137	3	8	20	117
Head Office			2		3
Hillcrest Hospital	130	2	2	9	114
Imbali C H C	51	1	2	7	24
Kearsney C H C	7				1
Kwadabeka C H C	80	1	3	12	37
King Edward VIII Hospital	1 980	71	224	2 991	104
King George V Hospital	692	11	33	28	591
Joint Establishment/University of Durban-Westville		19			5
Joint Medical Establishment			244	32	48
Ladysmith Hospital	317	6	23	45	73
Lamontville C H C	1				
Midlands Hospital	754	5	18	25	840
Melville C H C	6				
Murchison Hospital	150	5	10	26	176
Natal College of Nursing	107			5	
Newcastle Hospital	206	3	6	23	162
Northdale Hospital	420	9	39	70	300
Newlands C H C	9				1
Newtown C H C	30			2	11

B/Dam 7/6/90

Vlakplaas recruit tells hearing of 'suspicions'

SUSPICIONS that former Vlakplaas commander Capt Dirk Coetzee, death-row prisoner Butana Almond Nofemela and gardener David "Spyker" Tshikalange were involved in "illegal activities" were founded on the basis that Tshikalange poured tea for Coetzee and Nofemela put petrol in Coetzee's car, the Harms Commission heard yesterday

Speaking under cross-examination, SAP Security Branch Const Brian Ngqulunga maintained his suspicions were based on observing the behaviour of Coetzee, Nofemela and Tshikalange

"They were always associating together. If Coetzee wanted petrol put in his car, he'd ask Nofemela. If he wanted tea, he'd ask Tshikalange", explained Ngqulunga

Asked to back up his suspicions, he said the three men were always secretive and laughing together, and excluded the others

"But that's only proof of a bond. It's hardly the basis for suspicion of illegal activity," remarked Mr Justice Louis Harms

In his testimony, Ngqulunga said he joined the ANC in 1977 but later

LINDEN BIRNS

became "disaffected" After being named as a "traitor" by the ANC in 1978 he was detained in Maputo. He drank insecticide in an attempt at suicide. This failed and the same day he escaped, only to be recaptured and held in a maximum security prison for a year and nine months

He agreed he plotted his own deportation by telling the Mozambican police he was a wanted common criminal in SA.

Fistfight

Back in SA, a Brig (then Major) Buchner debriefed him and he volunteered to "assist the SAP in tracking down insurgents"

Ngqulunga also revealed that despite being hospitalised after a fistfight with Nofemela, neither faced any disciplinary action at Vlakplaas

Ngqulunga, who had been described to the commission as a "puny, small little man, a mild-mannered man who would not hurt a fly", admitted to twice using firearms in violent acts while off-duty during his Vlakplaas years

The commission also heard how Ngqulunga and numerous others at

Vlakplaas had been appointed as SAP constables without ever attending Police College

Retired SAP Brig Johannes Rossouw van der Hoven, formerly a divisional inspector in Johannesburg and later head of the Port Natal (Durban) SAP Security Branch, appeared shortly in the afternoon session

He strongly denied ordering or having any involvement in the November 1981 murder of Durban lawyer Griffiths Mxenge

Allegations at the time were that the ANC was involved in the murder. Adv Pretorius asked Van der Hoven if he did not think it strange they should then issue statements lauding Mxenge

Brig van der Hoven said "It could have been a smokescreen"

He also denied telling City Press that "an anti-terrorist squad from Pretoria could be called if a terrorist was seen in his area, but that what they did and how they did it had nothing to do with the local commander"

He did admit he was the only person in the region who at that time could make a request to the Vlakplaas squad

Cross-examination of Brig van der Hoven continues this morning

Demolition of Reef shacks 'criminal'

THE demolition of squatters' shacks on the Reef in the middle of winter was "immoral and criminal", Soweto civic leader Nthato Motlana said yesterday. *B10am 7/6/90*

He was referring to the demolition of shacks in Alexandra, Thokoza on the East Rand and Klipfontein in Soweto this week.

Motlana said he did not have words "strong enough to condemn the action" It was immoral and criminal to remove people from any settlement without providing them with an alternative.

"I urge more people to raise their voices and shout until government

WILSON ZWANE

makes more land available to people to build whatever structures they can afford"

The Black Sash also condemned the demolitions saying the trauma of forced removal from private land had been acknowledged by government.

"In the same way the government has recognised that urban settlers could not be wished away," the Black Sash said.

It challenged government to call a moratorium on evictions and removals until people had alternative accommodation.

Katlehong council 'wants to end boycott'

THE Katlehong Town Council wanted to meet the Katlehong Civic Association (KCA) in a bid to resolve the rent boycott which began in March, mayor Tau Molotsi said yesterday.

In a telephone interview Molotsi said the council was concerned about the deterioration of services because of the boycott. *B10am 7/6/90*

"I plan to meet the Katlehong Civic Association and negotiate with them fixed rates for services and electricity," Molotsi said.

WILSON ZWANE

KCA spokesman Ken Moetsi said he did not think that his organisation was in a position to meet the councillors.

He said the organisation wanted them to resign.

"In their place we want a non-racial council, tarred roads and streets, more recreational and health facilities and the withdrawal of the security forces," Moetsi said.

'Spy boss took explosives into Jo'burg civic centre'

FRIK Barnard, the man said to have run Johannesburg City Council's "spy network", was once observed carrying a box of plastic explosives inside the civic centre, the Hiemstra Commission heard yesterday. *(252)*

Former council security guard Jan Griffith said Barnard had told him not to talk to anyone about the explosives when the two men met inside the civic centre one night. *(253)*

Griffith said he knew the box Barnard had been carrying contained plastic explosives because he had seen and handled the substance often during his military training.

Under cross-examination by Barnard's legal counsel, advocate Solly van Nieuwenhuizen, Griffith insisted he knew the difference between plastic explosives and braai fire lighters. *B10am 7/6/90*

The commission also heard that the network apparently ran its own finances and only liaised with the city treasurer's department when it wanted money.

City treasurer Willie Siebert testified that the only financial documentation available to record payments made by the network to spies for "secret" information over a two-year period were documents approving advances to the network.

Siebert said former city treasurer Perry Rabe had approved the extraordinary system whereby the network conducted its own financial affairs. He, however, would not have done so, he said — Sapa

10 MINUTE X

ACROSS

- 1 Intrinsically (3,2)
- 4 Changes direction (5)
- 10 Dawdler (7)
- 11 Tree (5)
- 12 Trample (5)
- 13 Ball game (7)
- 15 Solemn promise (4)
- 17 Chubby (5)
- 19 Boat (5)
- 22 Fish (4)
- 25 Setting (7)
- 27 Steel mast (5)
- 29 Heavy stick (5)
- 30 Confuse (7)
- 31 Quick-witted (5)
- 32 Hair-net (5)

SOLUTION TO CROSS

— Across 1 Gramme, 4 At Serious, 11 Dear, 12 End, 1 Edam, 23 Lebanon, 25 Let, 28 Sketch Down, 1 Garsh.

30 MINUTE X

ACROSS

- 1 Honest viewpoint for (5,5)
- 7 From the shop a starc
- 8 Sanctioned everythin
- 10 & 15Ac Cleric indicat
- 11 Varsity man gets the finished (4)
- 13 The old man produce
- 15 See 10 Across
- 17 A game I play in La

Minister of Mining

252



Senior counsel George Bizos of Lawyers for Human Rights, far left, and Prof Arthur Chaskalson of the Legal Resources Centre listening to Walter Sisulu of the ANC at the Lawyers for Human Rights AGM in Johannesburg yesterday. Picture ROBERT BOTHA

BUSINESS DAY, Thursday, June 7 1990

ANC reviews sporting, cultural links

PETER DELMAR

THE ANC was striving to normalise international sporting and cultural links and was involving SA artists in its internal investigation of the issue, ANC internal leader Walter Sisulu said last night.

Sisulu indicated in an interview that ending SA's cultural and sporting isolation would not necessarily be contingent upon government satisfying the full requirements of the ANC's Harare Declaration. But he said he could not commit himself or the ANC to a timetable.

He acknowledged the selective lifting of these boycotts was one of the options being studied by the ANC.

Asked whether the ANC would allow independent observers to investigate allegations of torture made by former ANC members, Sisulu said the ANC had not yet decided in detail how it would handle such an investigation.

Earlier, while speaking at the Lawyers for Human Rights AGM, Sisulu paid tribute to the organisation, saying its members had inspired him and his colleagues during their imprisonment.

In his address, LHR chairman Peter Leon said SA continued to have a statutory arsenal which ensured government by law but not government under the law.

The ANC and the LHR, he said, had a common commitment to a bill of rights and did not believe in guaranteeing rights on the basis of ethnicity.

Leon said in the present government's final years of rule the goal of a justiciable bill of rights was no longer utopian.

Sisulu said the ANC was committed to guaranteeing cultures.

"Indeed, it now appears to be supported by the government in principle."

Sisulu said the ANC's economic policy

I did not spy on the ANC, says security policeman

A SECURITY policeman, formerly stationed at Vlakplaas police farm near Pretoria, yesterday denied he was a police informer while a member of the African National Congress.

Constable Brian Ngqulunga told the Harms Commission of In-

quiry he had been disenchanted with the ANC after undergoing training in Angola.

He told Mr Denis Kuny, SC, appearing for Death Row prisoner Butana Almond Nofemela, that people who had suspected him of being a spy had had reasonable grounds for this as he had ceased to be an enthusiastic ANC cadre.

Prior to escaping from an ANC camp after his loyalty was questioned, he had attempted suicide by swallowing an insecticide.

Escape

The insecticide had made him ill but a few hours later he was well enough to escape onto the streets of Maputo, where he was arrested shortly afterwards.

He also admitted that a bonus of R500 was paid by police to Vlakplaas



HARMS PROBE INTO HIT SQUADS

members if they were able to identify any infiltrator who was arrested.

Ngqulunga said he had never received such a bonus, nor did he know of extra bonuses being paid if identified infiltrators were killed.

He decided to kill himself because he knew as a traitor he would be sent to the ANC's notorious Quatro camp, where he would be tortured.

In an affidavit presented to the commission, Ngqulunga said he and other people at Vlakplaas had seen a bond develop between the three

former policemen whose allegations of death squads had led to the inquiry.

The three were Captain Dirk Coetzee, his former gardner David 'Spyker' Tshikalange and Nofemela.

He also suspected the three were involved in illegal activities.

Ngqulunga told Kuny his only basis for this suspicion was that they were often together, left Vlakplaas regularly and often stood some distance away from other members of the force at Vlakplaas when they conversed together in whispers. Sapa.

Sowetan 7/4/90

Probe told of bullet in spine

SOWETAN Correspondent

AN Evaton youth with a "mystery bullet" lodged in his spine yesterday told the Goldstone Commission of Inquiry how he was paralysed permanently in both legs after he fell when police fired teargas in the township.

This had happened about two hours after the Sebokeng shootings on March 26. (252)

Benjamin Khumalo (17) said he did not hear shots being fired at the time - apart from the teargas - and was not aware there was a bullet lodged in his spine until later in hospital.

He had also not felt pain when he fell after the teargassing. (253)

The commission, chaired by Mr Justice RJ Goldstone, is investigating the shootings in Vaal Triangle townships on March 26.

It has been hearing evidence in Vereeniging since May 16 relating to alleged incidents of violence in the townships and is expected to wrap up its inquiry today

Testifying from his wheelchair yesterday, Khumalo said he and other people were walking down Adams Road towards a garage, which had apparently been looted, to see what was happening when teargas was fired at the group from a police van.

"I tried to run away but the next instant I fell. I thought I was being choked by the teargas and tried to get up but couldn't."

"Some people came along in a kombi, picked me up and placed me in the vehicle."

He said he was admitted to Sebokeng Hospital, later transferred to Baragwanath Hospital and then to Natalspruit Hospital.

He was a Standard 9 pupil at a high school in Residensia but could no longer walk as both legs were permanently paralysed.

(Proceeding).

Appointment of ERPM commission a wise move

The appointment of a commission to investigate whether the ailing ERPM should receive further state assistance is a wise move. Although many may see it as passing the buck, this is an unkind thought.

When one takes into account all the aspects the commission will have to consider, one wonders why such a commission was not appointed a long time ago. ERPM is a particularly difficult case. Most mines making losses are usually old and have only marginal ore remaining.

ERPM, though it has been going for 100 years, is to a great degree a new mine. Its old workings can no longer be mined profitably, but it is opening up a reportedly rich area containing enough ore to keep it going for 50 years.

Its new Far East Vertical Shaft system is expected to produce 20 million tons of ore with a fairly high gold content and to provide access at depth to a further 14 million tons.

The expected grade of this ore is five grams a ton, but in 1988 the recovery grade rose to as high as 6,5 grams.

If these assumptions are correct, the figures should make ERPM a profitable mine even in current conditions of high inflation and a low gold price.

But an unexpected fall in the milling grade in the past year has cast a cloud over expectations.

One of the first tasks of the commission will be to decide whether these tonnage and grade figures are still valid and whether ERPM can get its grade back up to the expected five grams a ton.

This is the key to the mine's future and to whether granting assistance at this stage could lead to a major new mine.

In the three months to December (when gold spurted to \$420) ERPM's working loss was R2,4 million. After including interest payment, the loss climbed to R7 million.

On top of this the mine had R3,1 million in capital expenditure. Altogether it needed R10,1 million to pay its way.

Diagonal Street

Star 7/6/90

DEREK TOMMEY



Unfortunately, this figure doubled in the March quarter. A lower gold price, a drop in grade to 3,19 grams a ton and a lower milling rate, which increased unit costs, combined to give it a working loss of R13,9 million. After adding in interest payments (there was no capital expenditure) the mine required R20,2 million to meet debts.

High though this loss may appear, ERPM could finance it, even at the present gold price, if it could get its grade back to five grams a ton.

If the commission decides this could happen eventually, it would then have to decide what aid paid out before this stage was reached would cost the Treasury.

At the same time it would have to work out the size of the losses that the Treasury and balance of payments would suffer if ERPM did not get aid.

ERPM spent R66,6 million in the March quarter — equal to R270 million a year — and a fair amount of this flows back to the Treasury by way of GST, income tax and company tax.

ERPM produces R200 million worth of gold a year. The commission will have to determine the financial effects the loss of this foreign exchange could have on the balance of payments and economic growth. It should consider what the effect would be on labour and other mining costs industry-wide if ERPM did not receive assistance and had to rationalise and reduce production.

It could also consider what effect a drop in ERPM's gold product could have on the gold price. It is clear from that the Cabinet's decision to appoint a commission was the best thing it could do.

Birdshot can kill at close range, probe hears

By Melody McDougall,
Vereeniging Bureau

Most of the policemen who shot at the 50 000-strong United Democratic Front gathering in Sebokeng on March 26 fired No 5 birdshot in the belief they were using minimum violence and non-lethal ammunition

However, a ballistics expert at the police forensic science laboratory in Pretoria, Colonel P R Gouws, said this ammunition could be deadly, especially when fired at 30 m or closer

Giving evidence on the last day of the Goldstone Commission of Inquiry into the Sebokeng shootings, Colonel Gouws said yesterday he had conducted ballistic tests to determine the effects of birdshot and buckshot

His findings included that when No 5 birdshot was fired at dead pigs — which have a substantially thicker skin than humans — at a distance of 50 m the pellets penetrated up to 10 mm deep

He stressed birdshot could, therefore, be lethal, easily killing a person at a distance of 30 m, but said shotguns were "the most effective way of ensuring crowd control".

Referring to SSG (buckshot) and AAA ammunition (also used by police on the day of the Sebokeng shootings), the colonel said a human skull could be penetrated by both types from a distance of 50 m, but not from 100 m

Evidence led earlier in the

hearing was that the 22 policemen who had shot at the crowd in Sebokeng had fired 66 No 5 shells, 12 rounds of SSG and two rounds of AAA.

Most of the policemen called to the witness stand testified they had been trained to load No 5 birdshot first before using more powerful loads such as SSG and AAA

This was because they were taught No 5 was "minimum violence and non-lethal".

Most of the policemen agreed they had been 40 m to 45 m from the crowd when they opened fire

Earlier evidence was that five people had been killed and many more injured during the confrontation between police



and the 50 000-strong gathering near the Sondela Brewery in Sebokeng on March 26.

The clash occurred after the crowd, which was apparently intent on marching to the National Party offices in Vereeniging, was halted by a police line-up.

Several other people, believed to be at least seven, also died in other incidents in Vaal Triangle townships on the same day

Mr Justice R J Goldstone is investigating all these incidents,

Murder: KwaZulu politician in court

Own Correspondent

DURBAN — KwaZulu Deputy Cabinet Minister Bekizizwe Samuel Jamile (60) of Clermont yesterday pleaded not guilty in the Maritzburg Supreme Court to five counts of murder, seven of attempted murder and three of incitement to murder

His co-accused, Msizwe Hlophe (19), also pleaded not guilty to all 15

charges.

(252) Star 7/6/90
The alleged offences mostly took place between October 1985 and October last year.

One of the charges alleges that Mr Jamile incited Lawrence Ntshalingtha to murder Archie Gumede, president of the UDF.

The hearing continues

Ex-spy handler suggested destroying army documents

By Helen Grange
and Louise Burgers

Former spy handler Martin Hennig yesterday admitted before the Hiemstra Commission having suggested that military documents in possession of the Johannesburg City Council security department be destroyed.

Top council security officials met after The Star exposed the security department's spy operations and a suggestion was made that 'top secret' documentation be destroyed.

"I knew that in the past military documents were shredded," Mr Hennig told the commission. He said his suggestion was shouted down at the meeting.

Restricted

"Who are you to decide what has to be destroyed?" Wim Trengove, SC, for the Five Freedoms Forum, asked.

Mr Hennig replied that they were restricted documents. Their contents were not important to him — what was important was the fact that they were SADF documents.

Yesterday Mr Hennig told the commission he would answer some questions relating to his military connections — after previously refusing to furnish the information on the grounds that it was restricted in terms of the Defence Force Act.

Cross-examined on his mili-

The
Hiemstra
Commission



tary connections by Gilbert Marcus, for the End Conscription Campaign and others, Mr Hennig revealed that he had met three members of a special military and council team alleged to be involved in the murder of activist Dr David Webster.

They were Paul de Swardt, Dick Greyling and Major Roy Laubscher.

Mr Hennig, however, denied knowing of the activities of the team, although he was named as being a member by key witness Hannes Gouws.

He refused to say with whom he had liaised in the SADF while in the employ of the security department. He said he was merely asked to find out names of vehicle owners from lists of registration numbers provided by the Defence Force.

He agreed with A Roux, for the SADF, that the registration numbers could have belonged to cars seized by the military in road blocks, for example.

The commission heard earlier this week that R1,7 million was spent on the information section of the security department over a seven-year period.

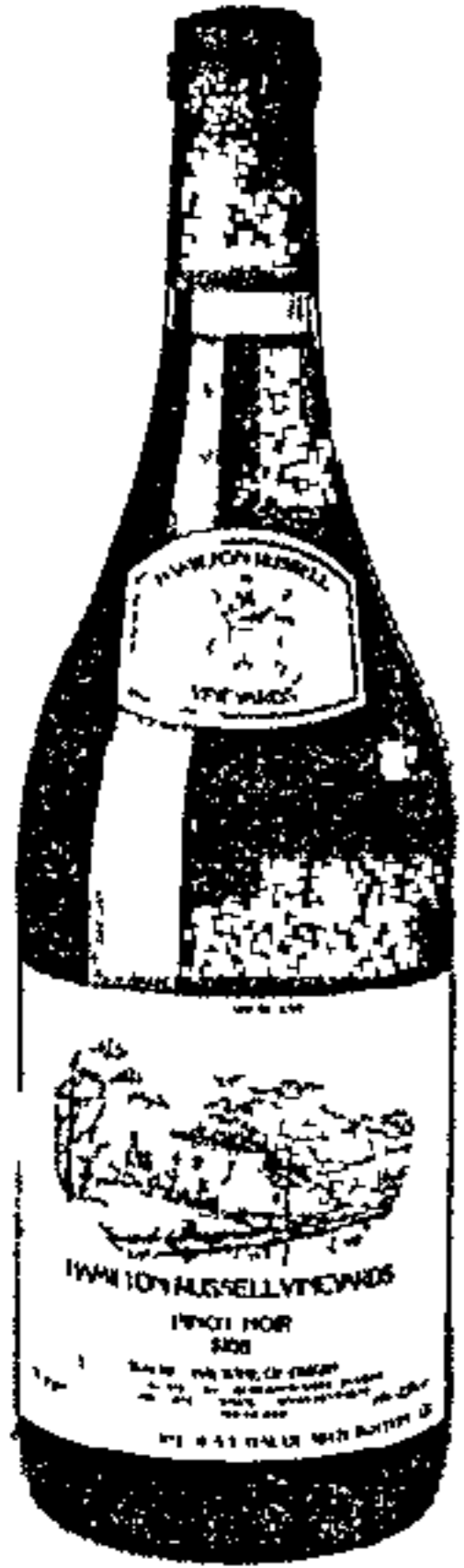
Star
8/6/90
252

**Popcru march ^{stc}
case postponed** 8/6/90

The case against 15 members of the Police and Prisons Service Civil Rights Union who allegedly took part in an illegal march to John Vorster Square was postponed in the Johannesburg Magistrate's Court yesterday to June 14

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HAMILTON
RUSSELL
VINEYARDS



South Africa's
Leading
Pinot Noir

Pinot Noir was the category for the 1989 Diners Club Winemaker of the Year Award. From an entry of thirty wines, the Hamilton Russell 1986 Pinot Noir was judged first with only a 06

Nzo denies any part in Mxenge murder

B Day 8/6/90

ANC
252

ANC secretary-general Alfred Nzo yesterday tendered an affidavit to the Harms Commission denying ANC involvement in the 1981 slaying of Durban lawyer Griffiths Mxenge.

Allegations made shortly after the murder laid the blame on the ANC. Claims were that Mxenge transferred R80 000 of ANC funds into his own business, and that the killing was the ANC's response.

Nzo confirmed Mxenge had defended ANC members in court, and received funds from organisations abroad to finance these defences.

"However, it is completely untrue that the ANC or any other organ of the ANC was aware or complained of any misappropriation of these funds," said Nzo's affidavit.

He also said it was untrue that the ANC knew, authorised or carried out a plan to murder Mxenge, and denied they had a motive.

Mr Justice Louis Harms intervened in cross-examination of former Port Natal Security Branch chief Brig Johan van der Hoven, challenging his testimony that he had not investigated Mxenge's murder.

The judge asked Van der Hoven about an ANC telex blaming "agents of the regime" for "brutally murdering Mxenge" intercepted by the Security Branch.

A copy was sent to Van der Hoven "yet we know of no reaction from your side", commented Mr Justice Harms.

The judge then read from a letter

LINDEN BIRNS

sent by the Director-General of Justice to the Commissioner of Police on June 6 1981.

"Mxenge received unspecified amounts of money from outside SA for use in helping the ANC. Mxenge is probably about to commit a crime, but we cannot take action against him yet," he read.

"I don't know about this," replied Van der Hoven.

The former brigadier then conceded that a man from Pretoria did go to Durban to investigate the claims of financial misconduct by Mxenge.

Mr Justice Harms asked him if he was aware that no proof of misconduct had been found. Van der Hoven said "If that's what it says, it must be true."

In other evidence former Vlakplaas chief of operations Lt-Col Jan Coetzee denied any murders took place while he was stationed there.

He also denied any knowledge of the abduction of ANC insurgent Ernest Dipale, or of an incident where Vlakplaas members allegedly took three men and locked them in a bunker at a disused Krugersdorp mine, which was then blown up.

Coetzee told the commission it took much persuasion to convince his former informer Sgt Joseph Mamasela to join the SAP permanent force. "He said he was a Roman Catholic, and couldn't become a policeman."

Coetzee said he had sent Mamasela to Botswana to infiltrate the ANC. "I was satisfied with his work on a limi-

ted level. He didn't have access to the top structure."

Mamasela told Coetzee of an ANC plan to attack Voortrekkerhoogte with missiles. The attack was carried out despite police knowledge.

Coetzee said the weapons used by members of the Vlakplaas groups included Beretta and Walther pistols as well as HMC sub-machine guns.

"They had to carry them constantly as their lives were in danger," he said.

Adv Denis Kuy SC asked Coetzee if the SAP resorted to "no holds barred" tactics in reply to those used by insurgents.

"In the police we have rules and regulations," said Coetzee.

"What steps are taken against insurgents then?" asked Kuy.

"They're traced and caught," replied Coetzee.

"And in some circumstances shot?" asked the advocate.

"Not in my time, but I do know others were shot after my time at Vlakplaas," said Coetzee.

Coetzee also disclosed that Vlakplaas members assisted in six arrests during his three years as chief of operations at the base.

"So few, only six?" asked Kuy. "They don't fall out of the sky you know," replied Coetzee.

W/O Koos Schutte, who between 1980 and 1986 looked after Vlakplaas buildings and vehicles, denied involvement in the Mxenge murder or in burning Mxenge's car.

Cross-examination of Schutte proceeds this morning.

Council spy network probe: evidence over, findings expected

A FINDING on the investigation into irregularities into the Johannesburg City Council security department spy network is expected in six to eight weeks.

The Hiemstra Commission of Inquiry finished hearing evidence yesterday and proceedings will resume for a day on June 22 for argument.

Commission chairman Mr Justice V.G. Hiemstra is following the American system, by allowing each of the eight legal teams only an hour to present their views.

It will then take a few weeks for the commission chairman to present his findings to the Administrator of the Transvaal. The report should be made

LOUISE BURGERS and HELEN GRANGE

public towards the end of July.

Several witnesses have not testified before the commission, including security department employees Nic Roesstof, Piet Assenmacher, Anneljke Smit and Sanet Liebenberg.

Leading evidence, Denis Fine, SC, told Mr Justice Hiemstra that examination of these witnesses was not necessary as their evidence would be more than a "rehash" of previous testimony.

The evidence of former military officers Paul de Swardt and Dick Greyling,

named by key witness Hannes Gouw as being connected with the murder of activist Dr David Webster — was found to be "outside the commission's terms of reference".

Yesterday the commission heard that two past chairmen of the Johannesburg City Council management committee had denied in affidavits that they knew of the secret security committee that controlled the spy ring.

Francois Oberholzer, chairman from March 10 1972 until October 24 1988, and Jan Burger, chairman between May 15 last year and April 3 this year, both stated they had never attended meetings of the special security committee.



The Hiemstra Commission

The commission heard earlier that the management committee had established the special security committee, which consisted of the late Dame van Zyl, Director of Public Safety John Pearce, Town Clerk Mame Venter and former chief of security Brigadier Jan Visser, on December 8 1986.

Both said they had not been aware

of when the meetings of the special committee took place

This week the commission heard that no financial records were available for two years after the establishment of the spy network. The city treasury department had no control over payments to spies, as the security department was given control over its own ledgers.

City Treasurer Willie Siebert admitted the security department's system was "not so wonderful". It was found that payments did not tally with cash authorised.

He emphasised, however, that no money had been misappropriated.

SOON

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THE TIMES 9/16/70
**Ciskei abolishes
death penalty**

BISHO. — Ciskei yesterday abolished the death sentence with immediate effect.

"The death sentence is a cruel and inhuman form of punishment and anathema to a progressive society," the Ciskei Council of State said.

"Life imprisonment is an equally persuasive deterrent." — Sapa

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Moves towards swift justice to cost R33-m

By MARTIN CHALLENGOR
Political Staff

THE government had shown its desire to affirm the rule of law by lifting the emergency in most of the country, Mr Kobie Coetsee, the Minister of Justice said last night.

Mr Coetsee gave details of how his department would spend its R33-million share of the R814 million the government has pumped into a crack-down on lawlessness.

The police will hear about their pay rises next week.

Leading role

Mr Coetsee said lifting the emergency was an important step in the normalisation of society. It illustrated the government's declared policy "to affirm the rule of law in a democratic South Africa".

Mr Coetsee has played a leading behind-the-scenes role in arranging talks between the government and the African National Congress.

Extending the work of the security forces to maintain stability would lead to more trials and place a greater burden on the administration of justice, Mr Coetsee said.

The R33 million would be spent on:

- Overcoming a shortage of justice staff,
- Increasing the number of relief staff. They will initially work in Natal,
- Modern equipment for courtrooms,

- The prosecution of commercial and serious crimes is to be speeded up,

- More training courses for public prosecutors at the Justice College and in-service training,

- Using retired magistrates,

- Re-training court interpreters to serve as prosecutors and magistrates.

Lawyers in the justice service who were administrators would be re-assigned to legal duties.

The court process would be streamlined to ensure the speedy disposal of a case, Mr Coetsee said.

He hoped people from all communities would come forward to serve as lawyers in the administration of justice.

To ensure high standards in the administration of justice:

- Minor offences had been decriminalised,

- The South African Law Commission was investigating abbreviated criminal procedures,

- The witness's friend service had been extended countrywide,

- The Rules Board for Courts of Law was streamlining and shortening civil procedures.

The small claims court was being extended.

Negotiations were taking place with the legal profession on an alternative mediation and adjudication process for civil cases in lower courts.

R33m to beef up legal system

By ANTHONY JOHNSON
Political Correspondent

SWEEPING measures to beef-up and streamline the administration of justice in South Africa were announced yesterday by the Minister of Justice, Mr Kobie Coetsee

The steps follow the decision by President F W de Klerk to allocate an additional R33 million this year to legal services as part of a extensive plan to strengthen security services following the lifting of the emergency

Mr Coetsee said yesterday that the lifting of the emergency in the largest part of the country was an important step in the "normalisation" of SA society and underlined the government commitment to affirm the rule of law in a democratic SA

He said the following steps were envisaged by the Department of Justice.

● The elimination of backlogs in staff-rendering services

● Courts will be equipped "with the most modern equipment available" to make legal procedures more effective and speedy

● Measures to help attorneys-general and their staff to better manage the investigation and prosecution of commercial and other serious offences

● As transitional measures, "ample use" will be made of the services and experience of recently retired magistrates. In addition, lawyers presently not being used in courts will be employed to supplement the shortage of legal staff and legally-qualified officials currently employed in key administrative posts will be requested to temporarily assist in the administration of justice

● The establishment of a relief staff component so that judicial officers can be employed where there is a pressing need for them. Initially they will be employed in Natal in particular

● A special effort will be launched to recruit court interpreters and, after training, to promote them to the posts of prosecutor and magistrate

Mr Coetsee said "The crux of a democratic adjudication process is the effective, fair and speedy disposal of a case"

Accordingly the department will therefore build on its various endeavours to streamline the courts

The decriminalisation of minor offences, including traffic offences, had already reached an advanced stage and would make a "considerable contribution" to dispose of minor statutory offences outside the criminal courts.

Mr Coetsee noted that the SA Law Commission was undertaking a urgent investigation into abbreviated criminal procedures

The Rules Board of Courts of Law was in an advanced stage of streamlining and abbreviating civil procedure "Drastic steps have already been taken"

Law: Hillbrow's cry

IF CRIME is to be eradicated in Hillbrow, occasional crime prevention operations are not going to be enough. More policemen stationed in the area permanently are what's needed.

This is the view of politicians and residents concerned about the burgeoning crime rate. They say that not nearly enough is being done to rid the area of criminals.

James Dryer, chairman of the Hillbrow Traders' Association, told the Saturday Star "If police have a manpower problem then it is for the authorities to make use of the special powers they have to solve Hillbrow's problems." He said his organisation had decided to act as a pressure group to force the authorities to take action.

"We look at crime in a broad spectrum. We include as crimes, unscrupulous property owners charging tenants exorbitant rents. If laws such as the Group Areas Act are repealed then local authorities can take action against these landlords.

"These landlords exploit people who, under the Group Areas Act, are illegal tenants. They force them to pay any amount they choose in exchange for a roof over their heads," Mr Dryer said.

Insufficient manpower

Mr Dryer supports the idea of a municipal police force for Johannesburg. "The money which has been used on spying could have been spent on establishing a municipal police force ages ago," he said.

Peter Rose, former chairman of the Hillbrow Traders' Association, said police were unable to implement "bobbies on the beat" because they just did not have enough people to do the job. But he said if the Johannesburg City Council established a municipal police force, then the Government should compensate the council. "Hillbrow residents do not mind who protects them," he said, "as long as there is law and order."

Mrs Desiree Simpson, an independent city councillor, said no permanent relief had yet been given to Hillbrow. "We've seen Operation Watchdog in the last two weeks or so. But we need something permanent. Crime stops while these kinds of operations are in progress. But it soon starts up again as soon as they are over," she said.

Mrs Simpson feels so strongly about this that she has even called for SA Defence Force troops to be deployed to curb the violence and lawlessness in the densely populated flatland and has written to Cabinet Ministers requesting that a referendum be conducted to test the opinion of Hillbrow residents on the crime question. To date she has not received any replies.

One major problem in dealing with crime in Hillbrow appeared to be lost confidence in the police by residents in the area, according to Lester Fuchs, Democratic Party councillor for area.

Mr Fuchs said residents tend not to report crimes to the police because they feel the matter will not be attended to properly.

Another problem appears to be political. Important differences of opinion seem to exist between residents, councillors, the police and the Government.

Mr Fuchs does not believe that a municipal police force will solve the crime problem in Hillbrow and he has opposed Mrs Simpson's call for troops to be sent in. He and others, however, believe that a municipal police force will be a step in the right direction.

A deterrent

Such a force, he said, will "at least mean that municipal policemen and traffic officers will be given arresting powers which will give us a form of bobbies on the beat and will be a deterrent to crime," Mr Fuchs said.

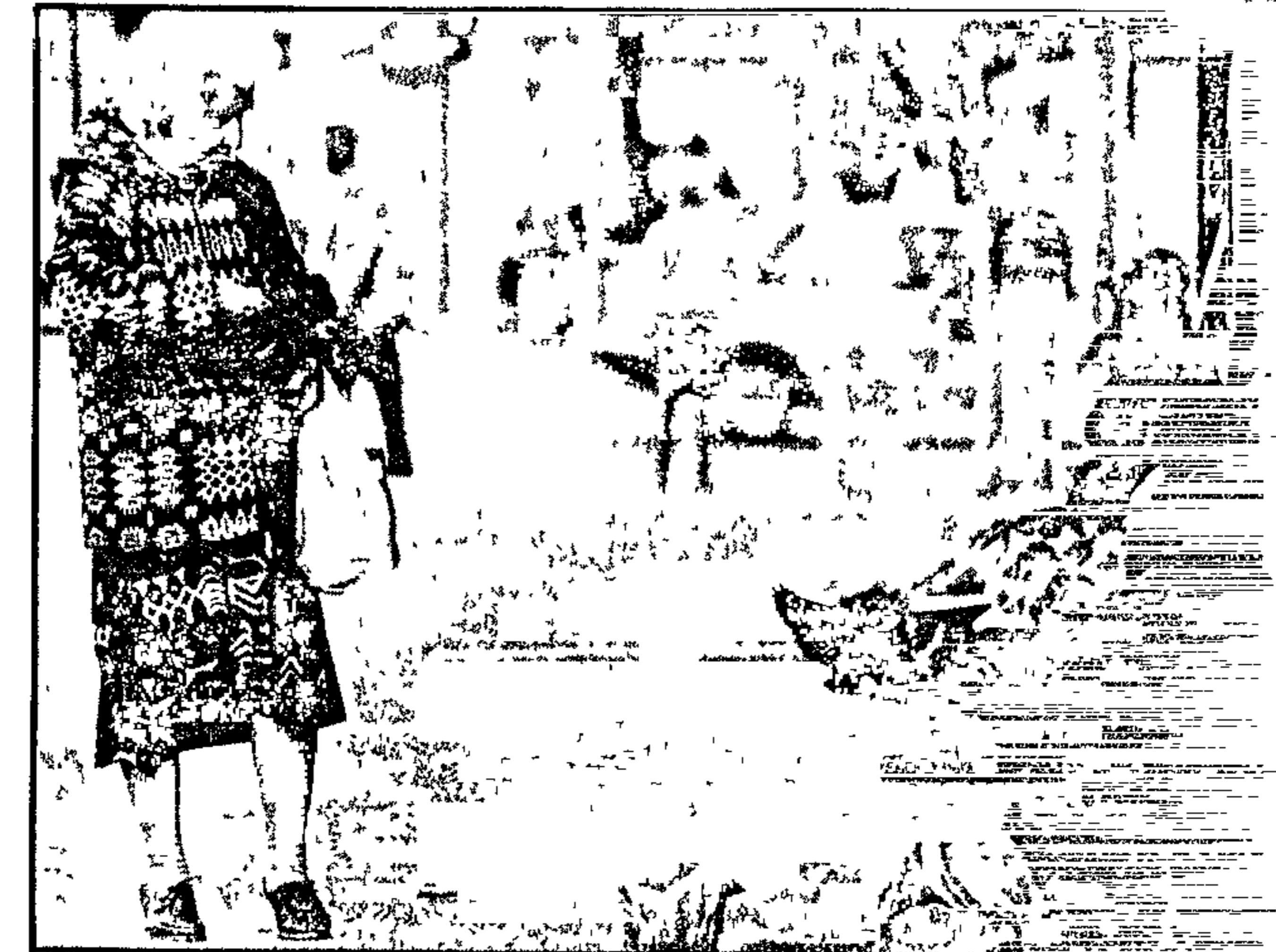
But, having said that,

he is not satisfied that crime in his constituency is being dealt with adequately, nor is he happy that the police are carrying out their functions properly.

He said he has appealed to the Minister of Law and Order, Adriaan Vlok, for more policemen to be deployed in the area. But Mr Vlok's response was to promise a series of crime prevention "operations".

Mr Fuchs told Hillbrow residents recently "I'm concerned about the spiralling crime rate and I've spoken to Minister Vlok about it. The situation will be dealt with urgently to make Hillbrow a safe place to live in."

Hillbrow's dream of



More regular bobbies on beat, a backup force to beat crime



FACES OF HILLBROW: Hungry youngsters (above) prowl Hillbrow's traffic. (top) gives to a beggar. At night she

Report: JOVIAL RANTAO

municipal policemen patrolling the crime-ridden area drew closer to reality two weeks ago with the announcement by the Johannesburg City Council that a high-powered committee is to be set up to investigate the launch of a municipal police force.

Supplementary

Management Committee chairman Ian Davidson said the aim was not to replace the police but to supplement the force.

The committee, headed by Councillor Christopher Newton Thompson, would include the District Commissioner of Police in Johannesburg, Brigadier AS Venter, or his nomi-

nee, six councillors, including an independent and one member of the Conservative Party, and top council officials.

Mrs Simpson, welcoming the formation of the committee, said she would also be serving on it.

Police, however, dismiss claims that people are not reporting crimes because they have lost confidence in the police as "far-fetched".

Lieutenant-Colonel Frans Malherbe, spokesman for the Witwatersrand Police, said "We have statistics to prove it. All the crimes reported to the police get all the attention they deserve."

He said police have embarked on a series of campaigns to rid Hillbrow of crime. He ad-

vised Hillbrow residents to be security conscious.

Among measures taken by the police is the closure of illegal clubs which they believe generate crime.

Pamphlets out

To prove that police crime statistics were off the mark, Councillor Simpson has distributed about 10 000 pamphlets, made up of recent press cuttings on crimes in Hillbrow, and requested victims who did not report attacks on them to the police to phone the Johannesburg Herald.

The caller's identity would be protected on request and the statistics would be used to counter those issued by the police.

Child

NEWSPAPER headlines scream: Boy on murder charge, teenager charged with killing, strict father, tortured by children, teenage boy hangs youth in cell.

Little Red Riding Hood has turned into a real hood, and there are more Malices than Alices in Wonderland.

But what turns children from loving sons and daughters into dangerous maniacs?

Psychologists describe these children as under-socialised and aggressive. Most of them, though not all, develop this behaviour as the adolescent stage sets in.

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S crying need

Police run off their feet — residents

JOVIAL RANTAO

"POLICE are keen to help, but don't seem prepared to follow up complaints simply because there aren't enough people to do that"

This was said by Robert de Beer, who has lived in Hillbrow for five years

He said police were interested in big cases such as murder but not in small complaints

Linda Mgedeza (18), who shares a flat with her sister, said "This place is not safe, not to me only but to everyone around here I'm sure policemen sometimes feel unsafe working in this area"

Hillbrow's problem is a complex one, said Sheila Burts "The big problem is that police are understaffed and this place is overpopulated If we want police to be everywhere then we probably need about 10 000 policemen in the area"

Pensioners like Suzan van der Merwe live in the 'Brow because they cannot afford to stay anywhere else "Me and other pensioners live here because we have nowhere else to go The best is to stay indoors, read and walk up and down the building's passages instead of taking a walk through town"

George Dimitrios, also a pensioner, faces a similar problem "I cannot do my weekly shopping out of fear of being mugged I've been mugged thrice in the past two years I cannot walk Bobby, my dog, through the park because it is dangerous"

Rightwing

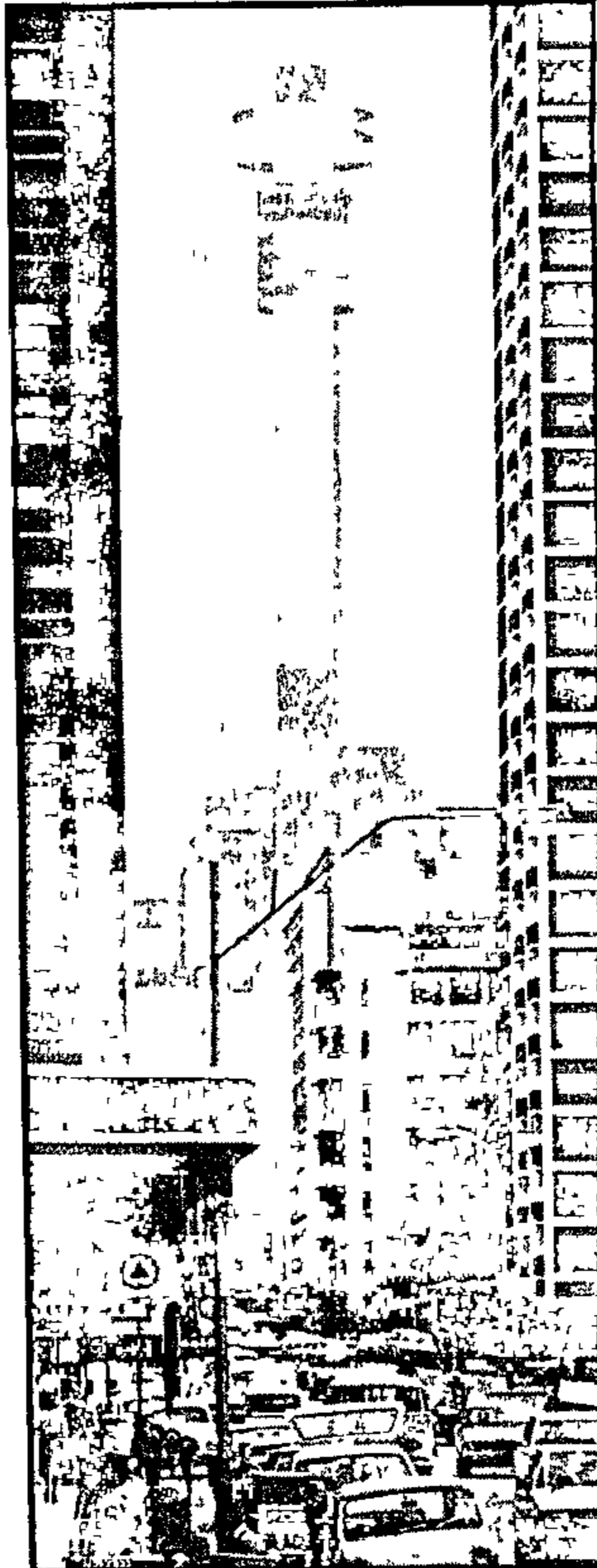
Stefan Dryija blamed rightwingers for attacking innocent people walking the streets of Hillbrow at night He said he was assaulted twice by white rightwingers after he tried to stop them from assaulting blacks in the area

Mr Dryija said police should concentrate on clearing Hillbrow of its drug traffickers "Drugs cause more problems because people commit senseless crimes when they are high," he added

It was not the police's sole responsibility to see to it that there was no crime in Hillbrow, according to Jacob Xaba "Residents should start behaving responsibly and help the police to make the place liveable It's only joint efforts which will help us"

A shopowner, who preferred to remain anonymous, said noise was also a headache in Hillbrow "Early in the morning we are rudely woken up by noise from night jollers leaving discos, motor vehicles and bikes driving up the streets, and music from discotheques"

Laws such as the Group Areas Act should be repealed so that people could stay where they wanted to, said Ismail Naidoo (27) "People are flooding to Hillbrow because it is well mixed and, if apartheid laws are done away with, then people will find other places to live, thus easing the load on Hillbrow's shoulders"



Youngsters (above) prowl Hillbrow's traffic-packed streets, hoping for a hand-out. An elderly lady (top) gives to a beggar. At night she wouldn't venture out alone

Hillbrow residents are security conscious among measures taken by the police is the closure of illegal clubs which they believe generate crime

Pamphlets out

To prove that police statistics were off the mark, Councillor Mphahlele has distributed 10 000 pamphlets, a copy of recent press reports on crimes in Hillbrow, and requested residents who did not receive attacks on them to phone the newspaper. The Johannesburg Herald will protect the caller's identity and the statistics will be used to counter the pamphlets issued by the police.

Children of violence who seek their parents' love

NEWSPAPER headlines scream: Boy on murder charge, teenager charged with killing strict father, widow tortured by children, teenage boy hangs youth in cell

Little Red Riding Hood has turned into a real hood, and there are more Malices than Alices in Wonderland

But what turns children from loving sons and daughters into dangerous maniacs?

Psychologists describe these children as under-socialised and aggressive. Most of them, though not all, develop this behaviour as the adolescent stage sets in

Drugs and alcohol often aggravate the child's behaviour

Child expert Mr Terry Kohler said these children had problems establishing affections and bonding with people

"They can't keep a friend for long and they tend to befriend older people. They also focus on their own needs and

manipulate others for personal gains

"They are bullies who behave cruelly. They are hostile and occasionally lie. Sometimes they don't have any feelings of remorse and guilt," Mr Kohler said

Such behaviour was fuelled by responses these children received from society. "They are often dealt with in a punitive

way. This develops feelings of hostility and hate towards people in general"

Under-socialised children developed into adults with an anti-social personality disorder, according to Mr Kohler

"One of the best remedies is the involvement of the family in this process. Unless parents start to develop a feeling of

parents they would get what they desired love and affection

Mr Vogelmann recommended early treatment, such as play therapy, for better results. "Children tend to communicate more through play than in any other way"

"The family should also go for treatment because the problem is not the child's but the family's as well," he said

South Africa needed to develop a comprehensive programme for children involved in violence, Dr Vogelmann said

Mrs Helen Renegass of the National Institute for Crime Rehabilitation (Nicro) said there were 1 940 children, between

298 Star 9/6/90

101

9/6/90 (252)

SABC man asks court to overturn dismissal

THE head of the South African Broadcasting Corporation's educational programmes has turned to the Pretoria Supreme Court for an order setting aside his dismissal.

In an urgent application brought by Dr Pieter Francois Erasmus against the SABC and its director-general, Mr Wynand Harmse, Dr Erasmus asked the court for an order calling the two respondents to show cause why his dismissal should not be set aside.

He further asked that he should not be stopped from entering the SABC's Johannesburg premises.

In his affidavit, Dr Erasmus said that during the past year 80 charges of misconduct — including victimisation and intimidation of colleagues, unsatisfactory job performance and responsibility for negative reporting of the SABC in the press — had been brought against him.

However, all the charges were dismissed.

Dr Erasmus said he had applied to the Manpower Department for the ap-

STAFF REPORTERS

pointment of a conciliation board after the SABC had divided his post in two and reduced his staff by more than half.

When the conciliation board met on May 11, Dr Erasmus allegedly agreed to adjourn the hearing to June 8, following an assurance by the SABC that it would settle with him.

"On May 21 I met Mr Harmse about a settlement. He granted me a satisfactory audience, agreeing with several of my arguments," Dr Erasmus said.

According to Dr Erasmus, Mr Harmse said he wanted to review the matter and would return to him with an answer in a day or two.

"He did not contact me again, but to my astonishment I received a letter, delivered by a subordinate on June 7, informing me of the dismissal," Dr Erasmus stated.

Mr Justice du Plessis postponed the case indefinitely.

Court to hear application against Leeuwfontein's incorporation in Bop

By MARTIN NTSOENGOE

10/1/90
252

THE South African government could be in a tight spot over the incorporation of Leeuwfontein and Braklaagte into Bophuthatswana.

Lawyers for the twin communities were optimistic this week when it was agreed in the Pretoria Supreme Court that oral evidence should be heard in the application to have the incorporation of Leeuwfontein declared null and void.

It is unlikely that the Minister of Constitutional Development and Planning, Dr Gerrit Viljoen, or Bophuthatswana's President Lucas Mangope, will be prepared to give oral evidence, but community lawyers say both will be subpoenaed.

Papers filed indicated the points of argument will be that the South African government:

- Failed to act fairly through its failure to consult members of the communities before the incorporation;

- Failed to properly exercise its discretion. It relied on a decision taken in 1984 to excise Leeuwfontein from South Africa at a time when it did not have the legislative power to do so;

- While its stated policy had been to consolidate people on the basis of national and ethnic groupings, it had failed to consider the possibility of incorporating Leeuwfontein into Botswana;

- Based its decision to incorporate Leeuwfontein into Bophuthatswana on a number of incorrect beliefs about the history and lineages of the people of Leeuwfontein; and

- Failed to get the consent of various provinces at the time of the establishment of Bophuthatswana - it will therefore be argued that no land can have lawfully been excised from South Africa and given to Bophuthatswana.

After the incorporation of the twin communities in January 1989 an unsuccessful application was made to the Su-



Residents of Leeuwfontein and Braklaagte outside the Pretoria Supreme Court protesting against incorporation. Pic: MIKE MZILENI

preme Court in Pretoria to set aside the incorporation of Braklaagte. The court's decision is presently on appeal.

Among the more than 5 000 placard-carrying residents of the communities who went to Pretoria for the Leeuwfontein hearing this week were 2 000 old-age pensioners, many of whom had sad stories to tell.

They had suffered since incorporation be-

cause they were no longer entitled to South African pensions; there were times when they went to bed hungry, and they owed shop-owners a lot of money.

Both communities have vigorously opposed incorporation, which threatens their South African citizenship benefits.

Since incorporation they have refused to acknowledge the sovereignty of the Bop government.

They do not draw Bop pensions as they maintain they worked in South Africa and contributed to the South African economy.

Gone too are other South African benefits:

schooling, health care and employment rights.

The lucky ones are those whose children are working outside the two areas and are able to send them money, which they share with those who get no outside support.

In July 1989, Bop police disrupted an anti-incorporation protest meeting by members of both communities. In the commotion nine policemen and two members of the communities were killed and many people were injured.

Many were arrested and 46 people are being charged by the Bop government with "common purpose" murder.

R33m review for SA's courts

By LESTER VENTER
Political Correspondent

LAW enforcement and the administration of justice in South Africa have been put on their own path to reform.

A fullscale, R33-million revamp of the country's court procedures was announced by Minister of Justice Mr Kobie Coetsee on Friday

Earlier, President FW de Klerk announced a R692-million beef-up of police forces in SA — along with the lifting of the state of emergency in all areas except Natal

President De Klerk also confirmed that an overall review of security legislation was under way. This review was conceived at the first meeting between the African National Congress and the Government at Groote Schuur last month

The review will centre on the Internal Security Act and the Suppression of Communism Act — laws the SA Police will rely on heavily in place of the state of emergency to suppress violence.

The ANC has objected to many provisions in these laws

The definition of the term "communist" in the Suppression of Communism



KOBIE COETSEE
Fullscale revamp

Act will have to be reviewed following the unbanning of the SA Communist Party
Government sources said that while substantial changes would have to be made to the laws, the Government did not intend to extend provisions to compensate for powers lost due to the expiry of the state of emergency

The lion's share of the money earmarked for policing — R644-million — will go to the SAP. Some R48-million will be given to homeland police

The extra SAP funds will be mainly spent on improved pay and drafting 10 000 more police over the next 12 months

Policemen are also being brought home from border patrols to go on the beat in cities and towns. The army will replace them on the borders.

Training

The R33-million plan announced by Mr Coetsee entails

- Modern equipment for court rooms,
- New training courses for prosecutors and training and drafting interpreters and other personnel into prosecution courses,
- Calling on the services of experienced or retired magistrates, lawyers working in other fields and qualified personnel now in administrative jobs,
- The creation of special teams to supplement legal resources where they are needed. At first these legal "swat squads" will be used mainly in Natal

Swifter criminal procedures are being investigated and designed by the SA Law Commission. Procedures in civil courts are also being re-examined

Mr Coetsee said the security measures announced by President De Klerk in May had already led to an increase in court cases — particularly in Natal

FOCUS ON THE KANGAROO COURTS

Rough 'justice'

By ELIAS MALULEKE

KANGAROO courts in black townships continue to mushroom despite a massive police crackdown to root them out

Community leaders see the so-called "people's courts" as a menace that could spark further black-on-black violence

Several people have already been killed in retaliation following actions by youths to "discipline" other township residents

Residents of several areas have complained of being tortured and assaulted at the "courts" for "offences" like refusing sexual advances, sleeping out and for other family squabbles

After a conference in Alexandra township last month following media coverage of brutal assaults on "offenders" progressive organisations condemned as "barbaric" actions taken at these "courts"

Criminal elements turned "comrades" have also allegedly jumped on the bandwagon to rob residents in the guise of fighting crime in terms of the anti-crime campaign.

They allegedly "patrol" streets at night and raid shebeens where patrons are searched for weapons and end up being robbed or assaulted

A *City Press* source said a raid at a Mamelodi shebeen nearly sparked violence when patrons refused to be searched and chased the "comrades" off

"Those who dared to object have since been called to appear before the disciplinary committee (DC) for defying comrades," he said.

According to community leaders, "people's courts" are being confused with the call by ANC deputy-president Nelson Mandela to revive community structures like street committees and establishment an anti-crime campaign

However, the ANC, MDM, UDF affiliates and other community and political organisations have distanced themselves from the kangaroo courts

Youths are 'judges' and 'prosecutors' at 'courts of the people'

They told *City Press* the anti-crime campaign is a "crime watch" for residents against criminal elements, particularly in Soweto where the crime rate is high

City Press was invited to a sitting of a kangaroo court in Mamelodi this week. Several people have already been assaulted at this court

Youths who claimed to belong to local organisations were the "judges" and "prosecutors" and the "accused" were typically elderly people

The "court" is operated from a backyard room cum beer-lounge. The "judges" and "prosecutors", who are members of the DC, claimed they had the "full consent" of the police

"We even have documents from the police to that effect," said a spokesman for the "area committee"

But when asked to produce the documents, he said they were "with the mother body"

He said the police had visited the "court" several times and "no actions were taken against us"

During the proceedings, a group of youths who claimed to belong to a local youth organisation burst into the room and aggressively demanded to know who had given *City Press* permission to attend. One was armed with a gun.

When told *City Press* was invited, they demanded that the the photographers' film be destroyed. After a protest by *City Press*, they went to "consult with members of 'the civic'"



This "people's court" was conducted in a backyard room cum

Although they claimed they were unable to contact their "leaders", they ordered *City Press* to report to "civic leaders" the following day and warned that if the pictures were used, "action would be taken" against *City Press* staffers

The Interim Committee of the Mamelodi Civic Association, the Mamelodi People's Delegation and the Mamelodi Youth Organisation said they had no knowledge of a "people's court" in the township and distanced themselves from any such actions

They also refuted suggestions that they were responsible for running the courts

"The civic structures have no links with 'people's courts' and if members of our (ward) committees and repre-

sentatives are responsible, I'll be taken to task," said a spokesman

A spokesman for the youth organisation said they were going to investigate if any of their members were responsible for the court

"We cannot substitute township with violence from members. This must come to an end," he said

Police liaison officer Crewe said there was no way police could give consent to a "people's court"

Drastic action would be taken against any policeman who failed to act against or who allowed the existence of an illegal court

"We will stamp out these courts whenever we find them," C.

**WIN R130 000
WORTH OF PRIZES IN THE**

ce' meted out



In a backyard room cum beer-lounge.

representatives are responsible, they will be taken to task," said a spokesman

A spokesman for the youth organisation said they were going to investigate if any of their members were responsible for the court

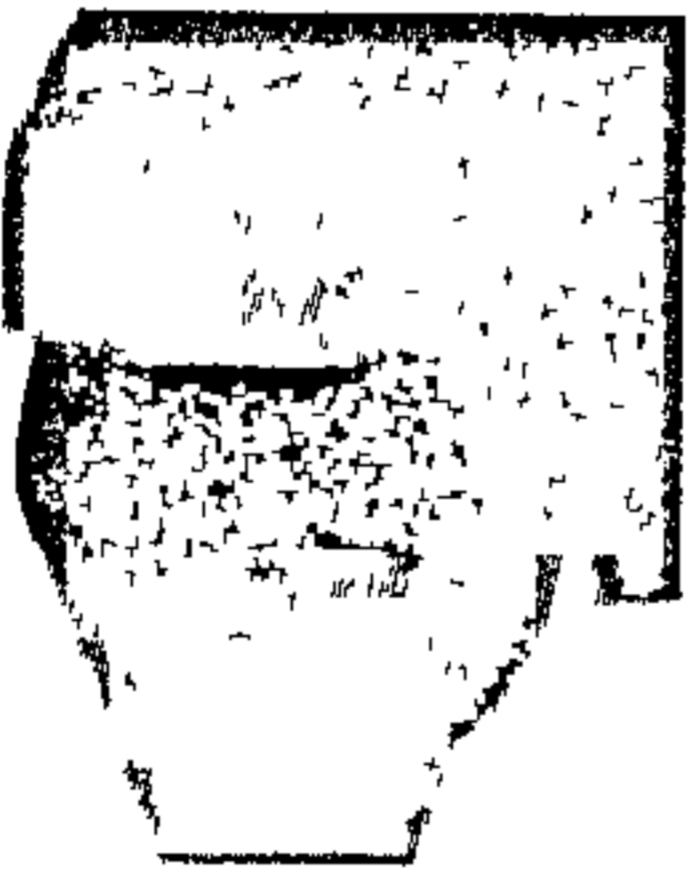
"We cannot substitute crime in the township with violence from our members. This must come to an immediate end," he said

Police liaison officer Maj Reg Crewe said there was no way the police could give consent to run a "people's court"

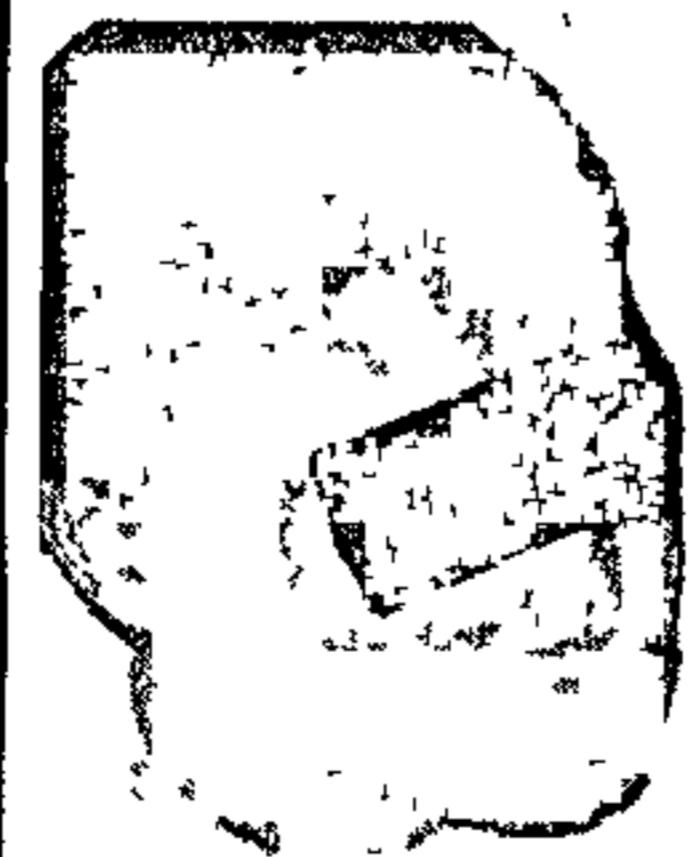
Drastic action would be taken against any policeman who knowingly failed to act against or encouraged the existence of an illegal court

"We will stamp out such courts whenever we find them," Crewe said

Officials of the Mamelodi 'people's court'.



The 'Judge'



The 'prosecutor'

The shame of kids allowed to mock law and freedom

By CHARLES MOGALE

A SICKLY alcoholic is awoken from his drunken sleep by an impatient knock on his bedroom door and, still semi-drunk, staggers up to answer it.

The messengers of the kangaroo court have arrived.

An excited group of youths, many of them his own son's playmates, fill the small room, taking up every possible sitting place.

They order him to dress quickly, before literally dragging him out of the house.

Fifteen minutes later he is sitting in front of them - an accused in their kangaroo court.

He is accused of sleeping out often and failing to maintain his family. A particularly rude youth of about 17, the son of a neighbour not on speaking terms with him, presides over the "trial".

The youth is leading the interrogation, his questions heavily loaded with a presumption of a guilty verdict. The old man is undecided whether to hold on to his pride by refusing to cooperate with the invaders of his privacy, or to explain that he has a drinking problem compounded by the infidelity of his wife, who is the complainant.

After silently pondering the options, he decides to explain that his meagre wages are tied up in a stokvel he joined on his wife's insistence. He did sleep out occasionally at the end of the month when he was attending the "stokkie", and after drinking heavily. His wife knew very well where to find him and never complained to him.

His feeble explanations are drowned by the heavy chorus of young voices yelling for his blood.

A guilty verdict is passed and the sentence is 20 lashes on the buttocks. The neighbour's son, who prosecuted and then became judge, is now to carry out the sentence.

The accused is not allowed, let alone invited, to call any witnesses. There is no appeal against judgment or sentence.

Tears well down the the old man's

face. He is not afraid of the whip. It is the ultimate humiliation of having to undress before the children he virtually brought up, in African custom. He submits to the punishment.

That is a common scene in the infamous kangaroo courts, where the scales of injustice normally weigh very heavily against the accused.

In one of the more publicised shocking incidents from the courts, an Alexandra woman, Elizabeth Hlatshwayo, 32, was sentenced to 100 lashes for apparently stabbing a would-be rapist. After the 42nd lash, she collapsed and the "comrades" meting out the punishment released her and ordered her to return later for the rest of the punishment.

In the same township, Josiah Madonsela, 40, had to have hospital treatment for serious wounds inflicted when he was lashed more than 200 times with a whip after being "convicted" of trying to stop a love affair between another man and his common-law wife.

Hardest hit is Alexandra township, where incidents of jungle justice are more widely spread.

The courts have been condemned for:

- Invasion of privacy. The youths running these courts often involve themselves in family squabbles, often without invitation;

- Lack of justice. The officiators are often ill-trained youths who do not give the accused a fair hearing. Accused people are assumed guilty until proved innocent - which is rare; and

- No option of appeal. Sentence, which is normally physical assault with a whip, is carried out immediately after sentence is passed. The prosecutors are themselves judges and carry out the sentence.

A disturbing trend among "officials" of the kangaroo courts is that they seem to believe they are carrying out "the struggle" by operating "people's structures".

They have, however, been disowned by anti-apartheid leaders who have insisted that "people's committees" and kangaroo courts are miles apart.

THE

1697

MONDAY, 11 JUNE 1990

1698

HOUSE OF ASSEMBLY

THE MINISTER OF LAW AND ORDER

QUESTIONS

†Indicates translated version

For written reply

General Affairs

Mr Sybrand Louw van Schoor, inquests

368 Mr A E DE WET asked the Minister of Law and Order

(252)

- (1) Whether the South African Police have taken any action against Mr Sybrand Louw van Schoor as a result of the findings of the inquests referred to in the reply of the Minister of Justice to Question No 9 on 27 February 1990, if so, what action, if not, why not,
- (2) Whether Mr Van Schoor's firearm licence (a) has at any stage been revoked and/or (b) is to be revoked, if not, why not, if so, when?

11/6/90 B896E

THE MINISTER OF LAW AND ORDER

(1) and (2)

Four cases of attempted murder are at present being investigated against the person concerned. A number of formal inquests will also be held in the foreseeable future. In view of this I do not consider it advisable to furnish any information which may possibly jeopardise the investigations or anticipate the judicial process.

Internal Security Act emergency regulations.

persons in detention

439 Mrs S VAN DER MERWE asked the Minister of Law and Order

11/6/90

What total number of persons in each race group was in detention in each specified region in terms of (a) each specified section of the Internal Security Act, No 74 of 1982, and (b) the emergency regulations as at (1) the latest specified date for which information is available and (ii) 31 December 1989?

B1030E

(a) (i) 44 persons of all races country-wide on 5 June 1990

(ii) 25 persons of all races country-wide on 31 December 1989

(b) (i) 119 persons of all races country-wide on 5 June 1990

(ii) 61 persons of all races country-wide on 31 December 1989

Firearms: applications

447 Dr Z J DE BEER asked the Minister of Law and Order

11/6/90

- (a) How many applications for firearms have been made by (i) Whites and (ii) Blacks in Welkom in each month since 1 January 1990 and (b) how many such applications were unsuccessful in each case?

B1039E

THE MINISTER OF LAW AND ORDER

(a) and (b) Since 1 January 1990 until 30 May 1990, 1 260 applications for firearm licences have been received in Welkom. Nine of these applications were rejected. However, specific records of the different race groups of applicants for licences are not readily available.

SAP: security of ANC delegation

455 Mr P J GROENEWALD asked the Minister of Law and Order

Whether members of the South African Police were responsible for the security of the ANC delegation that held discussions with the State President from 2 to 4 May 1990, if so, (a) how many members of the Police were involved and (b) (i) how many hours of overtime did these members work and (ii) what remuneration did they receive for it?

11/6/90 B1053E

THE MINISTER OF LAW AND ORDER

Yes, the South African Police was responsible for the safety of the ANC delegation, but at the same time for the safety of the public and also the members of the Government and officials who were involved in the negotiations.

(a) On account of the particular nature of these duties it is not considered to be in the

Long saga of denials and refusals

EVIDENCE to the Harms Commission on Friday indicated a possible police cover-up of murders, abduction and a cross-border raid by members of the Vlakplaas security branch base

The disclosures, brought by lawyers for the Independent Board of Inquiry into Informal Repression (IBIR), challenged earlier police testimony

The commission has heard a string of denials, refusals and even contradictions by disguised and undisguised witnesses, some with real names and some with "administrative names"

Four days after the hearings began in March, CID chief Gen Jaap Joubert denied the SADF was being unhelpful in uncovering the secrets of their Civil Co-operation Bureau (CCB) operations. It was later established SADF/CCB members had initiated a plan to hide vital project files

So effective was the plan that none in the CCB knew who had hidden what. Neither CCB chairman Maj-Gen Eddie Webb nor CCB MD Col Joe Verster, who set the plan in motion, could retrieve the files.

Incidents of refusals to answer questions, and other actions which might have hampered the commission's work, include:

- March 6 Webb refuses to answer questions on any CCB project which could incriminate him
- He offers to retrieve missing CCB files but later says he is unable to trace them
- March 9 President F W de Klerk refuses to widen the commission's terms of reference to include the murder of Swapo executive Anton Lubowski
- March 10 CCB regional director Staal Burger

is said to be in hiding

premises of Anglican Archbishop Desmond Tutu

The Harms Commission into politically motivated murders has, since it first heard evidence on March 5, been faced with a string of denials and contradictions, and even refusals to present evidence **LINDEN BIRNS** reports

EMLC is part of the SADF Special Forces

March 19 CCB MD Joe Verster, wearing a wig and false beard, attends a sitting

March 22 Mr Justice Harms rules he will not hear evidence on cross-border operations by the SAP

March 24 Allegations that Lubowski received R60 000 from the SADF are based solely on SADF evidence Adv Martin Lutwagh for the Lubowski family is not given a chance to examine evidence

March 29 SADF and Defence Minister Magnus Malan deny approving CCB projects involving violence against anyone in SA.

April 5 CCB operative Ferdi Barnard refuses to answer questions about a monkey foetus being placed on the

April 11 Mr Justice Harms defers a decision on whether to call Malan.

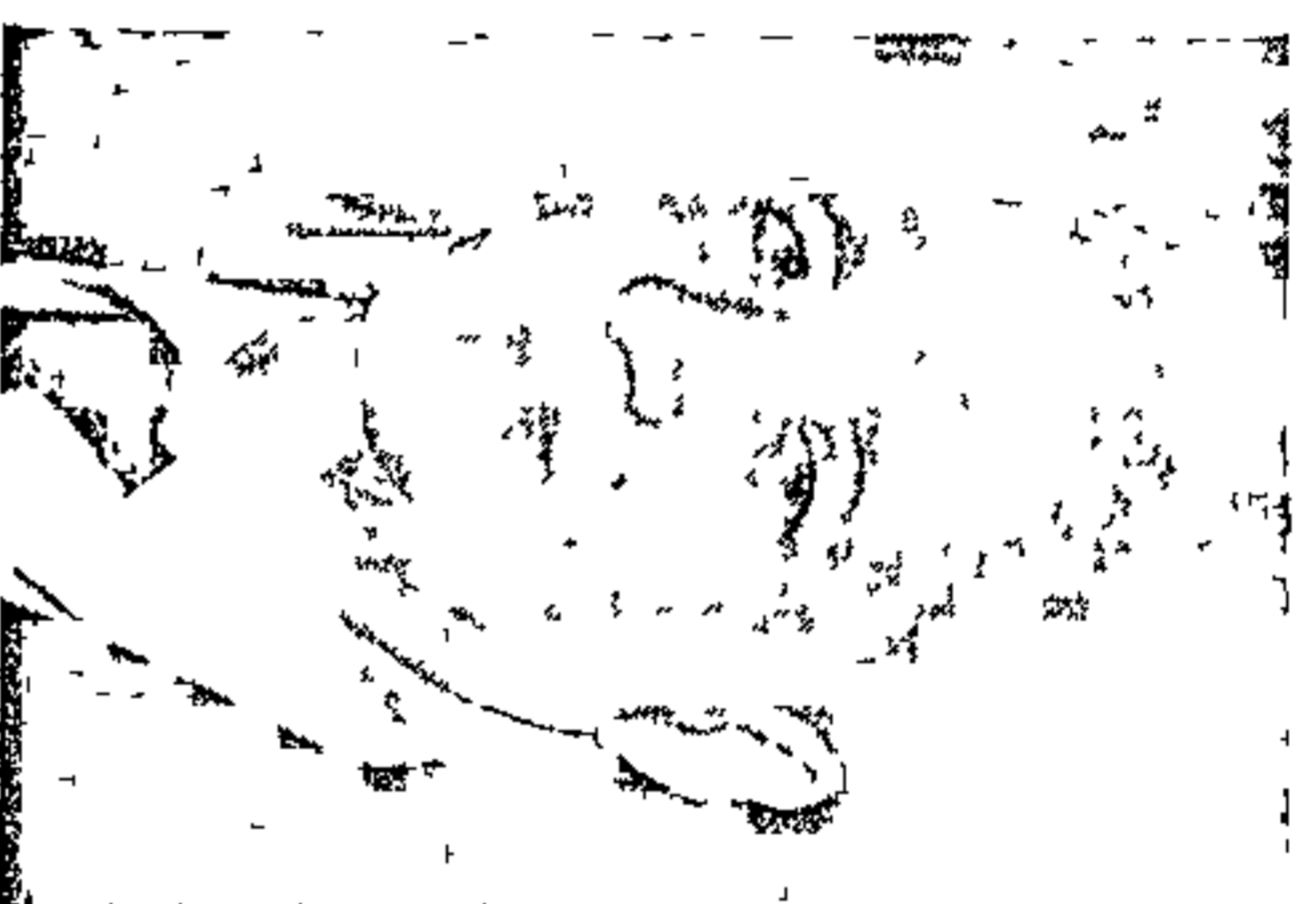
April 15 Malan orders the retrieval of missing CCB project files

April 23 Former Vlakplaas officers May Eugene de Kock, Maj J S Vermeulen, Capt P van Dyk, Sgt J Mamasela and Const B Ngunlunga are back on duty with the SAP security branch

April 23 The commission opens in London Former Vlakplaas chief Capt Dirk Coetzee and David "Spyker" Tshakanga testify on the squad's alleged part in murders, abductions, robberies and at least one cross-border raid

May 3 Former CCB member Willie van Deventer says he can shed light on at least nine incidents of violence

May 8 Irish national Donald Acheson, charged and held in Namibia in con-



MR JUSTICE LOUIS HARMS

nection with the Lubowski murder, is released after SA fails to extradite key state witnesses

May 9 Brig Floris Mostert testifies that the David Webster murder investigation has been hampered, and that while he has no proof, he can link Calla Botha and Ferdi Barnard to the case.

May 10 Mostert now says Botha and Barnard are not involved in the Webster case

CCB member Christo Brits (assumed name) refuses to answer questions

The commission rules nothing con-

cerning CCB Region 6 (SA) projects may be published

May 11 Christo Brits's CCB diary is presented Sections are missing

May 11 Brits says it is coincidence that entries, "get ammo" and "get limpet", appear three days before the Webster murder and the Athlone bombing, respectively

May 11 Mr Justice Harms hears the SADF is conducting its own investigation, and says it "smacks of making a joke of the commission"

May 11 Braam Cilliers (assumed name) appears in disguise and tells of administration "shake-up" after announcement of commission

May 14 Cilliers contradicts his own testimony and is accused of misleading the commission

May 14 It is disclosed Cilliers lied to Webb on missing files

May 14 Staal Burger refuses to answer questions He denies involvement in Lubowski murder

May 14 Barnard admits burning notes kept during a watch on Dullah Omar, on hearing he was wanted by Namibian police in connection with a link to Acheson

May 14 Munster Adriaan Vlok refuses to allow publication of secret affidavits made by CCB members in detention

May 14 Verster tells of initiating an "emergency plan" to disperse and hide CCB files He cannot identify the person he gave the command to, as he did not know who it was

May 21 CCB files are handed in, but they

deal with foreign projects and are of no relevance to the commission

May 23 Former CCB officer Pieter Botes accuses Vlok of lying by denying knowledge of the CCB

May 28 Willie van Deventer refuses to answer questions

May 29 Webb refuses to answer questions about limpet mine explosions, the monkey foetus, damaging of vehicles, the assassination plot against Omar and CCB activities outside SA

June 4 He names the Chief of the Army at the time, Gen Kat Liebenberg, and Chief of Staff Army Operations Gen Jan Klopper as "higher authorities" for approving CCB projects

June 4 Sgt Joe Mamasela and others refuse to testify after commission rules their photos may be published

June 5 The ruling is reversed Mamasela and Brian Ngunlunga testify Both deny involvement in the murder of Griffiths Mxenge

June 6 Finance Minister Barend du Plessis denies an attempt to withhold information on the audit into the CCB

June 6 Former Port Natal security branch chief Brig Johannes van der Hoven denies knowledge of Mxenge murder

June 7 In an affidavit, the ANC's Alfred Nzo refutes police allegations that the ANC killed Mxenge

June 8 The police claim that Coetzee, Nofemela and Mamasela did not work together before 1982 is disputed when Botswana's government furnishes evidence confirming they entered Botswana on Nov 26 1981

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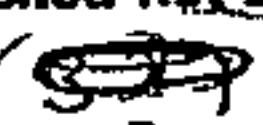
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Miriam Makeba gives a clenched fist salute on her arrival in Johannesburg yesterday.  Picture REUTERS

Miriam Makeba home

INTERNATIONAL SA-born singing star Miriam Makeba arrived home yesterday after 31 years in exile.

Scores of photographers and television crews at Jan Smuts airport struggled to get near her

Makeba said she would be in SA for one or two weeks
"I always wanted to come home. This is my home — my mother died here in 1960. Everybody is coming home, so why shouldn't I? My umbilical cord is buried in this soil"

Makeba said she had not slept for a week thinking of her return, and whether she would get a visa or not

But she added "I think I'll be happier when I come back to sing before my people"

She would spend most of her visit with her family and praying next to the graves of family members who had died in her 31 years of exile

She would consult "cultural structures" in SA, she said
Makeba, 58, left SA in 1959 on a tour of the US with the musical, King Kong. Her passport was cancelled in 1960 when the SA government refused to allow her back into the country for her mother's burial

She settled in Guinea, West Africa, in 1968 and represented her adopted country at the UN in the mid-seventies

Asked whether she regarded her exile as self-imposed, Makeba said "When I went to ask for a visa I was told my name was in the computer. I could not understand why I was never allowed home. I never committed a crime... I never killed anybody" — Sapa.

Biday 11/6/90
'Spymaster'
denies ²⁵²
explosives
allegation ~~allegation~~

JOHANNESBURG City Council's "spymaster" Frikk Barnard on Friday denied any knowledge of an incident in which he was alleged to have been seen carrying a box of plastic explosives inside the civic centre

The evidence was led on Wednesday before the Hiemstra Commission by Jan Griffith, a former council security guard, who said he had come across Barnard carrying a box of plastic explosives inside the civic centre building late one night. Barnard had sworn him to secrecy on the matter, Griffith said

Barnard on Friday denied any knowledge of the incident by way of a written affidavit, among the last evidence accepted by the commission.

Stricken

After listening to legal argument for and against the admissibility of Griffith's testimony, Mr Justice V Hiemstra ruled that the evidence would not be considered in the process of drawing an overall conclusion on the spy network's activities. The judge would not, however, accede to a request by Barnard's legal counsel Solly van Nieuwenhuizen that the evidence be stricken from the records.

The commission adjourned on Friday until June 22 when the respective legal teams will be permitted one hour each to debate closing arguments

The commission was appointed by the Transvaal Provincial Administration to investigate allegations that the activities of the spy network run by the council's security department were irregular. Mr Justice Hiemstra, in reaching a finding, must consider almost 4 000 typed pages of transcribed evidence. — Sapa

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252

Evidence before Harms hints at police cover-up

EVIDENCE pointing to a possible police cover-up of a raid on Botswana and the slaying of Durban lawyer Griffiths Mxenge was presented to the Harms Commission on Friday.

Documentation supporting the London testimony of former Vlakplaas chief Capt Dirk Coetzee and his gardener, David "Spyker" Tshikalange, was sent by the Botswana government. It conflicts with the testimonies last week of serving and retired security policemen

Coetzee told the commission he, with Butana Almond Nofemela, Tshikalange and Sgt Joe Mamasela, had taken part in the murder of Mxenge and in a raid on an ANC member's house in Botswana in November 1981

In London recently Adv Sam Maritz SC for the SAP said this was impossible as the men could not be in Durban and Botswana at the same time

Maritz based this on the presumption that the Botswana raid took place between November 4 and November 21 1981, the same period that Vlakplaas members were in Durban, and when Mxenge was murdered

LINDEN BIRNS

Introducing the new evidence, Adv Paul Pretorius for the Independent Board of Inquiry into Informal Repression (IBIR) read from a Botswana CID report that the raid took place on November 26, four days after Coetzee, Nofemela and other Vlakplaas members returned from Durban

On the stand at the time was Security Branch officer and former Vlakplaas chief of Operations Lt Col Jan Coetzee

Abduction

Col Coetzee, Sgt Joe Mamasela and Const Brian Ngqulunga earlier told the commission "without reservation" that Mamasela was unknown to them before his joining the SAP and Vlakplaas in 1982

They ruled him out of taking part in the Mxenge killing, the Botswana raid and the October 1981 abduction of Ernest Dipale, which they all denied taking any part in

The three serving security policemen, along with former Port Natal Security Branch chief Brig Johannes van der Hoven, denied police involve-

ment in Mxenge's death, and denied the SAP took part in cross-border raids

Copies of Botswana border control immigration cards for Dirk Coetzee, Anderson Gumede (an alias used by Nofemela) and Joe Mamasela, dated November 26 1981, were shown to Col Coetzee

Mr Justice Louis Harms asked Col Coetzee for an explanation of his and Mamasela's testimony denying any connection between Capt Coetzee, Nofemela and Mamasela before 1982

"On sight of these documents it appears they were together in Botswana", replied Col Coetzee

At a later stage Pretorius put it to Col Coetzee that "it sounds to us like the police are trying to cover up the truth. And the reason why you all made such 'absolute' testimony is not only to cover up the Botswana raid, but also the Mxenge murder. Do you agree?" "I agree with your supposition," replied Col Coetzee

This morning the commission will conclude cross-examination of Col Coetzee and will recall Mamasela to explain his earlier evidence in view of Friday's revelations

See Page 5

Page 24 hours' official toll 1 714
TOTAL 1 714

was an appealingly irresponsible act committed by people who were obviously ignorant of the process of reconciliation that applications for rearm licences were received in Welkom from January 1 to May 30, Sapa reports

Papers from Botswana forged, says Harms witness

EITHER former Vlakplaas commander Dirk Coetzee was a double agent, or ANC cadres made use of SAP Security Branch vehicles, security policeman Sgt Joe Mamasela told the Harms Commission of Inquiry into unsolved politically motivated crimes yesterday.

Mamasela was recalled to explain his previous testimony in the light of evidence sent by the Botswana government on Friday.

Last week, Mamasela and several serving and retired security policemen denied Mamasela had any involvement with Vlakplaas before 1982. **610ew 12/6/90**
Asked to explain the Botswana immigration

LINDEN BIRNS

cards recording Dirk Coetzee's, Nofemela's and his own entrance into Botswana on November 26 1981, Mamasela maintained the border control card with his particulars was a forgery.

"It's the work of a genius with a sick mind it's my name but not my date of birth."

Mamasela later admitted none of the four official documents put before the commission bore his true date of birth.

Asked by Adv Paul Pretorius for the Independent Board of Inquiry into Informal Repression (IBIR) who "this genius with the sick mind" could have been, Mamasela replied it

could have been a member of the ANC, the Botswana Police, or even Dirk Coetzee.

"But we have it on record that Coetzee couldn't have known you as you were only known as a number at the time."

Mamasela said the other possibility was that the ANC forged the document.

"So you say the ANC forged the documents and shipped them into Botswana's archives. And that this ANC person travelled in an SAP vehicle with Dirk Coetzee?" asked Pretorius.

Mamasela said he could not give a further explanation.

252

● Comment Page 6

QUESTIONS

†Indicates translated version

For oral reply

Own Affairs

Questions standing over from Tuesday, 5 June 1990

Cape Province, hospitals for Whites only

*1 Mr K M ANDREW asked the Minister of Health Services, Welfare and Housing

- (1) Whether there are at present or were in May 1990 any hospitals for Whites only in the Cape Province, if so, (a) which hospitals and (b) why, *252*

- (2) whether all the services provided by these hospitals are now available to all races, if so, since when, if not, why not,

- (3) whether any change is planned in regard to such hospitals, if so, what change? *12/6/90* B1161E

†THE MINISTER OF HEALTH SERVICES, WELFARE AND HOUSING

- (1) (a) and (b) No

Four provincial hospitals in the Cape Province were transferred to the Administration House of Assembly in terms of the Republic of South Africa Constitution Act, 1983

- (2) Yes All the services provided by these hospitals have always been available to all races subject to the availability of funds

- (3) No

Mr K M ANDREW Mr Speaker, arising from the hon the Minister's reply, is he aware that as recently as this month people phoning Conradie Hospital in Cape Town for information about admission have been asked what their colour is? [Interjections]

†THE MINISTER Mr Speaker, to the best of my knowledge, the four hospitals that are under discussion here are the Volks Hospital, William Slater Hospital the Port Elizabeth General Hospital and the Walvis Bay Hospital. It seems to me that the hon member for Cape Town Gardens directed his question to the wrong address

HOUSE OF ASSEMBLY

*2 Mr K M ANDREW — Health Services, Welfare and Housing [Question standing over]

New questions

White teachers' colleges: persons of colour

*1 Mr A GERBER asked the Minister of Education and Culture *252*

Whether it is his Department's policy that persons of colour be permitted (a) to receive education and (b) to reside in hostels at White teachers' colleges, if not, why not, if so, how many persons of colour are currently (i) studying, and (ii) residing in hostels, at teachers' colleges under his Department's control? *12/6/90* B1185E

†THE MINISTER OF HEALTH SERVICES, WELFARE AND HOUSING (for the Minister of Education and Culture)

- (a) Yes, in terms of Items 2 and 14 of Schedule 1 of the Constitution, service is rendered at three teachers' colleges,

- (i) 285 distance teaching students at the Natal College of Education, 11 B Prim Ed students at the Edgewood College of Education and 53 B Prim Ed students at the Johannesburg College of Education,

- (b) no, because the Department does not render a service in this respect,

- (ii) falls away

†Mr A GERBER Mr Speaker, arising out of the hon the Minister's reply, can he tell us whether tuition at the teaching college and residency in hostels of that teaching college are also regarded as services to persons of colour?

†THE MINISTER Mr Speaker, the hon member for Brits will surely not take offence if I do not reply to his supplementary question. I believe he must utilise the opportunity and put the question to my hon colleague, the hon the Minister of Education and Culture [Interjections]

Business interrupted in accordance with Rule 180C (3) of the Standing Rules of Parliament

Homes for the aged already non-racial

*2 Mr H D K VAN DER MERWE asked the Minister of Health Services, Welfare and Housing *12/6/90* *252*

Whether the homes for the aged falling under his Department are non-racial already, if so, from what date, if not, why not? *12/6/90* B1187E

†THE MINISTER OF HEALTH SERVICES, WELFARE AND HOUSING

The Department at present subsidises 428 homes for the aged. The policy in respect of admittance to these homes is determined by the managements and owners of the homes concerned. The Department subsidises only Whites who are admitted to these homes.

The Department of Health Services and Welfare controls and operates four homes for the aged, namely Tim Vorster Home, Sonop, Karatara and Silverkroon. At present only Whites are admitted to these homes as they are community orientated.

Lumpy-skin disease: shortage of vaccine

*3 Mr W L VAN DER MERWE asked the Minister of Agricultural Development †

- (1) Whether any shortage of vaccine supplied by Onderstepoort for the combating of lumpy-skin disease has been experienced since 1 January 1989, if so, why,

- (2) how many doses of vaccine have been provided (a) in the Republic and (b) to African states and other countries since that date, *252*

- (3) in respect of what date is this information furnished? *12/6/90* B1226E

†THE MINISTER OF AGRICULTURAL DEVELOPMENT

(1) Yes, a shortage of lumpy-skin disease vaccine was experienced due to the fact that the disease took on epidemic proportions at the end of 1989. One of the reasons for this is that farmers neglected to immunise their stock the preceding period. The supply and production of vaccine coincided with the demand because the vaccine does not have a long shelf-life.

There has not been a shortage of lumpy-skin disease vaccine since mid-April 1990.

- (2) (a) 4 409 900 doses were supplied in the RSA between 1 January 1989 and 31 May 1990

- (b) 144 900 doses (that is 3,18% of the total 4 554 800 doses manufactured) were supplied to foreign countries (including African states) during the same period. *12/6/90*

- (3) The period in respect of which this information is supplied is 1 January 1989 to 31 May 1990 *252*

For written reply

General Affairs

Harms Commission counsel for SAP

299 Mr S S VAN DER MERWE asked the Minister of Law and Order *252*

- (1) (a) (i) What are the names of the senior and junior counsel appearing for the South African Police before the Harms Commission and (ii) how many years has each such counsel been in practice and (b) what arrangements have been made between the Police and such counsel regarding remuneration to be paid to them,

- (2) whether any counsel are being paid retainers, if so (a) to whom are such retainers being paid and (b) (i) how much is being paid, and (ii) why, in each case,

- (3) whether any arrangement has been made between the Police and any counsel regarding the (a) duration of services and (b) length of notice required for the termination of such services, and (ii) why what are these arrangements, and (ii) why were they made, in each case? *12/6/90* B776E

†THE MINISTER OF LAW AND ORDER

- (1) (a) (i) Advocate I Visser (SC)
Advocate S J Maritz (SC)
Advocate M D Du Preez
Advocate P Kemp

- (ii) 20 years
17 years
14 years
11 years

- (b) The fee structure of the advocates was compiled beforehand by way of agreement

- (2) No

- (a) and (b) Fall away

HOUSE OF ASSEMBLY

12/6/90 (3) (a) and (b) No (252) (i) and (ii) Fall away

Certain persons: order for release by Minister 301 Mr S S VAN DER MERWE asked the Minister of Law and Order

- (1) Whether he has ordered the release of (a) Mr Abraham "Slang" van Zyl and (b) Col Joe Verster, if so, (i) why, and (ii) when, in each case, ~~Heussard~~ 12/6/90
- (2) whether he similarly ordered the release of Mr Butana Almond Nofomela, if not, why not, ~~252~~
- (3) whether he intends ordering the rearrest of Mr van Zyl and Col Verster at any stage, if not, why not, if so, (a) when, and (b) for what offences, in each case,
- (4) whether he intends issuing any other instructions regarding Mr van Zyl and Col Verster to those members of the South African Police currently investigating the murders of Mr Anton Lubowski and Mr David Webster, if so, what are the relevant details? B778E

The MINISTER OF LAW AND ORDER

- (1) (a) and (b) Yes
 - (i) In order to allow them to give evidence before the Harms Commission
 - (ii) 8 March 1990
- (2) No, because Nofomela is a sentenced prisoner and his release does not fall under my jurisdiction
- (3) A decision in this regard can only be taken after the investigation by the Harms Commission has been completed and if the Police investigation reveals facts which will justify such a step
 - (a) and (b) Fall away
- (4) No The investigation into the murder of Dr Webster is continuing and the docket will on completion, be submitted to the Attorney-General for his decision The murder of Mr Lubowski is being investigated by the Namibian Police

Prohibited gatherings arrests

343 Mr S S VAN DER MERWE asked the Minister of Law and Order ~~Heussard~~ 12/6/90

How many persons were arrested by the security forces in 1989 for allegedly attending gatherings prohibited in terms of (a) section 46 of the Internal Security Act, No 74 of 1982, and (b) the emergency regulations? ~~Heussard~~ 12/6/90 B833E

The MINISTER OF LAW AND ORDER

- (a) 2 171 persons
- (b) 303 persons

Fire-arms arrests

344 Mr S S VAN DER MERWE asked the Minister of Law and Order ~~Heussard~~ 12/6/90

- (a) How many persons were arrested in each province of the Republic in 1989 for (i) illegal possession of fire-arms and (ii) being in possession of stolen fire-arms and (b) how many of the lawful owners of such fire-arms were traced in each category? B834E

The MINISTER OF LAW AND ORDER

	(a)	(i)	(ii)	(b)	(i)	(ii)
Cape Province	298	283	77	152		
Orange Free State	88	74	38	40		
Natal	1 103	625	206	247		
Transvaal	703	545	256	268		

Patrol vehicles of SAP at Oberholzer/ Westonara

352 Mr P J PAULUS asked the Minister of Law and Order +

- (1) Whether he will furnish information on the patrol vehicles which are at the disposal of the South African Police at Oberholzer and Westonara, if not, why not, if so, (a) how many such vehicles at (i) Oberholzer and (ii) Westonara are available and (b) in respect of what date is this information furnished, B859-62E
- (2) on what basis are vehicles allocated to police stations?

The MINISTER OF LAW AND ORDER

- (1) Yes
 - (a) (i) 29
 - (ii) 14
- (b) 30 May 1990

(2) On the basis of organisational and method investigations, the Division Efficiency Services of the South African Police determine the ideal number of vehicles that should be allocated to a station

Police forces in homelands

383 Mr P G SOAL asked the Minister of Law and Order

- (1) Whether, in terms of section 21 of the National States Constitution Act, No 21 of 1971, he has permitted the (a) establishment, (b) control, (c) organisation and (d) administration of a police force in (i) Gazankulu, (ii) Lebowa, (iii) KaNgwane, (iv) KwaNdebele, (v) Qwaqwa and (vi) KwaZulu, if so, subject to what conditions in each case, ~~Heussard~~ 12/6/90
- (2) whether the (a) control, (b) organisation and (c) administration of any personnel of the police force transferred to the government of each of the self-governing territories referred to above is subject to any conditions determined by him, if so, which such conditions has he determined? B911E

The MINISTER OF LAW AND ORDER

- (1) and (2) No

Fuel levies

390 Mr A GERBER asked the Minister of Transport +

- (1) What amounts were collected by the State in fuel levies during (a) 1980, (b) 1985 and (c) 1989,
- (2) what portion of these amounts was spent by the State on roads in the Republic? B932E

The MINISTER OF TRANSPORT

- (1) All the relevant information is not readily available to the Department of Transport That which can be made available is the portion of the fuel levy which was collected for purposes of the National Road Fund The amounts are also unfortunately not available in the form of calendar years but in financial years The amounts for 1980/81 and 1985/86 are R140 863 186 04 and R404 782 830 00, respectively Since 1 April 1988 funds for

road building purposes are voted by Parliament and the amount for 1989 can therefore not be made available

Abuse of Dependence-producing Substances and Rehabilitation Centres Act, persons detained

407 Mr M J ELLIS asked the Minister of Law and Order

- (1) Whether any persons were detained in 1989 for interrogation in terms of section 13 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, No 41 of 1971, if so, (a) how many and (b) for what period was each detained, ~~Heussard~~ 12/6/90
- (2) whether any of these persons were subsequently (a) charged with and (b) convicted of peddling drugs, if so, how many in each case,
- (3) whether any of the persons arrested in 1988 are still in detention for interrogation, if so, (a) how many and (b) for what period has each been so detained? B954E

The MINISTER OF LAW AND ORDER

- (1) Yes
 - (a) 26 persons
 - (b) 1 for 1 day
 - 1 for 2 days
 - 1 for 4 days
 - 1 for 5 days
 - 2 for 6 days
 - 1 for 9 days
 - 1 for 10 days
 - 2 for 13 days
 - 2 for 14 days
 - 2 for 15 days
 - 1 for 18 days
 - 1 for 19 days
 - 1 for 20 days
 - 1 for 21 days
 - 1 for 28 days
 - 2 for 33 days
 - 1 for 42 days
 - 1 for 52 days
 - 3 for 56 days
- (2) Yes

Mxenge claims denied

THE former head of the SAP Special Branch C Section, Brigadier Willem Schoon, yesterday told the Harms Commission he had no knowledge of the November 1981 murder of Durban lawyer Griffiths-Mxenge apart from what he had read in newspapers

Schoon, said to have told three disaffected former policemen to eliminate Mxenge, denied allegations that he ordered former Vlakplaas commander Dirk Coetzee, Death Row prisoner Butana Almond Nofemela or David "Spyker" Tshikalange to go to Durban with the intention to murder Mxenge.

He also denied giving the three men orders to burn the lawyer's car.

The retired brigadier told the commis-

sion, established to investigate State involvement in politically motivated murders, he at no stage threatened to kill Tshikalange as alleged in Tshikalange's evidence to the commission in London in April this year. *Sowetan 12/6/90*

Schoon also denied instructing Coetzee and Nofemela to submit false statements concerning two separate incidents.

Allegations by Coetzee that Schoon registered false informants so he could get extra funds to pay his secretary were also denied, although these charges fell outside the ambit of the commission investigation.

He further denied visiting Nofemela in prison, where he is under sentence of death for an unrelated murder.

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Evidence by cops clouded, probe is told

THE Goldstone Commission of Inquiry into shooting incidents in the Vaal Triangle on March 26 began hearing legal argument yesterday.

In his argument, Mr George Bizos, representing relatives of the dead and the injured, referred to the commission of inquiry chaired by Mr Justice Kannemeyer into a shooting incident at Uitenhage in March 1985.

Bizos said the instructions to the Kannemeyer commission were precisely the same as those to the Goldstone commission. *Sowetan 13/6/90*

In cases where someone's death was acknowledged or proved to have been caused by the police, and no evidence was led in justification, the law had to be allowed to take its course.

Bizos also referred to the events leading to the so-called "main incident" at Sondela Beerhall in Sebokeng, in which five people were killed



QAB BIZOS *252*
and at least 100 injured.

He said there was no logical or cohesive police version of events prior or after the incident.

The versions differed in broad detail from the evidence given by Commanding Officer at Sebokeng, Colonel OP Mazibuko.

The hearing continues.
- Sapa.

Abduction was not authorised

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Soweter 13/6/90

THE abduction of South African teacher Joe Pillay from Swaziland was carried out by members of the SA Police anti-insurgency unit from Vlakpaas acting unilaterally, the former head of the Special Branch's C Section, Brig Willem Schoon, told the Harms Commission of Inquiry yesterday.

He added that Pillay was not immediately returned to Swaziland as the police "wanted to chat to him."

The abduction was followed by a massive diplomatic outcry and the teacher was returned within two weeks after his abduction - but the officers who carried out the kidnap were never disciplined.

Decision

Answering questions by Mr Denis Kuny, SC, appearing for death row prisoner and self-confessed Vlakplaas hit-squad member Butana Almond Nofemela, Schoon said the decision not to take action against the policemen had been made by the then head of the Security Police and now police commissioner, General Johan Coetzec.

He told Mr Paul Pretorius, appearing for the Independent Board of Inquiry into Informal Repression, Vlakplaas members, acting with other police units, had killed between 10 and 12 insurgents and wounded a few more since the setting up of the unit in 1980.

Police had on occasion helped the SADF with operations on the border.-
Sapa



HARMS



Death for terrorism only in war

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Political Correspondent

CAPE TOWN — Terrorism will no longer be a capital offence except in times of war, when legislation now before Parliament is passed.

This important change to the Criminal Law Amendment Bill — the so-called hanging Bill — has just been introduced by Parliament's standing committee on justice.

The committee also introduced other important changes to further liberalise the Bill which in itself reforms the capital punishment law.

The Bill's main aim is to do away with the compulsory imposition of the death penalty and grant an automatic right of appeal against sentence.

One of the further changes introduced by the justice committee is that housebreaking is no longer a capital offence and nor is treason, except in time of war.

Another important change made by the justice committee is that the Appeal Court may set aside a death sentence imposed by the Supreme Court if the Appeal Court believes that it would not itself have imposed that sentence.

Under present law the Appeal Court may only set aside a death sentence if it decides that the Supreme Court had "exercised its discretion improperly or unreasonably".

The third main change introduced by the justice committee is to reduce the maximum sentence that a magistrate may impose for murder from 15 to 10 years.

8/6/90

Key changes to 'hanging' bill

Political Staff

THE Criminal Law Amendment Bill, due to be debated this week, has been amended by the standing committee to allow the Appellate Division to set aside the death penalty if it believes that it would itself not have imposed this sentence.

In other major changes made to the "hanging" bill

- A clause which would have allowed a regional court to impose sentence of up to 15 years for murder was dropped,
- The removal of housebreak-

ing, or attempted housebreaking, with intent to commit an offence from the schedule of offences for which the death penalty can be imposed, and

- The qualification that the death sentence may be passed for the crime of treason only if the offence is committed when the Republic is in a state of war

In terms of the bill, a panel of legal experts and Appeal Court judges is to be appointed — to review the cases of the more than 300 people on death row in the light of the new legislation

The new Bill provides for

- Judges to take into account mitigating and aggravating factors in passing sentence for capital offences — the present situation provides that if no extenuating circumstances exist the death penalty is mandatory,

- An automatic right of appeal if the death penalty is passed, and

- Defence counsel to appeal for clemency to the state president, if the accused decides not to do so

Sebokeng shootings: call to charge police

By Melody McDougall,
Vereeniging Bureau

The policemen who opened fire on a United Democratic Front gathering in Sebokeng on March 26 should be charged for deliberately shooting into the backs of defenceless people, the Goldstone Commission of Inquiry was told yesterday

George Bizos SC, representing relatives of the dead and the injured, told the inquiry the commanding officer of the 18 policemen, Captain Willem du Plooy, who headed the Krugersdorp and Vanderbijl Park Reaction Units, should be held responsible for these killings

Mr Bizos said 12 people were killed and about 280 injured in Sebokeng and other Vaal Triangle Townships on March 26

The commission, chaired by Mr Justice R J Goldstone, last week wrapped up its inquiry into shootings and other incidents of violence in Vaal Townships, but reconvened yesterday to hear argument from the various councils

Mr Bizos asked Mr Justice Goldstone yesterday to draw his own inference from the fact that most of the 12 people who died were wounded in the back of the head "Of the approximately 280 injured people that day, the majority were also wounded in the back," he said

However, none of the policemen present needed medical attention Only one policeman testified he was injured by a stone thrown from the crowd, but even contradicted himself as to which limb was struck

He said the investigation into

The
Goldstone
Commission



the shootings before the appointment of the commission was not lacking in senior policemen

However, it appeared they were merely examining pathetic recitations, Mr Bizos said, referring to statements taken from policemen after the shootings.

Only well after the hearing began was a finger pointed at Constable Sean van Rhyn, a member of the Krugersdorp Reaction Unit who eventually admitted he could have fired the first shot in Sebokeng

Referring to other cases of loss of life and injuries in the area on March 26, Mr Bizos asked whether it was a coincidence that of the other seven people killed that day, four had met their death as a result of the personal actions of a Constable Rutgurd van Huysteen, also a member of the Krugersdorp Reaction Unit

"Not to charge these persons (Sergeant van Huysteen and the other policemen) with a criminal offence would indicate they can do what they like and have a license to kill," Mr Bizos said in conclusion

Johann du Toit, who has led all evidence before the commission, and Etienne du Toit, appearing for the SAP, are expected to present their argument before the commission today

Defiant employer:
charges dropped

252 13/3/90

The State yesterday dropped charges against Eastern Transvaal businessman Michael Saltino who had said he was prepared to go to jail rather than evict the 300 black workers and residents on his farm

Mr Saltino had been summonsed by the Local Government Affairs Council, for contravening the National Building Regulations Act

R2-m forex fraud: bank staff in court

Two First National Bank employees yesterday appeared in a Randburg Magistrate's Court in connection with charges of foreign exchange fraud involving R2 million.

Mrs Renee Baba (31) and Mr Lance Gavin Porter (26) were granted bail of R5 000 each. They will appear again on June 29.

Mr Porter, of Fifth Road, Randburg, and Mrs Baba of Rosebank, were employed at a Sandton branch and were arrested on Saturday.

Crime Reporter

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Sts 13/6/90

Death penalty may go for housebreakings

Housebreaking or attempted housebreaking with aggravating circumstances, where there was intent to commit a crime, was to be removed from the list of crimes carrying the death penalty, the Minister of Justice Kobie Coetsee said yesterday.

Introducing debate on the second reading of the Criminal Law Amendment Bill, he said this was an amendment proposed by the Standing Committee on Justice which had been accepted.

Other amendments accepted were that

- The death sentence be imposed for treason only when the Republic was in a state of war,
- A judge could order the State to pay the costs of an accused where the State appealed against a judgment,
- The Appellate Division would be able to set aside a death sentence imposed by a lower court if it thought it would not have given the death penalty.

Mr Coetsee said the death sentence remained a very emotional matter.

"It affects the most basic right of every person, namely the right to live. There are few people who do not have a point of view on either its retention or scrapping."

"However the debate today does not revolve around that issue."

The important points of the Bill were that it did away with the compulsory imposition of the death penalty.

"With this, it is demonstrated not only that Parliament trusts the judi-



Kobie Coetsee.

cial authority with a discretion in sentencing, but the implementation of a punishment is handled by the body best equipped to do so — the court."

A criterion was created by which a judge could decide whether death should be applied in a particular case.

At the same time life imprisonment was built into the penal system as a realistic sentencing option, so that a person could be removed from society for as long as this was in the interests of society — permanently, if necessary.

The Bill created an automatic right of appeal to the Appellate Division against the death sentence, allowed the attorney general to appeal against the sentence of a higher or lower court, subject to judicial control in that he had to apply for leave to do so.

Sapa

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CP warns of 'open season'

The Criminal Law Amendment Bill, which abolishes the compulsory death penalty, would allow the ANC open season on those it regarded as legitimate targets for violence, said Mr CH Pienaar (CP, Heilbron).

Speaking in the second reading debate on the Bill, he said the reason the death penalty was enjoying such attention was that it had been placed in the public arena by the ANC in its Harare Declaration.

The ANC's objections to political executions were aimed not only at

possible cases of high treason, but also at crimes such as murder and robbery, which formed part of the liberation struggle.

These crimes were increasing frighteningly.

Also, ANC deputy leader Nelson Mandela had said the armed struggle should be intensified.

Mr Fanie Jacobs (CP, Losberg) said his party was opposed to the Bill because the courts were being given total discretion on the imposition of the death sentence.

Sapa

3/F02678

Police major denies slayings

Sowetan 14/6/90

A SECURITY police officer yesterday dismissed claims that he had murdered a member of the Vlakplaas-based anti-terrorist unit as "lies".

Testifying before the

**SOWETAN
Correspondent**

Harms Commission Major Johannes Vermeulen said he had been on a mission with the Vlakplaas member, Mr Isaac Moema, in the Eastern Transvaal, when



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HARMS
PROBE
INTO
HIT
SQUADS

Moema had deserted. According to earlier evidence by Mr Dirk Coetzee, Vermeulen killed Moema after

receiving information that Moema had planned to defect back to the ANC.

Vermeulen said he had been sleeping in the veld with Moema and when he awoke the next morning, Moema was gone.

Mr Paul Pretorius, appearing for the Independent Board of Inquiry into

Informal Repression, said Moema had not been seen again by his family or friends after this incident.

Vermeulen also denied claims that he was involved in the murders of two ANC members named Vusi and Peter, saying he had never heard of these people



Bill grants automatic appeal against hanging

MR. L. 14/6/90

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HOUSEBREAKING or attempted housebreaking with aggravating circumstances, where there was intent to commit a crime, was to be removed from the list of crimes carrying the death penalty, said the Minister of Justice, Mr Kobie Coetsee

Introducing debate on the second reading of the Criminal Law Amendment Bill, he said this was an amendment proposed by the standing committee on justice which had been accepted

Other amendments accepted were that the death sentence be imposed for treason only when the Republic was in a state of war, a judge could order the State to pay the costs of an accused where the State appealed against a judgment

The Appellate Division would be able to set aside a death sentence imposed by a lower court if it thought it would not have given the death penalty, that the jurisdiction of the Regional Courts in murder

● THE Chief Justice of the Cape, Mr Justice Munnik, had initiated a hastily mounted campaign to block a reform on the death sentence that had already been approved by the Chief Justice of the Republic, and which was afterwards approved unanimously by the Standing Committee on Justice, said Mr Dave Dalling (DP Sandton)

He said the Criminal Law Amendment Bill contained a clause which would allow the Appellate Division to set aside the death sentence if it believed it would not itself have imposed death

"Before this amendment was accepted it was tested at the door of the Chief Justice, who gave it full approval. While the amendment was being considered by the Standing Committee, we received a letter from the Judge President of the Cape objecting to it"

cases remain at 10 years, not the 15 years originally proposed in the Bill

Mr Coetsee said it was the government's sincere wish that the adoption of the reforms in the Bill would significantly influence the imposition of death sentences

The Bill embodied the reform proposals outlined by President De Klerk in his speech on February 2 this year

The Bill created an automatic right of appeal to the Appel-

late Division against the death sentence, allowed the attorney-general to appeal against the sentence of a higher or lower court, subject to judicial control in that he had to apply for leave to do so

It allowed regional magistrates to hear murder cases, which Mr Coetsee said he was satisfied they would do with the necessary competence

It also created a panel to review the cases of people who had been sentenced to death

before the new rules came into effect

Mr Tony Leon (DP Houghton) said the Bill was a profound reform measure which would have a momentous effect on the imposition of the death sentence by South African courts

The DP supported the Bill, given previous statements by Mr Kobie Coetsee in parliament that retribution did not feature strongly at all in the Bill as an aim of the government's attitude towards the death penalty

● Half of the 4 278 executions between 1911 and 1988 took place in the last 20 years, parliament has been told

Democratic Party MP Mr Mahmoud Rajab pointed out that in 1987, 164 South Africans were executed

"We virtually hung one person every other day," he said. The figure for 1988 was still high, at 117. While it welcomed amendments in the Bill, the DP believed further changes were required — Political Correspondent and Sapa

UN won't see Buthelezi

THE United Nations fact-finding delegation to South Africa will not meet kwaZulu's Dr Mangosuthu Buthelezi during its Natal visit, a spokesman for the UN team, said yesterday

The UN mission will meet church leaders and representatives of local government

Death penalty amendment bill 'momentous'

CHE Tink 14/6/85

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PARLIAMENT. — The Criminal Law Amendment Bill was a profound reform measure which would have a momentous effect on the imposition of the death sentence by South African courts, Mr Tony Leon (DP Houghton) said yesterday.

Speaking during the second reading debate on the bill, he said the effect would be as profound in reducing the numbers of death sentences as had been legislation in 1935 which had first introduced the concept of extenuating circumstances for murder convictions

The DP supported the bill, given previous statements by the Minister of Justice, Mr Kobie Coetsee, in Parliament that retribution did not feature strongly as an aim of the government's attitude towards the death penalty

"It is with regret, however, that this bill is being passed in its

present form. Many of us would have hoped for a total abolition of the death sentence," Mr Leon said

In South Africa's conflict-ridden situation the political consequences of the death penalty should not be underestimated. A total of 97% of those executed in the past decade had been black, and, for example, although about 100 blacks had been executed for raping white women, no white man had ever been executed for raping (without murdering) a black woman

Mr CH Pienaar (CP Heilbron) said the bill would allow the ANC open season on those it regarded as legitimate targets for violence

The reason the death penalty was enjoying such attention was that it had been placed in the public arena by the ANC in its Harare Declaration

The ANC's objections to politi-

cal executions were aimed not only at possible cases of high treason, but also at crimes such as murder and robbery, which formed part of the liberation struggle, said Mr Pienaar. These crimes were increasing to a frightening extent in South Africa

Introducing debate on the second reading of the bill, Mr Coetsee said housebreaking or attempted housebreaking with aggravating circumstances, where there was intent to commit a crime, was to be removed from the list of crimes carrying the death penalty

This was an amendment proposed by the Standing Committee on Justice

Another amendment that had been accepted was that the death sentence be imposed for treason only when the Republic was in a state of war.

CPI-7mD 14/6/90

Move to ²⁵⁰ block death sentence reform

PARLIAMENT. — The Chief Justice of the Cape, Mr Justice Munnik, had initiated a hastily mounted campaign to block a reform on the death sentence that had already been approved by the Chief Justice of the Republic, Mr. Dave Dalling (DP Sandton) said yesterday.

Speaking in debate on the second reading of the Criminal Law Amendment Bill, he said the measure contained a clause which would allow the Appellate Division to set aside the death sentence if it believed it would not itself have imposed death. At present the Appellate Division could only interfere if it considered the sentence unreasonable.

Mr Justice Munnik had said that it departed from the principles laid down by the Appellate Division and had the effect of emasculating the discretion of the original court. — Sapa

No death squad, say policemen

FIVE Security Branch policemen yesterday told the Harms Commission of Inquiry into unsolved politically motivated crimes there had never been a security police death squad.

Maj Koos Vermeulen, former security branch deputy head Brig Jan du Preez, retired Maj Archibald Flemmington, Vlakteplaas commander Maj Eugene de Kock and Vlakteplaas member Const Thabelo Mbelo denied allegations made against them by former policemen Dirk Coetzee, David Tshikalanga and Almond Nofemela

Vermeulen denied killing Vlakteplaas Askari Isaac Ace Moema while on an observation mission on the Mozambique border

He also denied murder-

LINDEN BIRNS

ing and burning the bodies of a Peter and Selby "Vusi" Mavuso and stealing a trade union's kombi

Du Preez said Dirk Coetzee implicated security branch members in his allegations to score points with the ANC (252) (251)

"He was on an unstoppable path to the ANC, and he had to promote his case with them. If he could just name people, he could promote his case."

Asked to explain his remarks during a previous trial — that security policemen could evade the law — Du Preez said it was sometimes necessary in order to reach objectives. He agreed that in some circumstances members were issued with non-SAP registered vehicles and false travel documents to conceal their identities

Flemmington, formerly attached to the Lebombo security branch unit, admitted that Askaris from Vlakteplaas visited his camp.

He denied burning the body of a man from Jeffrey's Bay, said he did not know anyone called Koos or Paul van Dyk, and denied that they brought two people to his camp who were shot and burned

Flemmington said he had never heard of Brian Ngqulunga, who last week testified that upon his release from Mozambique, a Capt Flemmington at Komati-poort helped him communicate with the security branch at Cato Manor, Natal

De Kock appeared on crutches after Mr Justice Lous Harms made a provisional ruling prohibiting publication of photographs or sketches of De Kock

The Vlakteplaas commander said his work entailed watching out for insurgents illegally bringing arms into SA

De Kock said he knew of at least 20 people shot dead by Vlakteplaas men, including himself

Cross-examination continues this morning

Book-protest parents start hunger strike

TANIA LEVY

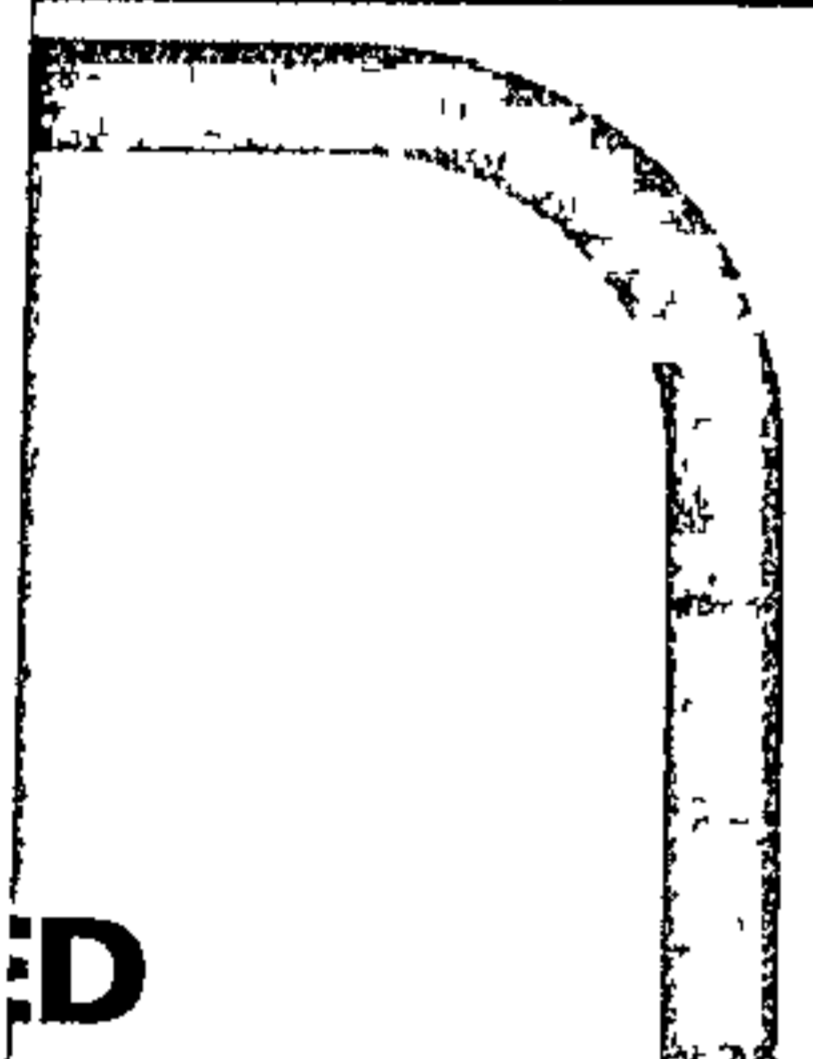
EIGHT Soweto parents will start a hunger strike today as they enter the fourth day of a sit-in at the Department of Education and Training (DET) offices in Braamfontein

The parents have refused to leave the premises until the department commits itself to a date for the delivery of textbooks needed at Soweto schools

DET director-general Bernhard Louw said in a statement yesterday that as soon as the situation in Johannesburg schools returned to normal the department would determine the need for textbooks and do everything in its power to solve shortages

The DET had been aware of shortages developing since the beginning of the year but had been unable to investigate as inspectors had been refused access to certain Soweto schools since March

This afternoon parents and teachers from about 50 Lenasia schools will march to the House of Delegates' offices to present a memorandum of demands, including a minimum wage of R1 500 a month and equal salaries for male and female teachers



NATAL UNREST DEATHS	
September 1987 — January 1989.....	668
February 1989 — June 12 1990.....	1 052
Past 24 hours' official toll:	4
TOTAL.....	1 722

D

Goldstone plans to give report to FW next month

B/Dam 14/6/90

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AN ATMOSPHERE of violence, stone-throwing and militancy towards police, hours before a mass march, and chaos among 50 000 demonstrators caused by the march organisers' last-minute changes, had been "meaningful events" leading up to the police shootings at Sebokeng on March 26

This was submitted before the Goldstone Commission yesterday by Advocate Etienne du Toit SC, on behalf of the SA Police and Law and Order Minister Adriaan Vlok

The commission ended yesterday after it hearing and reviewing evidence for 22 days.

The chairman, Mr Justice R J Goldstone, said he hoped to submit his judicial commission's report to President F W de Klerk during the first week of July

The president had ordered an urgent investigation into the violence in the Lekoa townships near Vereenig-

ing, when 12 people were killed and 280 demonstrators injured in events on March 26

Du Toit yesterday submitted a 121-page summary.

He singled out 24 incidents which he said had been major factors leading to the shootings at the Sondela brewery

Confusion

"What went on in the minds of the policemen involved, and what they experienced from 6 45am before the shootings at Sondela is equally important," he said

He claimed the "single most irresponsible act" that day was when the march organisers "set two huge crowds of demonstrators into motion to march to local police stations, without any advance arrangements having been made with the police, and without telling the crowd where they were going

"The organisers thus created huge confusion They did not even have

loudhailers to inform the crowd that they were no longer marching to Vereeniging.

"The crowd did not know where they were heading and why — and this caused massive confusion at the gates of Sondela brewery just before noon," he said

Advocate J J du Toit SC, representing the Attorney-General's office, submitted information on the 12 deaths should be sent for further investigation to the Attorney-General's office

The Goldstone Commission's report could have a major impact on the future rules for mass meetings and demonstrations in SA

Its findings can be expected to include recommendations from all the advocates, who have stated that the SAP, local authorities and organisers of mass demonstrations urgently require new ground rules "in a newly democratic SA where such peaceful mass marches would be allowed". — Sapa

'137 percent more deaths during strike'

Own Correspondent

PRETORIA — The commission of inquiry into allegations that 22 babies died as a result of strike action at Ga-Rankuwa Hospital has heard that the mortality rate in the neo-natal ward rose by about 137 percent during the strike

The hospital's former chief medical superintendent, Dr Lous van Heerden, said the allegations arose after the strike, which ran from April 4 to April 12, ended. When the strike began about 2 000 patients were being accommodated and the paediatric section had an occupancy rate of about 175 percent, he said.

The commission, chaired by Mr Justice Cillie, is also investigating the causes and other possible consequences of the strike as well as the possible criminal liability of the workers and nursing staff involved.

High mortality

Counsel for the National Education, Health and Allied Workers' Union (Nehawu), Mr G Josman, said the deaths of the babies were not necessarily attributable to the strike and that the neo-natal ward normally had a high mortality rate.

Dr van Heerden told the commission that strikers had hindered nurses, held up supplies of medicines to the wards, and cut supplies of medical gases needed in theatres and intensive care units for essential services.

He said the hospital's workers' committee had approached management with a list of grievances on March 29 which included, among others, that

they objected to being called "kaffirs" and "pigs" by superiors, that the distribution of office equipment and promotions were handled on a racist basis, and that workers were being forced into signing "leave without pay" forms.

The workers had also demanded the resignation of two officials, Mr A J Boshoff and Mr H Swanepoel, whom they claimed had proved to be "racists who continue to harass, victimise and even intimidate workers".

Dr van Heerden said he had issued a general warning concerning the use of "unacceptable" language, and denied that equipment distribution or promotions were being handled unfairly. A report-back meeting had been arranged between the two parties for April 4 at 9 am. However, workers had begun striking earlier that morning.

He said a decision was taken on April 9 to evacuate patients and that orders were given to transport patients to other medical institutions.

Academic staff had objected to the evacuation on the basis that previous strikes had already disrupted student training.

Mr Josman indicated he would lead evidence that the decision to evacuate had also had some bearing on the alleged deaths in the neo-natal ward.

Dr van Heerden also testified that nurses had been physically dragged out of their wards by strikers and that police intervention on April 9 had resulted in police dogs and their handlers entering theatres in pursuit of strikers who failed to respond to an interdict banning the strike.

Police 'not solely to blame' for casualties at Sebokeng

By Melody McDougall, Staff
Vereeniging Bureau 14/6/90

The police could not be solely blamed for the death and injuries suffered by members of a 50 000-strong crowd during the Sebokeng shootings near the Sondela Brewery on March 26, the Goldstone Commission of Inquiry heard yesterday.

Etienne du Toit SC, appearing for the SA Police, said it was a unique concurrence of events on the day which had led to the tragedy.

Mr du Toit was presenting argument before the commission, chaired by Mr Justice R J Goldstone, which yesterday concluded its inquiry into alleged incidents of violence — including the Sebokeng shootings — in Vaal triangle townships on March 26.

The Sebokeng shootings took place after a 50 000-strong UDF gathering, intent on marching to Vereeniging, was halted by a police line-up near the Sondela Brewery.

At least five people died in the shootings. Another seven people were shot dead in various other incidents of apparent unrest and looting of shops in the area, while about 280 were injured the same day.

Mr Justice Goldstone said he hoped to have the report on his findings ready by the end of June.

Referring to the first shot

The Goldstone Commission



fired by Constable Sean van van Rhyn, which caused a chain reaction when other policemen also opened fire, Mr du Toit said the resulting deaths and injuries could not be ascribed to the error of judgment or human frailty of a single person.

He said the fact that the constable accidentally fired the first shot with his stopper tear-gas rifle did not indicate deliberate "trigger-happiness".

The policeman was hit by a stone shortly before the shooting and was afraid at that stage.

Johan du Toit, who led all evidence before the commission, argued that correct police procedure would have been the firing of teargas into the crowd.

He said there should have been stricter control over the loading of weapons at the scene and more self-control displayed by both the police and crowd. It was also clear there was a definite lack of communication between all the parties involved.

Mr Johan du Toit asked for at least five of the 11 incidents of alleged violence in the townships on March 26, which claimed the lives of 12 people, to be referred to the Attorney-General for a decision.

DEATH ROW (252) *W/M 15/6-21/90*
ALTHOUGH executions have been suspended since February 2, and some changes have been made to the law, more than 300 people remain on death row -- 70 as a result of political circumstances, according to the HRC.
W/M 15/6-21/90

'Major flaws' in police conduct under fire

THE findings of the Goldstone Commission, which drew to a close this week, are likely to have a major impact on future police conduct and crowd control

This came to light when advocate JJ du Toit, SC, representing the attorney-general's office, made a recommendation this week that the deaths of the 12 people, killed by police on March 26, should be referred to the AG for further investigation

Mr Justice R Goldstone will present his report to State President FW de Klerk within the next few weeks. The commission, which sat for 22 working days, was appointed to report on violent incidents in the Vaal Triangle townships on March 26

The legal team representing families of the dead and injured, led by advocate George Bizos, submitted that the evidence exposed major flaws in police conduct, warranting immediate attention and the implementation of far-reaching changes

The team submitted that some of the policemen responsible for "unlawful killing" and inflicting serious injuries should be charged. This included the senior officer in command of the Reaction Units, Captain Willem du Plooy, who should be charged for dereliction of duties

The lawyers referred to "a disturbing degree of indifference concerning the infliction of serious injury or even death on the part of some policemen", faulty co-ordination, lack of clarity concerning purpose and method, flaws in training and monitoring of members and grave omissions in command

The team submitted that it was significant that most of the 12 dead and 280 injured sustained wounds on their backs, and backs of their heads, while those police who sustained minor injuries required no medical attention

Lawyers representing the South African Police, led by advocate Etienne du Toit, SC, argued there was an atmosphere of militancy hours before a crowd of 50 000 people gathered at the Sondela Brewery. Some believed the plan was to march to Vereeniging to present a petition of their grievances to the National Party offices

This militancy, coupled with prior incidents of violence, determined the

Repeated submissions regarding the absence of police training, discipline and co-ordination have been made to the Goldstone Commission. A call has been made for certain policemen to be charged, reports PHILIPPA GARSON

perception of the security force members comprising the police line, argued Du Toit

He said organisers of the march were to blame for the ensuing confusion

Bizos' team conceded a lack of organisation but argued that the crowd was peaceful and in the process of dispersing when the firing began

Evidence of stone-throwing by the crowd was not supported by three videos and reliable witnesses, including march organisers, news photographers and members of the Red Cross, according to Bizos' team

Police evidence on stone-throwing and arms wielded by the crowd was contradictory, according to the lawyers

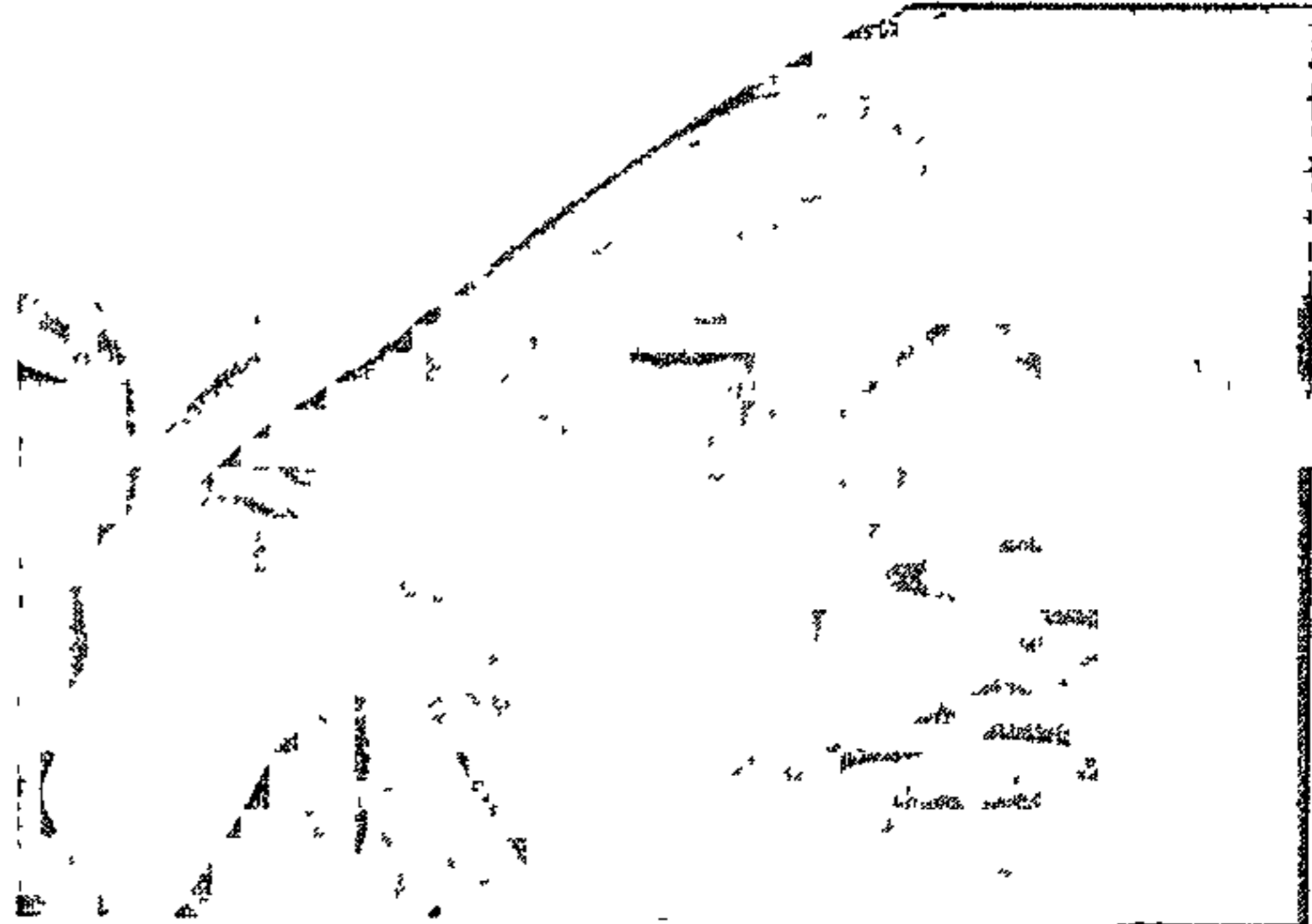
They argued that the fact that senior police officers were sitting in their vehicles at the time of the shooting proved that the crowd did not pose any real threat

Bizos conceded, however, that people should be discouraged from following the tradition of carrying sticks on marches, as they could be perceived as a threat

In summing up argument this week Bizos said "I would submit that the penalty for attending an unlawful gathering is not death, that the penalty for carrying a bag of mielie meal over a wall is not death, that the penalty for throwing stones — even if jeering at the police — is not death"

The legal team submitted that Sergeant Rudgerd van Huyssteen, responsible for four of the deaths which occurred after the Sebokeng shootings, be charged. He killed two people who were running away with stolen groceries

Repeated submissions were made as to the absence of training, discipline and co-ordination of police members — particularly Special Constables — who fired on the crowd without warning



Mary Mbele ... can't come to terms with the death of her daughter.

Bereft mother recalls the day her daughter was shot

By PHILIPPA GARSON

WHILE cold facts and hypothetical questions flew back and forth at the Goldstone Commission, a weary woman wept as she scrubbed the floor of a tiny house in the township of Sebokeng

Mary Mbele, mother of 22-year-old Lydia, the only woman who was shot dead during the Sebokeng march, told *The Weekly Mail* she could not stop thinking of her daughter who always had been there to support her and take care of the children

"Since my daughter died my life is upside down," said Mbele, sobbing uncontrollably as she recalled the tragic event of March 26

Mbele, 43, is a single mother and nightshift cleaner who earns R400 a month. She lives in one of Sebokeng's endless rows of matchbox houses, and supports six children and three grandchildren — one of whom is Lydia's daughter

The tiny, bowed woman spoke of her ordeal on the day of the shootings

Mbele said when she heard the sounds of "many voices and ambu-

lances" she went to investigate, and joined the tail end of the march, kilometres away from the police line

"Then I heard the firing and I knew it was not teargas"

Mbele said when she heard people saying some had died, her "spirit left her". She knew Lydia was among them. However, it wasn't until the following day that her nightmare was confirmed

Mbele finally found her daughter's body at the police mortuary

Mbele said she didn't know why Lydia was killed — "maybe because she was wearing a Mandela T-shirt"

Witnesses said that Lydia, whose name cropped up frequently during the commission, was wearing a brightly coloured skirt, *toyi-toying* and dancing in the front

"It seemed to me she was enjoying the sensation of her swirling skirt," Bavumile Vilikazi, of the Vaal Civic Association, told the commission. Then she was shot dead

B/Day 15/6/90 252

Harms told detainee was poisoned before release

SENIOR security branch officers were implicated in the poisoning of a detainee shortly before his release after five months in detention, the Harms Commission of Inquiry into politically motivated murders heard yesterday.

Lt-Col Hermanus du Plessis and a Port Elizabeth security branch officer Col Roelofse were named in a medical report after doctors investigated the October 1981 thallium poisoning of Cosas member Sphiwo Maxwell Mtimkulu.

Mtimkulu told doctors at Livingstone and Groote Schuur hospitals the two officers gave him three different types of tablets during his last month in detention. He said they gave him the pills to treat foot pains.

Du Plessis said he could not remember Mtimkulu experiencing pain in his feet.

Mtimkulu told doctors he was beaten on the feet with electric heater cords and beaten on his back. Doctors

LINDEN BIRNS

noticed scars on his shoulder.

He also claimed to have been beaten with wet towels and fists, electrocuted through his feet, submerged in water and forced to stand for nine days without rest. Doctors also reported tears to Mtimkulu's anus.

Adv Louis Skweyiye for the Mxenge family and others asked Du Plessis why another eastern Cape detainee, former ANC member Gomiswe Kondile was not regularly visited in detention by the district surgeon as prescribed by law.

Du Plessis said he did not think it was necessary as Kondile had not asked for a medical examination.

He agreed it was normal for detainees not to complain about maltreatment to visiting magistrates and detainee inspectors while still at the mercy of their interrogators.

Du Plessis said Kondile was arrest-

ed on his way back to Lesotho when he presented a false Transkei passport at the border post.

The colonel said he knew Kondile was driving Mkhonto we Sizwe chief of staff Chris Han's car at the time and upon arrest Kondile and the car were taken to Bloemfontein.

Du Plessis said the car was hidden at a private safehouse preventing its documentation in police registers.

On release, Du Plessis drove Kondile to Bloemfontein and handed him back the car. Shortly afterwards Kondile disappeared and has not been seen since.

Du Plessis denied allegations by former Vlakplaas commander Capt Dirk Coetzee that he had murdered Kondile and burnt the body.

Brig Nic Janse van Rensburg denied allegations made by Coetzee that he was involved in explosions and criminal activities in Swaziland. He denied burning bodies in the eastern Transvaal or taking part in the theft of a trade union's panel van.

Hani's car may have been used in kidnapping

Sowetan 15/6/90

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A SUGGESTION was made that a man allegedly killed by renegade policeman Dirk Coetzee was abducted from Maseru and taken to South Africa in a car belonging to Mr Chris Hani, commander of the ANC's armed wing, Umkhonto we Sizwe

This was heard by the Harms Commission yesterday.

Mr Leonard Skweyiya, SC, appearing for the Kondile family, put to Special Branch Brigadier Hermanus du Plessis that there was no record of a Mr Sizwe Kondile ever having entered South Africa through a Lesotho border post

There was also no record of Hani's car entering South Africa.

Allegations by Coetzee to the commission established to investigate State involvement in



HARMS
PROBE
INTO
HIT
SQUADS

politically motivated violence was that Kondile had been taken from Jeffrey's Bay in the Eastern Cape to Komatipoort on the Mozambique border, where he was killed and his body burnt

Du Plessis said he had last seen Kondile on August 15, 1981 and nobody had seen him since.

He told Skweyiya that Kondile had been arrested trying to enter Maseru at the Van Rooyen's Neck border post with a false passport, in Hani's car which had in it a number of ANC documents

He also told the commission that Kondile had expressed a desire to inform on ANC activities to the police.

Skweyiya said the abduction theory which he put to the commission

was based on a telephone call to a phone booth in Maseru by Kondile's girlfriend in Port Elizabeth.

In an affidavit still to be handed in to the commission, his girlfriend said the receiver seemed to have been dropped in mid-conversation and she never heard from him again

The call was made on July 26, 1981, the day of Kondile's arrest

The inquiry continues.

Sapa

Hospital chief 'not tough enough'

Pretoria Correspondent

A far harder line could have been taken by the temporary chief medical superintendent when investigating a list of workers' grievances received by GaRankuwa Hospital management before an eight-day strike at the hospital, a commission of inquiry into the causes and consequence of the strike was told.

Dr L van Heerden admitted during cross-examination yesterday that he could have "been rougher" on staff guilty of racist actions.

The commission, chaired by Mr Justice van Heerden, is also investigating allegations that 23 premature babies died as a result of the strike in April.

Racism

Dr van Heerden testified that much of the investigation into the grievances was handled by the deputy director of administration, Mr A J Boshoff

Mr Boshoff and another hospital official, H Swanepoel, were described in the list as

being "racists who continue to harass, victimise and even intimidate workers"

No official complaints about Mr Boshoff were made to Dr van Heerden, who said he had known him for several years and had never found him "rude, aggressive or racist"

But he knew that relations between Mr Boshoff and hospital staff were strained, and said that complaints about Mr Swanepoel's behaviour towards workers had been made.

The hearing continues

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Government plan to ease death laws

Sowetan
15/6/90

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IT was the Government's sincere wish that the proposals in the Criminal Law Amendment, which did away with the compulsory death sentence, would have a significant effect on the death penalty, the Minister of Justice, Mr Kobie Coetsee, said this week.

Important

"I fervently hope this will bring us to a just and equitable dispensation in this sensitive area of jurisprudence," he said when introducing the Second Reading debate on the measure.

One of the important points of the Bill was that it created criteria by which a judge could decide if the death penalty was a suitable sentence for a particular crime.

He would have to be convinced it was a

suitable sentence.

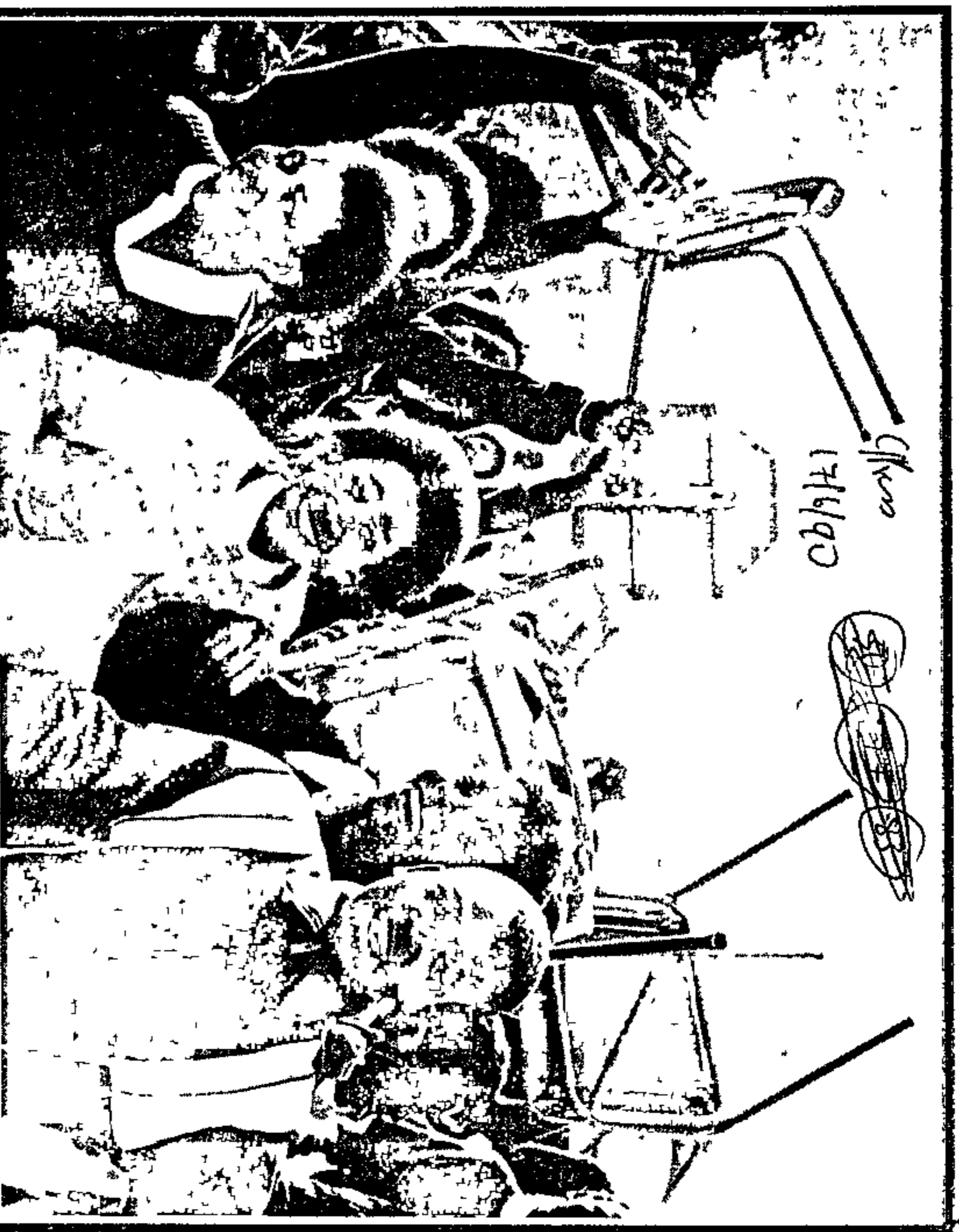
The measure created an automatic right of appeal in cases where the death penalty had been handed down.

The Bill also allowed an attorney general to appeal against the sentence of a lower or higher court, subject to judicial discretion in that he had to apply to do this.

Coetsee said he had

accepted a number of amendments proposed by the Joint Committee on Justice, among them that the jurisdiction of the Regional Courts remain at 10 years' imprisonment and not raised to 15 as had been proposed and that a person only be condemned to death for treason when the country was in a state of war. - Sapa.

Slow justice in violence-torn Natal



Bolshoko Secondary School pupils with the chairs they retrieved from the taverns.

Kids raid taverns for school's furniture

By DAN DLHAMINI

WHEN pupils of Bolshoko Secondary School in Krageng went back to classes this week after a boycott they found some of their chairs had been stolen. So they raided taverns and hair-dressing salons and recovered over 100 chairs and other school property from them.

The pupils told City Press they headed the back-to-school call but when they arrived found that chairs were missing and some doors had been ripped off by vandals and thieves during the boycott.

The pupils said the shortage of chairs was a problem because some had to sit on the floor and could not concentrate in the classroom.

Bolshoko headmaster Karabelo Thapi said the shortage of chairs created problems both for teachers and pupils. Pupils had told him they had seen their marked school chairs at various taverns and hairdressing salons and were going to collect them.

"Parents and residents must realise that schools in Krageng belong to the community. I can imagine how embarrassed are those from whose premises school property was recovered. It is every responsible person's duty to look after the property of the school instead of taking it for his or her personal use," said Thapi.

The pupils said they did not want to involve the police, "just to show that we are capable of solving our problems without involving the system, which brings hardships to our people."

They say they rejected the help of other youths who wanted to hijack their project of retrieving their school property. The pupils denounced the burning of a bus a balke and a

truck this week.

"That's the work of 'isotists' who were frustrated when they failed to hijack our mission. We condemn their actions because they put us in a bad light, as people think we students were involved. That is not true," said the pupils' spokesman.

Meanwhile, working mothers - especially those who live in the Mandela village squatter camp - were furious with the action because buses no longer enter the township and they have to walk about 4km from Krageng entrance to their homes.

'Dangerous loss of faith in legal system,' says prof

By SIBU MKHADI

THE administration of justice in Natal has been irreversibly affected by the violence there, lawyers, academics and human rights monitors said this week.

A Natal State attorney estimated that only 11 murder cases had been successfully prosecuted in Natal courts since the start of the violence in 1986, despite the fact that more than 4 000 people have been killed.

There was a backlog of 126 cases arising from the conflict, he said, and the Justice Department had recently seconded three extra judges to Natal and employed more prosecutors.

Radley Keyes, director of the Democratic Party in the Natal Midlands said it was tragic that the government could spend R30 million to investigate the Heidelberg disaster while doing little to end the bloodshed in Natal.

"The Heidelberg disaster was greeted by the immediate appointment of a judicial commission of inquiry, but persistent requests for such a commission in Natal have been turned down by the government."

A Lawyers for Human Rights spokesman estimated that only 10 per cent of the 2 500 politically motivated murders in Natal had come before a court of law.

In a recent memorandum to Law and Order Minister Adnan Vlok, lawyers representing Cossau said only a handful of prosecutions had taken place since 1986, although many suspects had been positively identified.

Police had yet to give the media details of suspects, the lawyers said.

Legal Resources Centre lawyer Peter Rutsch said he believed the legal system had been "seriously and irreversibly affected by the violence."

He cited the following case: On March 22, 1988, the Howick Inquest Court found nine Inkatha members and KwaZulu policemen responsible for killing three Mqophomeni residents and assaulting a fourth during an Inkatha rally in Mqophomeni in December 1986.

Magistrate G Nieuwoudt said the findings of the inquest would be referred to the Natal attorney-general.

Two years after the inquest and four-and-a-half years after the killings the nine had yet to be prosecuted.

Rutsch said whatever the reasons for non-prosecution, people were questioning the effectiveness of the legal system.

Professor James Lund, dean of the faculty of law at the University of Natal in Maritzburg, has said "The feeling is that the criminal justice system has failed to cope with the political violence, and there is a widespread loss of faith in the legal system. It goes without saying that this is extremely dangerous."

Lund was speaking during the establishment of a law centre at the university earlier this year.

Rutsch said the experience of lawyers in Durban and Maritzburg was that "the wheels of justice grind to a halt when a complaint about violence is made."

A recent law conference in Durban heard that in Natal a criminal case could take up to 18 months to come before a court of law. During the period when an accused was granted bail some witnesses were eliminated and others became senile.

Rutsch compared the trials of ANC guerrillas Andrew Zondo and Robert McBride to those of warlords. Zondo and McBride were sentenced to death and a bar on the Durban beach-front.

Warlords, who control big areas in and around Durban and Maritzburg, have more often than not been found not guilty of murdering political opponents.

"Whether these comparisons are valid is not at issue. The fact is that people make the comparisons and draw conclusions," said Rutsch.

He said that when security forces were unable to help, the victims of violence turned to the Supreme Court for civil action, but time-consuming and cumbersome civil actions had not been designed to cope with the Natal violence.

There had been several cases in the Maritzburg region in which where parties who applied for interdicts were killed while proceedings were underway.



Abduction and murder tales feature at Harms probe

MISSING people, allegedly abducted and murdered, featured strongly in this week's evidence to the Harms Commission of Inquiry investigating State involvement in politically motivated violence.

Former security police captain Dirk Coetzee has told the commission that several people had been taken to spots near national borders, killed and their bodies burnt.

Three senior police officers on Thursday denied these allegations.

Lt-Col Hermannus du Plessis said he had no knowledge of such incidents and denied involvement in the alleged abduction of an ANC member, Sive Kondile, who was supposedly going to become a police informant and who disappeared after his release from Jeffrey's Bay police station on August 15, 1981.

Coetzee alleged Du Plessis was involved in Kondile's abduction and murder at Komatiport on the Mozambique border soon after his release.

The colonial also denied involvement in the disappearance or poisoning of Siphiwe Mthokulu, who disappeared on his way to hospital in April 1982.

Mthokulu disappeared on April 14, 1982, while on his way to hospital, for treatment for thalium poisoning, reportedly in the company of an organizer from the Congress of SA Students, Topsy Mankaka. Neither has been seen again. Mankaka's car was found near the Transkei border.

Du Plessis said he had last seen Kondile on August 15, 1981, and nobody had seen him since.

A security policeman seconded to head the KwaZulu Police, Brig Jac Buchner, told the commission that Peter Dlamini, an ANC exile suspected of being an agent for the South African government, was to have been deported from Greece to Tanzania, to be questioned by the ANC on the allegations.

He was then returned to South Africa and Buchner questioned him.

Buchner said he last saw Dlamini near Durban a few weeks after he had interviewed him.

Coetzee alleged Dlamini was taken to a spot near the Mozambique border where he was shot and his body burnt.

The head of the security branch's C and E sections, Brig Nicolaas van Rensburg, also denied on Thursday any involvement in the disappearance of either Kondile or Mthokulu.

The commission adjourned until tomorrow. - Sapa.

BACKGROUND

Millions spent on commissions

The marathon Harms and Hemstra Commissions have cost about R8 million so far, according to informed sources.

Most of this expenditure has been for the Harms Commission which enters its 16th week today and has cost about R6 million so far. It is expected to complete its work next month.

The Hemstra Commission sat for about two months at a cost of about R2 million. Oral evidence was completed on June 8 and the commission will sit for one more day, on Friday, to hear argument.

However, top lawyers argued that the millions of tax- and rate-payers' money being spent was justified. The reasons given were the seriousness of the allegations and that it was in the public interest for the actions of the State to be open to public scrutiny.

But one source questioned the apparent free-spending on legal representatives. He felt that costs could have been cut in the Harms Commission by briefing one team of lawyers to represent both the SA Defence Force and its clandestine Civil Co-operation Bureau (CCB).

"If the CCB was operating legally there shouldn't be any conflict between its interests and the interests of the Minister of Defence. The Minister of Law and Order and individual policemen could also have been represented by one legal team."

Hit squad

In February Mr. Justice Louis Harms was appointed as sole member and chairman of a commission to investigate allegations that a hit squad was operating from within the police against left-wing opponents of the Government.

The scandal broke when this was alleged in an affidavit by death-row prisoner and former security policeman Almond Nofemela the day before he was to hang for an unrelated murder. He was later backed by two other former policemen, Dirk Coetzee and David "Spyker" Tshikhalanga, who testified before the commission in London in April.

The Harms Commission began in earnest on March 5 after an initial sitting on February 15. Proceedings were divided into two distinct parts: an investigation into the allegations by Nofemela and a probe of the covert CCB, which is part of the SADF Special Forces.

So far the commission has sat for 53 court days and heard evidence from about 25 witnesses.

Commission officers include Mr. Justice Harms, Free State attorney general Tim McNally and Les Roberts — both senior counsel — assisting the commission, Chris Erasmus, a magistrate who is acting as secretary to the commission, and two senior policemen as investigat-

Millions of rands of taxpayers' money are being spent on two marathon commissions, the Harms Commission into politically motivated murders and the Hemstra Commission into alleged irregularities in the Johannesburg City Council's security department. But legal sources said no matter what the cost, the investigation of serious allegations against the State is in the public interest. **KAREN STANDER** reports



Interested parties instructed top lawyers to represent them at the commissions. Gilbert Marcus, for the End Conscription Campaign (ECC) in conversation with John Pearce's lawyer, Schalk Burger.

● Pictures by Karen Fletcher.

ing officers. Appearing are 12 legal teams representing 23 parties. There are 8 senior counsel who command huge fees, plus 14 junior advocates and 12 firms of attorneys.

Legal sources estimated that an average cost for a legal team was R125 000 a month. However, it was emphasised that while some teams were charging about R150 000 a month, others cost far less.

Separate legal teams for the CCB and the SADF — runnoured to be the most expensive of the lawyers — have not been present since the wrapping up of the CCB probe on May 30. They will however be involved again once oral evidence on the police is completed and argument begins.

Also to be taken into account is the cost of space in the NGK Sindale Sentrum in Pretoria — which includes the commission room as well as a suite of offices, travelling and accommodation.

The 10-day trip to London and the cost of the commission record — copied and transcribed by a private company — has added about

R150 000 to the cost of the commission.

The Hemstra Commission, chaired by Mr. Justice Victor Hemstra and assisted by former city treasurer Mr. Wilhe van den Berg, was appointed in March to investigate disclosures by The Star that a spy network operated from inside the Johannesburg City Council's security department.

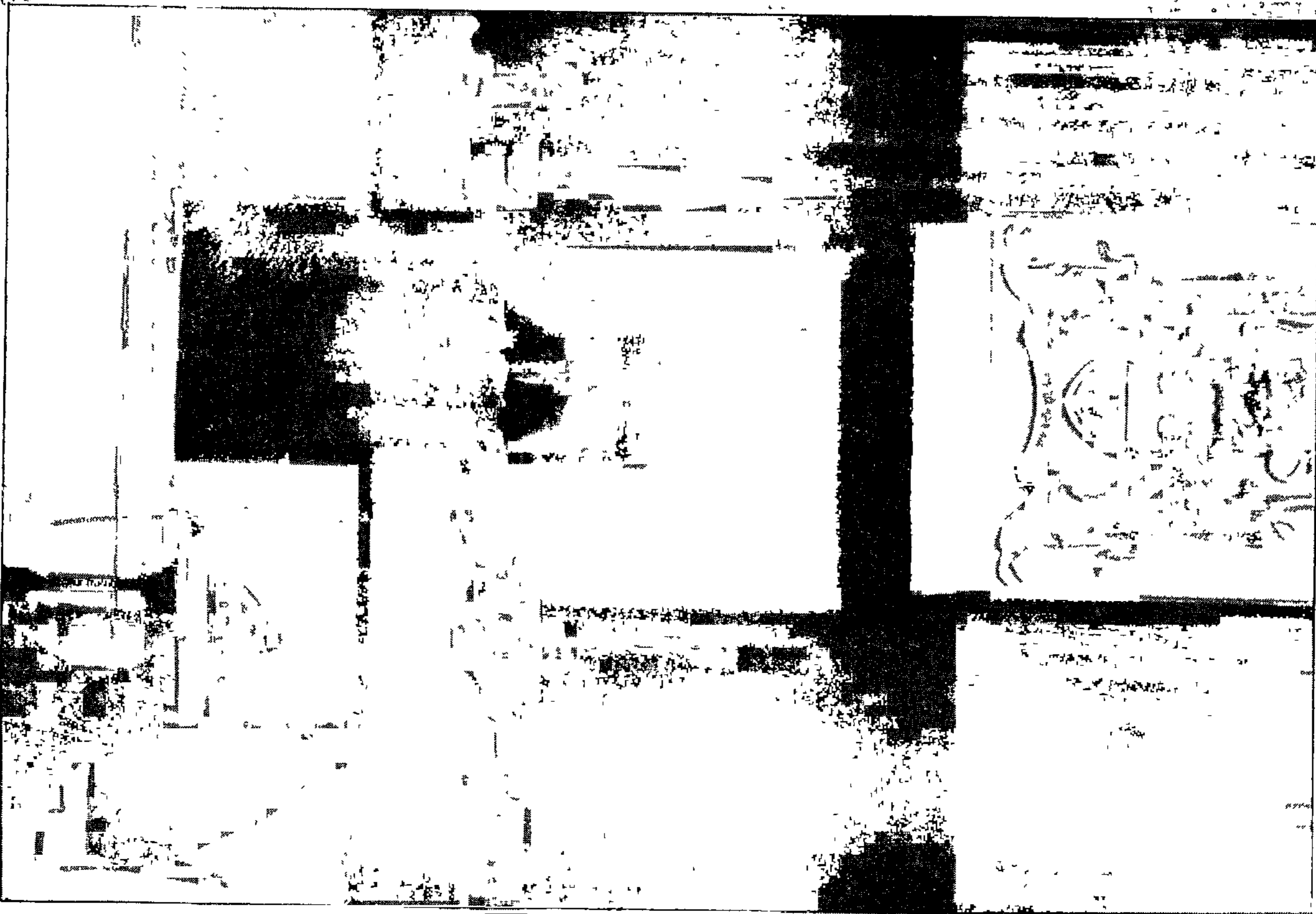
Legal teams

Additional assistance to the commission is rendered by two advocates, one senior and one junior, and a secretary.

The Hemstra Commission began on April 11 and sat for a total of 28 court days.

Eleven parties were represented by 10 legal teams, including three senior counsel, nine junior advocates and 10 firms of attorneys.

Legal counsels' conservative estimate was that proceedings cost R37 000 a day, bringing to more than R1 million the cost of lawyers alone. This excludes salaries of officials and the daily provision of refreshments.



Flashback... Johannesburg's head of security, John Pearce, testifies before Mr. Justice V G Hemstra.

Dec 19/6/90 (252)

Lawyer ordered to leave DET office

By Janet Heard,
Education Reporter

The legal representative for the seven parents who have embarked on a liquid diet and are "sitting-in" at the Department of Education and Training (DET) offices was ordered to leave the premises yesterday afternoon.

Lawyer Kuben Pillay said DET regional director Peet Struwig gave him 10 minutes to consult his clients before he was told to leave the building and not return.

Eviction

He was informing the parents that an eviction order would be brought against them today at 2 pm in the Rand Supreme Court on behalf of the Minister of Education and Development Aid, Stoffel van der Merwe.

The parents, who are demanding textbooks for schools, enter their eighth day in the DET building in Braamfontein today.

It is expected that they will not defy a court order.

In another development yesterday, Dr Rafik Bismilla, the general secretary of the South African Health Workers' Congress (Sahwco), forced his way past DET security guards and caught the lift to the eighth floor where he locked himself in the conference room with his patients.

He forced his way through after security guards informed him that he

would not be able to examine the parents again.

By late last night Dr Bismilla had not come out of the building and a Sahwco spokesman, Aslam Dasoo, said he intended to remain with the parents to ensure they received medical attention.

Mr Pillay said Dr Bismilla found the announcement of an end to contact with his patients "incompatible from a health standpoint, and therefore he forced his way into the building".

White parents of Woodmead School near Johannesburg are among the growing number of people who have pledged support for the parents.

At lunchtime yesterday, six parents from Woodmead and the principal of St Ansgar's College, C L Mahlaba, visited the DET offices and after an hour-long wait handed a letter for the attention of Mr Struwig to a DET official.

Their arrival coincided with a gathering of about 1 000 people who stood in front of the building and sang freedom songs in support of the parents.

Sapa reports that the Congress of South African Students has urged principals to return to schools and continue their efforts to ensure textbooks were delivered.

● The call for children and teachers to forego the June holidays and attend classes in Soweto appears to have been relatively successful.

All the schools The Star contacted yesterday reported between 90 and 99 percent pupil attendance.

In a few cases the telephone was not answered.

STW 19/6/90 252

Charge police officer, urges family lawyer

By Mckeed Kotlolo,
Pretoria Bureau

A lawyer has called for the former chief of the Northern Transvaal Riot Unit, Brigadier Hertzog Lerm, to be charged with manslaughter for his "negligence" in ordering teargas to be fired at an estimated 50 000 protesters in Mamelodi.

Maurice Basslian, counsel for the families of 12 Mamelodi residents shot dead in the township on November 21 1985, was presenting argument to the commission of inquiry into the shootings.

The inquiry arose from security forces opening fire on locals protesting against high monthly rentals and police presence in the township.

Mr Basslian told the commission, sitting at the Pretoria North Magistrate's Court:

"None of the deaths was directly linked to Brigadier Lerm. He does not have to pull a trigger to be charged with a criminal offence, but because he was negligent in issuing instructions to fire teargas, clearly he can be held responsible for manslaughter."

He submitted that Brigadier Lerm was not justified in giving orders to use teargas, because there was no act of violence or aggression on the part of the crowd.

"He gave the orders without consulting the people in the helicopter and those on top of the Casspirs, even if they had a better view of what was happening," said Mr Basslian.

He said other police officers and civilians who witnessed the shootings said there was neither violence nor aggression at the time the shooting started.

Mr Basslian further quoted Brigadier Lerm saying there was no act of violence which, according to him (Mr Basslian), was supported by evidence on video-tapes by the police.

Brigadier Lerm, whose face appeared many times on video, had said the crowd was not obeying orders "but according to the video, they did obey. He further said the mood of the people was jubilant but later changed, something which did not show anywhere in the video".

He said Brigadier Lerm, who was on the ground, "acted negligently and I am going to submit that his evidence was a blatant lie".

Mr Basslian said Brigadier Lerm had lied to the commission when he said they did not have any direct contact with the crew in the helicopter filming the incidents, because Sergeant Deon Loots "told the commission they had a direct contact with the helicopter".

DP supports new Bill on death penalty in SA

252 Star 19/6/90

There was no doubt that the Criminal Law Amendment Bill reflected an intention by the legislature to ensure that a death sentence was not passed in error, Mr Lester Fuchs (DP Hillbrow) said yesterday.

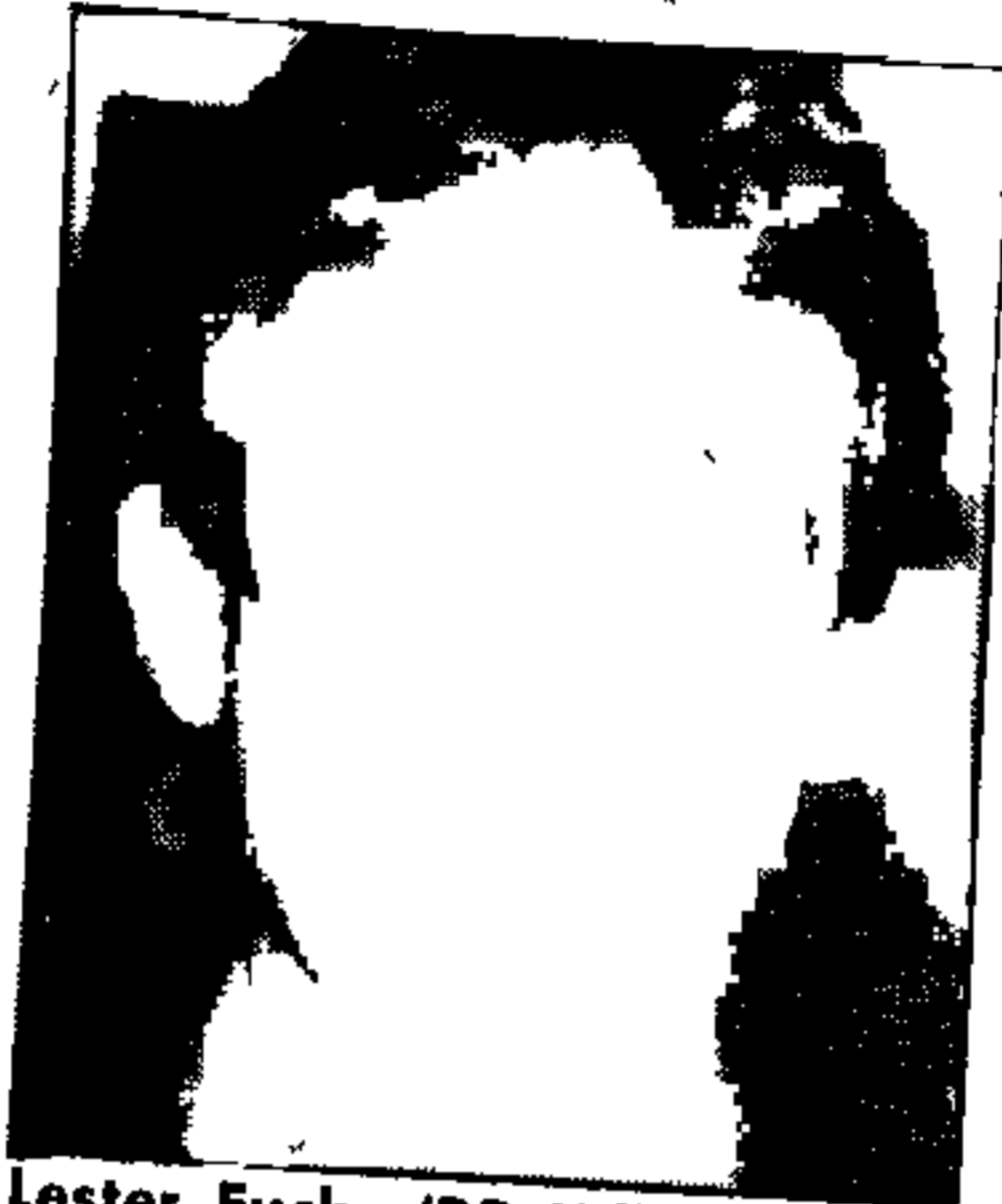
Speaking during the second reading debate on the Bill, he said empirical evidence did not support the argument that the death penalty was a deterrent

Passion

An Amnesty International publication "When the State Kills" stated that murders were most often committed in moments of passion, when emotion overcame reason

"And further, that despite their knowledge of the death penalty, prisoners had been incapable of being inhibited by the thoughts of capital punishment"

The DP approved the Bill



Lester Fuchs (DP Hillbrow) death penalty is not a deterrent

After almost a lifetime of being the arch-violators of human rights, the National Party had decided to clean up its act and this view was mirrored in the speech of the State President when he said that the question of human rights in

South Africa was of cardinal importance

The DP was, however, opposed to murder cases being heard in lower courts

"We would in essence be sending a message to the world that an unopposed divorce matter (heard in a Supreme Court) is more important than a murder case," he said

Abolished

Michael Hendrickse (LP Schauderville) said he did not think South African society had reached the stage at which the death penalty should be totally abolished, but the list of crimes for which it could be imposed should be looked at

Regional courts lacked the independence and status in the eyes of the community to deal with murder cases, he said — Sapa

23 dead babies: doctor tells of strike crisis

252

Star 19/6/90

Pretoria Correspondent

Documentary evidence substantiating allegations that 23 premature babies died as a direct result of strike action at Ga-Rankuwa Hospital earlier this year has been handed to a Commission of Inquiry investigating the causes and consequences of the eight-day dispute.

The evidence was contained in a letter written by a paediatric consultant, Dr M van Dyk, to the temporary chief medical superintendent, Dr L van Heerden, on April 17 — five days after the strike ended.

"In the neo-natal intensive care unit we had to diagnose and treat critically ill babies without supporting laboratory facilities. We had 23 deaths between April 4 and April 10," wrote Dr van Wyk.

The letter, submitted as evidence yesterday, said no cleaning was done in the neo-natal section during the strike and neither were the bodies of

dead babies collected for removal to the mortuary. The tiny patients' food was delivered late and on April 10 and 11 none of the babies received medication as their nurses had been "intimidated to join the strike".

"I have to state that this was a most unethical way to care for patients. I would appreciate it if you (Dr van Heerden) could let the parties involved in the strike know what the results of their actions were. The responsibility for those patients already dead, as well as those who will die due to poor care, should be placed on the strikers."

The legal representative for the National Education, Health and Allied Workers Union, Mr G Josman, said on the first day the Commission of Inquiry sat that he would show the attempted evacuation of patients during the strike had some bearing on the alleged deaths of the infants.

However, Dr van Heerden said yesterday that he was not aware that any of the babies in the neo-natal ward had been evacuated.

Police chief denies claim on poisoning

Southern 19/6/90

252

TOP forensic expert General Lothnar Neethling yesterday denied he had "supplied poison" to run-away police captain, Dirk Coetzee.

Neethling, who is Senior Deputy Commissioner of the South Africa Police, told the Harms Commission that allegations he had supplied Thallium-treated tablets for use by a security detainee were "a complete fabrication".

He told the commission, however, that Thallium was at one time "a popular way of killing people or for suicide purposes".

Rat

It was previously a key ingredient used in rat poison but was no longer in use as improved compounds had since been found.

Neethling told Mr Justice Louis Harms that on no occasion had he supplied poison.

"I deny these allega-



HARMS
PROBE
INTO
HIT
SQUADS

tions most emphatically and I want to state, in particular, that it is blatantly clear that Mr Coetzee has fabricated his evidence and allegations."

Neethling also said he had never met Brigadier Jan van der Hoven, a former security chief in Port Elizabeth.

Mr Tim McNally, Attorney-General of the Free State who is assisting the commission, had asked Neethling about the allegation that he had provided Thallium-treated tablets to Van der Hoven, who was alleged by Coetzee to have taken the tablets to Port Elizabeth.

In evidence to the commission last week, Van der Hoven also denied the allegations.

It was alleged that a security detainee, Siphwe Maxwell Mtimkulu, had been given the pills.

According to evi-

dence, medical tests on Mtimkulu - who has since disappeared - showed traces of Thallium in his body.

Mtimkulu had been held at Jeffreys Bay Police Station, near Port Elizabeth, in 1981 and disappeared in mysterious circumstances along with another man in 1982.

Suicide

Neethling said Thallium had been in use over many years as a method of committing suicide or killing someone.

He said the administration of Thallium - which in modern times is used as a compound in optical glass - caused the collapse of the nervous system as well as causing many side effects.

If administered to a human being it would take about three to seven days to kill provided the right dosage was given.

It could also take up to three years, Neethling said.

(Proceeding).

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(b) Separate contracts for the Supreme and Lower courts consisting of numerous clauses have been entered into by the Chief Director. Procurement Administration of the Department of Finance for a period of 4 years with effect from 1 July 1989. The contracts *inter alia* provide for various tariffs for different services.

(2) *Supreme Court*

(1) CNL Transcriptions is owned by Mr N Vlok

(ii) Data Vyi (Pty) Ltd
Messrs S J M Nel P Nel and A G Nel are directors of the company and Mr H F Nel is the Chairman

Magistrates' Courts, Pretoria and Pretoria North Rent-A-Roof

Mr M Vlok is the Managing Director and Mrs R J E Vlok is a director of the company

†Mr J H VAN DER MERWE Mr Speaker, with reference to the reply which the hon the Minister is now tabling, I wish to put a supplementary question. However, I do not know whether it falls within the ambit, but I would nevertheless ask the hon the Minister whether any member of Parliament made representations directly or indirectly in respect of the award of these contracts

†The MINISTER Mr Speaker, the tenders were issued on a basis of tender and on the award of tenders by the Director of the Tender Board, who is responsible for these contracts after tenders have been duly invited by advertisement. Furthermore a large number of tenders were also invited country-wide on a decentralised basis. It works better than ever before. A keen spirit of competition was set loose amongst many participants to see which of them give the best service in recording court proceedings. It is clearly a success.

†Mr J H VAN DER MERWE Mr Speaker, further arising from the hon the Minister's reply, I did not ask anything about tenders. I merely asked whether any hon members of Parliament had made representations in this connection, yes or no.

†The MINISTER Mr Speaker, surely it is logical that as far as tenders are concerned representations are not involved. It goes to the

HOUSE OF ASSEMBLY

partment for the purpose of his reply, or any company or corporation in which he has had a financial interest has been (a) tried and (b) convicted of any offence in South Africa in the last ten years, if so, what are the relevant details,

(2) whether the South African authorities have any information on any charges laid or convictions obtained against this person in countries other than South Africa, if so, what are the relevant details,

(3) whether South Africa has received any requests to extradite the person in question, if so, (a) from whom and (b) when?

B1306E

THE MINISTER OF JUSTICE

(1) and (2) On the limited information made available with regard to the person, company or corporation concerned, it cannot be established whether such person, company or corporation was tried and convicted.

(3) As far as could be established a request for extradition has not been received. Perhaps it is a case of the man who never was, I am not sure.

Sorghum beer brewers

*15 Mr R R HULLEY asked the Minister of Planning and Provincial Affairs

(1) What are the names of the bodies empowered to brew sorghum beer in South Africa at present, *K-45-21 17/6/90*

(2) with reference to certain documentation furnished to the Minister's Department for the purpose of his reply, what procedure has to be followed by persons and bodies other than those referred to above, to acquire new licences to brew such beer?

B1307E

THE MINISTER OF PLANNING AND PROVINCIAL AFFAIRS

(1) Within the boundaries of the Republic of South Africa, excluding the self-governing territories, the Industrial Development Corporation of South Africa Ltd

(2) At present no person other than the Industrial Development Corporation may be authorised under the Sorghum Beer

Act, 1962 (Act 63 of 1962) to brew sorghum beer. Consequently no procedure for applications by other persons or bodies has been prescribed.

Mr R R HULLEY Mr Speaker, arising from the hon the Minister's reply, may I ask him whether he intends to leave the situation as it is, namely a single monopoly situation, or does he intend to facilitate the entry of new brewers into the market?

K-45-21 17/6/90

The MINISTER No, Mr Speaker. The matters at present under investigation by my colleague the hon the Minister who is involved with the question of privatisation. We are looking at the whole matter from the point of view of the privatisation of the sorghum beer industry, and further announcements in this regard will be made shortly.

Legal Aid Board, financial obligations

*16 Mr D J DALLING asked the Minister of Justice *K-45-21 17/6/90*

(a) what were the unpaid (i) financial and (ii) contingent financial obligations of the Legal Aid Board as at 31 January 1990 and (b) what cash funds did the Board have at its disposal as at that date?

252

B1308E

THE DEPUTY MINISTER OF JUSTICE

(a) (i) and (ii) The initial indications are that due to various factors contingent liabilities could be considerably more than previously indicated. A rough estimate based on the average cost per case and the number of cases dealt with by the Board indicates that the Board may receive accounts for about R29,8 million in respect of live cases (some of them are up to thirteen years old) over the next 13 years. These are contingent liabilities which become claimable in the future as and when these cases reach finality. Should these cases therefore not reach finality the contingent liabilities will be reduced accordingly. The factors which influenced this considerable increase are, *inter alia*, the significant changes of the tariffs of attorneys and advocates the variable nature of court cases.

This feature of the Board has compelled the Minister to decide to promote the

HOUSE OF ASSEMBLY

Handwritten: 19/6/90

appointment of an actuary to establish the extent of commitments and indicators that may influence the determination of the Board's budget *(252)*

(b) On 31 January 1990 the Board had R10 647 393,96 at its disposal for the financial year ending 31 March 1990. This includes the balance of funds appropriated, interest received and legal costs recovered. The administration costs of the Board amount to approximately 14% of its annual budget. The remainder is available for legal aid to needy persons. The Board therefore has sufficient funds to fulfil its financial obligations for the previous financial year which ended on 31 March 1990. To this may be added that a budget of R17 million has been appropriated to the Board for the current financial year, in contrast with the budget of R15 million for the previous financial year. The Government has also approved that the following amounts at least be appropriated over the next two years: 1991-92 financial year R19 million and 1992-93 financial year R22 million.

Of course in view of possible actuarial reports this whole position may be re-viewed.

INTERPELLATIONS

The sign * indicates a translation. The sign †, used subsequently in the same interpellation, indicates the original language.

Own Affairs

Old-age pensioners' means test

I Mr B B GOODALL asked the Minister of Health Services, Welfare and Housing

(1) What steps does he intend taking to adjust the asset levels of the means test for White old-age pensioners?

(2) whether he will make a statement on the matter? *(Handwritten: 19/6/90)*

B1336E INT
THE MINISTER OF HEALTH SERVICES, WELFARE AND HOUSING Mr Speaker, I do not intend to adjust the asset levels of the means test at this stage. The position of social

pensioners and the application of the means test, however, receive constant consideration from the Ministers' Council House of Assembly.

The social pension schemes in South Africa are non-contributory by nature and the funds to finance these schemes are derived solely from taxation. The main objective of these schemes is not to make pensioners fully financially independent, but merely to assist financially the family or the community to care for elderly and other underprivileged persons *(437)*.

I find it interesting that the hon member for Edenvalle puts this question to me in the form of an interpellation. I can only interpret it as a suggestion that the R42 000 asset level be adjusted upwards [Interjections].

Only five years ago the hon member complained in a debate in this House that a person with assets of R42 000 was better off than the person who had invested in a pension fund for his retirement. * We have therefore taken the hon member's objections to heart, and we have adjusted the income limit of the means test annually since 1985, with the exception of 1988, so that this limit is now R116 per month, or R1 392 per annum, higher than it was in September 1985. This income limit has therefore been extended by 72,5% since 1985 *(Handwritten: 19/6/90)*.

Despite this, the position today remains such that it may be argued that the person who has R42 000 in assets is in a better position than a person who has only a pension of R276 per month. Hon members must bear in mind that a person who has R42 000 invested, at a conservative interest rate of 15%, earns income in the amount of R525 per month in the form of interest, whilst a maximum income value of only R160 per month is levied on the R42 000 asset level.

I want to emphasise that the object of the means test is merely to establish a norm of indigence. The fairness or otherwise of the means test cannot be argued simplistically on the basis of hypothetical examples [Time expired].

Mr B B GOODALL Mr Speaker, I am glad that the hon the Minister has indicated that sometimes they listen to what I have to say. I hope they will continue to do so.

Let me explain to the hon the Minister the problem I actually have with the asset side of the means test. The present means test was estab-

lished in 1972 at a level for assets of R34 400. The income level was R82 per month. Since then the income level has more than trebled. The asset level has increased from R34 400 to R42 000. It has increased by less than a quarter. The assets of a married couple are double counted. They take into account the income of both spouses separately.

It is also interesting that when the asset level was set at R34 400, an owner-occupied dwelling was valued at R9 800. The asset level went up to R42 000, and an owner-occupied dwelling was still valued at R9 800. Now it is valued at R15 200. Therefore we have the situation that while the income level has more than trebled, the asset level was only increased by a quarter.

The amount that a person can have in other assets, excluding the owner-occupied dwelling, has in fact increased to R26 800—that is an increase of R1 600 since 1972, less than 4,5%. It does not even take into account one year's inflation, let alone the impact of 18 years' inflation.

I find this change surprising. The valuation of one asset for means test purposes is increased perhaps to take into account the impact of inflation, but the total amount of assets that a person can have and still qualify for a social old age pension remains the same. Indeed, the assets they can have, excluding an owner-occupied dwelling, are reduced.

I would think that we should be trying to encourage people to provide for their own accommodation. We are already putting more of the aged in old-age homes than any other Western society.

The hon the Minister gives an example which I agree with. It is absolutely correct. However, that is because interest rates at present are particularly high. If he thinks they are going to stay like that, all I can assume is that this Government actually believes that inflation is going to stay very high. We are now beginning to enter a downturn in the economic cycle, in which interest rates normally go lower. People who now have R42 000 worth of assets and might be getting R8 000 of income could find themselves quite conceivably in 18 months time getting only R4 800 worth of income. I think we should be looking at this problem so that steps can be taken before the problem arises.

* Dr W J SNTYMAN Mr Speaker, despite the hon the Minister's reply, we should note that over the past few years, social pensions in the case of Whites have risen by between 8% and 10% annually, whilst in some years the inflation rate was double that percentage, and in the case of foodstuffs and medicine, the most basic requirements of these old people, the increase was even higher than that. This simply means that the quality of life of social pensioners has declined over the past few years.

A very important detrimental factor, in relation to this neglected sector of our population, is the fact that the asset level has remained unchanged at R42 000 for a long time now. Meanwhile, the acknowledged value of the house in respect of the total asset has increased from R9 400 to R15 200. This means that the asset level that applies in the case of the means test has decreased from R32 600 to R26 800. In these times this can simply be described as a scandalous state of affairs and an injustice towards the White pensioners of this country.

In the case of rural constituencies it is particularly our farming communities that are affected by this. How many cases are there in which people have no other means of sustenance? They make a living on a very small piece of land, on which they also live, and then the value of that piece of land exceeds this meagre amount of R26 800. Now the pensions legislation provides that if those people, in their poverty, transfer that piece of land to their children, then the asset, the farm for example, continues to be included in the asset level for a further five years, and those people do not receive any pension. This is a serious problem, and it is affecting particularly our farming community in the rural areas. I want to ask the hon the Minister to look into this [Time expired].

* THE MINISTER OF HEALTH SERVICES, WELFARE AND HOUSING Mr Speaker, whenever we debate about pensions, it is important that we also take account of the fact that there are certain very important supplementary factors, such as the availability of funds, the minimum subsistence level and the scope of the social pensions scheme as a whole. All these factors play a role.

† The hon members for Edenvalle and Pietersburg referred to inflation. The hon member for Edenvalle mentioned the matter which we one

correct place to enquire about them is during the debates on the budget votes which were held not so long ago *Heussel* 19/6/90

†Dr W J SNEYMAN Mr Speaker, further arising out of the reply of the hon the Minister, I should like to know whether he is aware that in a television interview the hon the Deputy Minister envisaged exactly that to which the hon member for Brits referred, namely that it is the ultimate aim of the Government to establish one education department

†The MINISTER Mr Speaker, my reply is exactly the same as my reply to the question of the hon member of Brits

†Mr J H HOON Are you aware of it?

†The MINISTER I am aware of the hon the Deputy Minister's standpoint, but that is not what the question here is about [Interjections] I am not prepared to compromise myself on a matter that does not fall within the line functions of my portfolio [Interjections]

†Mr H D K VANDER MERWE Mr Speaker, further arising out of the hon the Minister's reply, I should like to ask him whether he is ashamed of his party's policy [Interjections]

Cape Peninsula: unrest-related deaths

*4 Mr P G SOAL asked the Minister of Law and Order

How many persons died in the Cape Peninsula as a result of unrest on or about 6 September 1989? *Heussel* 19/6/90

B1251E

†The MINISTER OF LAW AND ORDER

In total 18 unnatural deaths were reported to the South African Police on 6, 7 and 8 September 1989. In 10 of these deaths it could be ascertained beyond doubt that the persons died as result of unrest

In the remaining 8 instances, inquests and criminal trials must still be held. The causes of these deaths will only then be ascertained beyond doubt

HSRC views on reform initiatives

*5 Dr F H PAUW asked the Minister of National Education

Heussel (1) Whether the Human Sciences Research Council (HSRC) does ongoing research on the public's views on the Government

HOUSE OF ASSEMBLY

reform initiatives, if so, at whose cost is this research done, *Heussel*

- (2) whether it is the policy of the HSRC to grant all inhabitants of the Republic optimal access to available information, if so,
- (3) whether all applicable information pertaining to the above-mentioned research will be made available to political parties represented in Parliament, if not, why not, if so, (a) to which political parties and (b) when? *Heussel* 19/6/90

B1255E

†The MINISTER OF NATIONAL EDUCATION

- (1) Yes. The HSRC undertakes ongoing research concerning socio-political trends, including the Government's reform initiatives. Research is funded by the HSRC as well as clients
- (2) Yes, but where applicable with the approval of clients
- (3) Yes, but where applicable with the approval of clients

- (a) All political parties
- (b) As soon as arrangements in this regard can be made

Lithuania/USSR diplomatic/trade relations

*6 Mr A GERBER asked the Minister of Foreign Affairs *Heussel* 19/6/90

Whether the Government will consider establishing diplomatic and/or trade relations with (a) Lithuania and (b) the Union of Socialist Soviet Republics (USSR), if not, why not, if so, when? *Heussel*

B1258A

†The DEPUTY MINISTER OF FOREIGN AFFAIRS

The hon member's question is definitely of current interest. The subjects raised by the Hon Member are delicate and are receiving attention. As soon as any new developments take place announcements will be made in this regard

Mamelodi business partners disappearance

*7 Mr D J DALLING asked the Minister of Law and Order *Heussel* 19/6/90

- (1) Whether the South African Police have

conducted an investigation into the disappearance in July 1987 of two Mamelodi business partners, whose names have been furnished to the Police for the purpose of the Minister's reply, if so, (a) when, (b) with what result and (c) what are the names of these persons,

- (2) whether the Police received any reports or evidence to suggest that either of these persons had been kidnapped, if so, (a) what reports or evidence and (b) what action was taken as a result,
- (3) whether either of these persons had been arrested or detained by the Police shortly before their disappearance, if so, (a) (i) when, (ii) why and (iii) on whose instructions were they arrested or detained and (b) when were they released? *Heussel* 19/6/90

B1257E

The MINISTER OF LAW AND ORDER

- (1) and (2)

The alleged kidnapping of the two persons concerned on 15 July 1987 was reported at the South African Police, Mamelodi. Since then the investigation of the case has continued unabated

- (3) No
- (a) and (b) Fall away

Certain advocate appointment as judge

*8 Adv C D DE JAGER asked the Minister of Justice *Heussel* 19/6/90

- (1) Whether he approached a certain advocate, whose name has been furnished to the Minister's Department for the purpose of his reply, with a view to appointment as a judge in the Republic of South Africa, if so, *AS2*
- (2) whether he will furnish the name of the advocate concerned to the House, if not, why not, if so, what is his name,
- (3) whether this advocate requested extension to be granted to him so that he could first consult a certain political leader, if so,
- (4) whether he will make known the name of this political leader, if not, why not, if so, what is his name

- (5) whether the advocate concerned has furnished a reply to him, if so, what was the purport of the reply? *Heussel* 19/6/90

B1286E

†The MINISTER OF JUSTICE

AS2

The State President may in terms of section 10(1)(a) of the Supreme Court Act, 1959 (Act 59 of 1959), appoint fit and proper persons as judges of the Republic of South Africa

Negotiations which may take place prior to a possible appointment do not always come to my notice. These as well as negotiations of which I am aware, are regarded as confidential and I will continue to regard it as such. I therefore do not find it proper to comment on the hon member's question. He is his party's chief spokesman on justice, however, and I should be glad to discuss the matter with him privately

An Hung vandalism

*9 Mr R J LORIMER asked the Minister of Law and Order

Whether any investigations are in progress or have taken place with regard to alleged incidents of vandalism in connection with and theft from the Taiwanese trawler *An Hung* that was wrecked off the South Cape coast in May 1990, if so, what are the relevant details, if not, why not? *Heussel*

B1291E

The MINISTER OF LAW AND ORDER

Yes

Two charges in terms of the Merchant Shipping Act, 1951 (Act 57 of 1951) are being investigated by the South African Police at Napier, namely

The contravention of section 296 — looting a stranded ship, and

the contravention of section 299 — boarding a ship without the permission of the salvage officer

Mr R J LORIMER Mr Speaker, arising out of the hon the Minister's reply, can he tell us whether any of the stolen goods have been recovered?

The MINISTER Mr Speaker, unfortunately I do not have this information. I promise to investigate and inform the hon member

HOUSE OF ASSEMBLY

POLICE chief of scientific technical services Lt Gen Lothar Neethling yesterday dismissed as "blatant fabrications" allegations by former security branch officer Capt Dirk Coetzee that he provided poison for security police operations

Testifying before the Harms Commission, Neethling denied supplying thallium to the security branch in Port Elizabeth for the poisoning of former detainee Siphowe Maxwell Mminkulu, who disappeared in 1982 shortly after filing for damages of R150 000 against the SAP

On his release from detention, Mminkulu was admitted to Livingstone Hospital and then transferred to Groote Schuur Hospital, Cape Town, where tests showed he had suffered from thallium poisoning

Neethling described thallium as a widely used rat poison in the '30s and '40s, which was also popular with people who committed suicide or murder by poisoning. He told the commission that, with the

General denies poisoning ANC's whisky

LINDEN BIRNS

correct dosage, the poison could kill a person within three days

Neethling denied injecting poison into a whisky bottle which was sent to the ANC in Maputo, but conceded it was possible to puncture the cap with a micro-syringe without breaking the seal

Neethling said Coetzee's description of both his (Neethling's) office and house were full of flaws, adding that Coetzee must have based his description of the house on footage from the UK television investigative programme Dispatches.

He denied ever meeting Coetzee, but said it was possible Coetzee had visited his office when Coetzee was attached to the SA Narcotics Bureau (SANAB)

Neethling also denied making and supplying "knock-out drops" to Coetzee or other security branch members and attributed Coetzee's allegations of a "truth-drug" to myths and legends

Greenpoint DP MP Tiaan van der Merwe's affidavit was among several handed to the commission yesterday.

Van der Merwe said during a meeting with Coetzee in 1988, the former policeman admitted to involvement in murders and body burning

"I can remember well how he referred to the Ruth First incident as well as that of Marius Schoon's wife and child, and that they were murdered by or on orders from elements within the security police," he said in his affidavit. Sapa reports the ANC's role in political-

ly motivated violence is to come under the spotlight during today's sitting

The SAP's acknowledged expert on the ANC, Maj-Gen Herman Stadler, is to present evidence to the commission on alleged ANC involvement in bomb and other attacks.

The ANC has so far submitted only one statement to the commission in which it denied any involvement in the stabbing of anti-apartheid Durban lawyer Griffiths Mxenge in November 1981.

The statement, signed by ANC general-secretary Alfred Nzo, also denied the organisation was aware that Mxenge had misappropriated ANC funds — a theory put forward by police investigating the murder.

... have also been raised. ... registered nurses and more than ... 44% for for ... 79 ... 000 08 ...

Study

19/6/90

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Lawyer ordered to leave DET office

By Janet Heard,
Education Reporter

The legal representative for the seven parents who have embarked on a liquid diet and are "sitting-in" at the Department of Education and Training (DET) offices was ordered to leave the premises yesterday afternoon

Lawyer Kuben Pillay said DET regional director Peet Struwig gave him 10 minutes to consult his clients before he was told to leave the building and not return

Eviction

He was informing the parents that an eviction order would be brought against them today at 2 pm in the Rand Supreme Court on behalf of the Minister of Education and Development Aid, Stoffel van der Merwe

The parents, who are demanding textbooks for schools, enter their eighth day in the DET building in Braamfontein today.

It is expected that they will not defy a court order

In another development yesterday, Dr Rafik Bismilla, the general secretary of the South African Health Workers' Congress (Sahwco), forced his way past DET security guards and caught the lift to the eighth floor where he locked himself in the conference room with his patients

He forced his way through after security guards informed him that he

would not be able to examine the parents again

By late last night Dr Bismilla had not come out of the building and a Sahwco spokesman, Aslam Dasoo, said he intended to remain with the parents to ensure they received medical attention

Mr Pillay said Dr Bismilla found the announcement of an end to contact with his patients "incompatible from a health standpoint, and therefore he forced his way into the building"

White parents of Woodmead School near Johannesburg are among the growing number of people who have pledged support for the parents

At lunchtime yesterday, six parents from Woodmead and the principal of St Ansgar's College, C L Mahlaba, visited the DET offices and after an hour-long wait handed a letter for the attention of Mr Struwig to a DET official

Their arrival coincided with a gathering of about 1 000 people who stood in front of the building and sang freedom songs in support of the parents

Sapa reports that the Congress of South African Students has urged principals to return to schools and continue their efforts to ensure textbooks were delivered

● The call for children and teachers to forego the June holidays and attend classes in Soweto appears to have been relatively successful

All the schools The Star contacted yesterday reported between 90 and 99 percent pupil attendance

In a few cases the telephone was not answered

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Shootings: officer accused

By Mckeed Kotlolo,
Pretoria Bureau

A commission of inquiry was told yesterday that Captain Hermanus Arnoldus le Roux was responsible for the deaths of three of the 12 Mamelodi residents killed when police fired on protesters on November 21 1985

Counsel for the families, Maurice Basslian, told the inquiry that Captain le Roux was directly linked to the deaths of Paul Mavimbela, Moses Motsei and Thoko Malaza

Mr Basslian said in his evidence that Captain le Roux had contradicted himself on numerous occasions His evidence also conflicted with that of other witnesses.

"Le Roux knew that he was going to kill Mavimbela and Motsei when he fired at them," he said

Negligence

He added that the captain was the only one who came forward to say he fired live ammunition

"He deliberately fired at Ms Malaza, alternatively he fired through negligence," he said

Advocate A C Le Roux for the police said that the former chief of the Riot Unit, Brigadier Hertzog Lerm, could not be charged with manslaughter as submitted by Mr Basslian

Advocate le Roux said that according to Mr Basslian, Captain le Roux and his colleague, Constable Eugene Halliday, who conceded he killed Jerry Ngwatle, were plain murderers because they had killed for no reason

He said Mr Basslian had given no explanation how the rest of the people were killed

He said it was most unlikely that Constable Halliday had killed Ngwatle for no apparent reason as claimed by witnesses

Gangster gets death for fatal shooting

By Cathy Stagg

A man who committed seven crimes in two days was yesterday sentenced to death for the murder of an Alberton man, as well as an effective 24 years' imprisonment.

Passing sentence Mr Justice M S Stegman said Bostella Sithebe (25) was one of a gang of men who robbed Willie Hancke of his Nissan Skyline in Linden, Johannesburg, on March 18 last year.

An hour later three gang members armed with firearms robbed Johanna van der Merwe, of Raceview, Alberton, of her Ford XR6.

Rian Lotz (27), Mrs van der Merwe's neighbour, intervened and was fatally shot in the head.

The judge and his two assessors came to the unanimous decision that there were no extenuating circumstances.

The judge described the gang as "alert and capable criminals" and referred to Sithebe's many previous convictions.

Steg 20/6/90
The court also found that on March 20 last year the gang held up tellers and customers at First National Bank's Elandsfontein, Germiston, branch. They took R38 000 and one of the robbers stabbed Johannes Motloutse, who was on duty behind the inquiries counter. A customer, Michael Galloway, was robbed of his watch and wedding ring.

Forty-five minutes later, two women tellers at Trust Bank, Elandsfontein, were each held up by two gang members. About R19 000 was taken. Charmaine Niewenhuizen was hit in the face with a revolver.

The judge allowed the two 10-year sentences for the robberies with aggravating circumstances on March 18 to run concurrently. Sentences for the three robberies committed on March 20 were combined so that the effective total was 12 years.

The judge also sentenced Sithebe to two years' jail for the unlawful possession of a firearm.

State withdraws Group Areas cases

By Julienne du Toit
and Celeste Louw

All cases in the Johannesburg Magistrate's Court involving Group Areas Act contraventions were withdrawn yesterday

The State withdrew charges against 30 people in 11 separate cases. In the 12th case prosecution was suspended.

No reasons were given by the court.

The alleged offences occurred in areas including Berea, Homestead Park, Mayfair West and Malvern.

Trevor Bailey of the Legal Resources Centre said in a statement that the decision was a victory for common sense.

"Given the State President's remarks to overseas media regarding the repeal of the Group Areas Act, we are optimistic that we have seen the last of prosecutions of this kind," Mr Bailey said.

Yesterday, Transvaal Attorney-General Klaus von Lieres said legal, not political, reasons led to the dropping of the charges.

Mr von Lieres said because one of the parties would be con-

testing the validity of the proclamation making Mayfair a white area in the Supreme Court, it would be "a bit stupid" to carry on.

He added it was not his place to make political statements by dropping charges. There were no plans he was aware of to cease prosecuting people contravening the Act.

The people involved have welcomed the move — which they see as a political one.

Not optimistic

Most of the 32 people involved have been facing charges for over a year. They are from Turffontein, Homestead Park, Berea, Mayfair West and Malvern.

Cas Coovadia, spokesman for Actstop, said he was happy the burden had been lifted from the families involved, but the dropping of the cases did not make him optimistic.

"The legislation is still on the statute books and creates an opportunity for right-wing bureaucrats to harass and intimidate families like this."

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Star
20/6/90

Weekblad trial to be behind closed doors

By Celeste Louw

The trial of Vrye Weekblad editor Max du Preez on two charges under the Protection of Information Act is to be held in camera, a Johannesburg Regional Court magistrate ruled yesterday.

The magistrate, Mr H la Grange, said he had to rely on the State's argument that sensitive, secret evidence would be heard. If the public and the press were present, the information would become public knowledge, the court found.

The publishers of Vrye Weekblad, Wending Pub-

likasies, and Mr du Preez allegedly contravened the Act by publishing a report on February 2 about alleged ties between the Institute of Soviet Studies at the University of Stellenbosch and the National Intelligence Service.

The report suggested that the institute had approached the NIS to serve as a front to obtain information on the ANC and SA Communist Party.

The State alleges that a document obtained by the newspaper was published unlawfully.

Terror trial told of blasts

St-20/6/90

Own Correspondent

A municipal policeman told a Johannesburg regional court yesterday of four explosions at the home of a Soweto City Councillor, Violet Phetjalema, in February 1987 while he was on duty guarding the house.

The policeman, Thulane Mangele, was giving evidence in the trial of two Soweto men, Samuel Padi (20) and Bhekani Myeza (24). They pleaded not guilty to terrorism, four counts of attempted murder and six of illegal possession of explosives, firearms, and ammunition.

Padi and Myeza are accused of attempting to murder 21 people in four grenade attacks on houses in Soweto between December 1986 and February 1987.

Mangele said on the third night he was guarding the councillor's house with another policeman when the house was rocked by four explosions.

A woman, who said she was 15 at the time of the explosions, said she was injured on the thigh, arms and back.

The hearing continues.

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SA to get own 'Fraud Office'

Political Staff

CAPE TOWN — Steps to deal with "white collar" crimes — especially fraud and theft cases involving financial and transactions — were announced by Minister of Justice Kobie Coetsee yesterday.

He told the President's Council that the Government was serious about fighting corruption.

During the investigations of the Harms Commission into alleged irregularities across the country's borders, the need had emerged for an effective way to deal with serious economic crimes.

There had recently been an unheard-of increase in "white collar" crimes.

Speedy action

Mr Coetsee said legislation was being considered to address this need.

Provision could be made for a body of experts and legal people to act swiftly to protect the legal and financial interests of South Africa and its people.

Such a body would not only ensure that economic offences were dealt with speedily, but it was envisaged that it would eliminate unnecessary duplication of investigative work.

There were similar bodies in some Western countries — including one in Britain which was known as the Serious Fraud Office.

68 held in swoop on people's court

Alexandra Civic Association publicity secretary Obed Bapela and 67 others were arrested and briefly held on Monday night following information received by the police that a "people's court" was being held.

Mr Bapela denied they had been conducting a court. Instead, he said, he had been addressing a meeting of 17th Avenue block representatives about a meeting on Tuesday regarding ANC recruitment.

"The police invaded our meeting held in a church in 17th Avenue. They told us not to panic and they were there to see if a 'people's court' was being held," said Mr Bapela.

The police had taken the names of people at the meeting and confiscated two notebooks containing minutes of previous meetings.

"In some of the minutes there were references to cases resolved by the people's court," he admitted, but added these cases had involved theft and assault and had not been punished by lashing or physical abuse.

"We have already condemned the people's courts. In a conference held in May we appealed to the people not to hold these sessions.

Police, who said documents found at the meeting indicated it was a people's court, were still investigating — Sapa

OK's legal action against union condemned

Staff Reporter
20/6/90

The union representing OK Bazaars workers has condemned legal action against it by the company as inappropriate and "complicating a volatile situation".

The company has served Supreme Court interdicts against the South

African Commercial, Catering and Allied Workers Union (Saccawu) at two stores and is threatening to do so at eight other stores.

An interdict was issued for Edenvale Hyperama yesterday and one for the Eastgate branch on Friday.

OK Bazaars industrial relations spokesman Gavin Brown said he agreed the moves might seem "inappropriate" but said they were necessary as the union "does not respect the rights of black shoppers and non-strikers".

He confirmed that

about 120 stores were affected.

Thousands of the strikers plan to march through the Johannesburg city centre today, according to union spokesman Jeremy Daphne.

Saccawu marched in Durban and Cape Town last week.

Bomb attack on home of councillor recalled



A MUNICIPAL policeman told a Johannesburg regional court yesterday of four explosions at the home of a Soweto City Councillor, Mrs Violet Phetjalema, in February 1987 while he was on duty guarding the house.

The policeman, Mr Thulane Mangele, was giving evidence in the trial of two Soweto men, Samuel Tumi Padi (20) and Bhekani Wycliff Myeza (24) charged with terrorism.

The accused men both pleaded not guilty before Mr H J Le Grange on a charge of terrorism, four counts of attempted mur-

By SONTI MASEKO

der and six of illegal possession of explosives, firearms, and ammunition.

Padi and Myeza are accused of attempting to murder 21 people in four handgrenade attacks on houses in Soweto between December 1986 and February 1987 1986 and February 1987

Explosion

Mangele said on the third night he was guarding the councillor's house with another policeman, Alfred Cengimbo, when the house was rocked by four explosions, each going off one after another

He was injured on his left foot and had to be taken to hospital.

People inside the house were not hurt. A young woman, who said she was 15 years old at the time of the explosions, told the court she was injured on the thigh, arms and her back

The woman said she had been watching TV in a Meadowlands home when she looked outside the kitchen window and saw a man lifting up his arm as if he were throwing an object in the direction of the house.

She said she could not make out the face of the man.

The trial continues.

Soweto 20/6/90

Conscientious objector leaves court a free man

B/D 20/6/90 WILSON ZWANE

CONSCIENTIOUS objector David Bruce walked away a free man yesterday after an "appropriate sentence" was imposed on him by the Johannesburg Magistrate's Court. "In Bruce's case, the appropriate sentence is 20 months, which he has already served," the presiding magistrate said.

Passing sentence, Magistrate P H Bredenkamp said he had considered the argument of Bruce's counsel, advocate Edwin Cameron's, that there was no point in jailing Bruce or suspending part of his sentence and that Bruce would be released by the Prisons Department in terms of its remission and parole policy. (252)

Testimony by Pretoria Central Prison social worker Lt Marthie Trollip and Karel du Toit of the Directorate of Manpower and Planning were also considered, Bredenkamp said.

Trollip testified that Bruce had behaved positively while in jail and had shown no criminal tendencies. Du Toit testified that military camps and the military service were reduced last year.

Bruce became the first conscientious objector to get a full six-year sentence when he was sentenced on July 25 1988 after Bredenkamp had found him guilty of contravening the Defence Act by refusing to serve in the SADF.

However, he was released from prison in April this year after the Appeal Court set aside his sentence and remitted the case to the lower courts for resentencing.

Ex-ANC operative denies kidnapping

LINDEN BIRNS (252)

FORMER Umkhonto we Sizwe (MK) Transvaal machinery commander "September" yesterday denied before the Harms Commission of Inquiry allegations that he was kidnapped, tortured and interrogated by the SAP before being persuaded to join the police. *11/04/2016/90*

September said he was sprung from Swazi police cells by ANC members who took him to the SA border near Houtkop, in the Eastern Transvaal. It was decided he should cross into SA, meet other cadres and establish an MK unit there.

He said while walking he felt hiding and diving from the security forces was not helping, so he handed himself over to Piet Retief police.

He admitted telling the police where and when his comrades would cross the border to join him, but said the first time he heard allegations that the SAP ambushed and shot them was during the 1988 trial of the sole survivor, Ebrahim.

September, a constable in the SAP, refused to testify under his real identity for fear of ANC reprisal.

Former security police chief Major Gen Herman Stadler's evidence alleging the ANC committed crimes in SA might only be led on Friday.

This follows a provisional ruling by Mr Justice Louis Harms, who yesterday gave the ANC legal team until Friday to draw up a memorandum in response to Stadler's 56-page affidavit and 20-volume annexure. The hearing continues.



Free at last! . . . David Bruce, sentenced to six years in prison for refusing to serve in the SADF, had his sentence reduced in Johannesburg Magistrate's Court yesterday to 20 months. The new sentence was made retrospective. Bruce had already served 20 months and left the court a free man.

Picture by Herbert Mabuza.

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Bruce walks free after sentencing

By Celeste Louw

Conscientious objector David Bruce was released from jail by a magistrate in the Johannesburg Magistrate's Court yesterday.

Although Mr Bruce was re-sentenced to 20 months' jail yesterday by the same magistrate who initially sentenced him to six years in 1988 for refusing to render service in the SADF, he will not return to jail.

The magistrate, P Bredenkamp, imposed the 20-month sentence with retrospective force. Mr Bruce has already served 20 months of his original six-year sentence.

Overjoyed

Mr Bruce's case was referred back to the magistrate's court when an appeal against the six-year sentence was upheld by the Appellate Division earlier this year. It was found that the Defence Act did not prescribe a mandatory sentence for objectors.

At that stage, Mr Bruce had already served 20 months of his sentence.

The court also heard that Mr Bruce was about to be released on parole when his appeal came through.

The State President granted Mr

Bruce \$6 months off his sentence and he was also entitled to one third off because he was a first offender, the court was told.

Mr Bruce's family and friends were overjoyed as he walked out of the Johannesburg Magistrate's Court a free man.

He said: "It was the best possible outcome my lawyers were hoping for. I am very happy."

"For me it is all over. It is part of my life. I can just look forward to the rest of it," he said.

Ursula Bruce, David's mother, said her son and other conscientious objectors should not have been sentenced to prison in the first place.

"They should be given an option of community service."

"Not everyone wishes to serve his or her community by wielding a gun," she said.

The End Conscription Campaign (ECC), Conscientious Objector Support Group (COSG) and David Bruce Support Group have all tentatively welcomed the sentence.

"We welcome Magistrate Bredenkamp's decision to set David free, but we call on the State to seriously review the whole-system of conscription," a statement said.

Police shot at car 15 times by mistake

Own Correspondent

DURBAN — A Durban businessman and his wife were shot at 15 times yesterday by two policemen who thought their Mercedes Benz car was stolen.

Police have opened attempted murder dockets

Mr Deryck Willans said today he and his wife were driving home from a party when a car

with bright lights drew up behind them in Blair Athol Road, near Clermont, at about 1 am

Several shots were fired at his luxury car. Four bullets bounced off the windscreen

Mr Willans said when he realised it was the police, he pulled off to the side of the road. A policeman armed with a gun rushed to him and told him the car had been reported stolen

Mr Willans said damage to his car was estimated at R6 000

"I have instructed my lawyer to sue the police for damages. In fact, I believe the two policemen should be suspended until this issue has been cleared up. You just don't start shooting at people

Lieutenant Bala Naidoo, spokesman for Port Natal police, said that two policemen

were keeping observation in Blair Athol Road when they saw the car go past them

They checked the registration number with radio control and were told it belonged to a car which had been reported stolen

"The policemen gave chase for about 3 km and flashed their headlights to ask the driver to pull off. When he refused, shots were fired," he said



About 1 500 OK Bazaars strikers sang and danced their way through central Johannesburg yesterday in a protest march which ended at the company's Eloff Street head office.

● Picture by Ken Oosterbroek.

Court orders, petrol bomb in OK strike

The OK Bazaars strike yesterday took several dramatic turns as the company obtained court orders against strikers at two of its branches, applied for urgent interdicts against strikers at nine other branches and a large crowd of strikers marched through Johannesburg

In addition, 13 workers were arrested, eight at Phalaborwa, two in Vereeniging and two in Pretoria, bringing to 166 the number of workers arrested since the start of the strike last week Monday, according to a statement issued by SA Commercial, Catering and Allied Workers' Union (Saccawu) spokesman Jeremy Daphne

The statement also said one striking worker's house in Pretoria was petrol-bombed, and police action was taken against workers in Durban, who allege they are being harassed by police at their homes

Growing

Mr Daphne added that numerous workers had been issued with notices to appear at management disciplinary inquiries. The union has told the company that any inquiries must be held after the strike

The union says support for the strike is growing. A total of 18 OK stores are now involved

In a list of demands handed to OK's head office in Johannesburg by Saccawu branch secretary Kaiser Thibedi following a march by about 4 000 workers, he called on the OK to "swallow their pride and be prepared to settle the dispute"

The demands included

- An across-the-board increase of R160,
 - A minimum wage of R800,
 - A 13th cheque, and
 - March 21 as a paid holiday.
- Sapa

NUM calls for inquiry into mining industry

Staff Reporter and Sapa

The National Union of Mineworkers (NUM) has called on the Government to launch a commission of inquiry to investigate the gold mining industry.

The NUM was deeply concerned at the current crisis in the industry which threatened the jobs of about 12 000 mine-workers, the union said in a statement

"At the base of the crisis lies the policy of economic mismanagement and serious lack of social responsibility towards miners," the statement said.

"It is our belief that the NUM, Government and mine-owners have a collective responsibility towards miners. Production of a commodity which has a fluctuating value like gold necessitates that the parties involved be highly conscious of the change of fortunes related to the market forces"

The NUM would explore all available avenues to ensure "that miners are not going to be dumped by mine bosses without struggle"

Only the nationalisation of mines under a people's democratic state would afford ade-

quate protection to mine-workers against the vagaries of gold and other mining-related problems

The NUM accused the Chamber of Mines in particular of stifling mining related industrial growth by imposing an "extractive economy"

"The result of this is lack of industries processing raw materials which would have provided thousands of jobs," the NUM said.

In a detailed analysis of the current crisis in gold divisions of mining, the NUM said the profit margin on gold was at its lowest point since 1956.

According to NUM, the major challenges ahead are inflation, falling ore grades, a complex tax system, the lack of investment funds and the need to develop new technology for ultra-deep mining

The six mining houses, Anglo American, Gold Fields, Gemmin, Rand Mines, Anglovaal and JCI, are only concerned for their own profitability and growth, said the NUM.

"We need a new way forward."

Legal aid insurance initiatives welcomed

21/6/90

Staff Reporter 252

Legal aid insurance, similar to medical aid insurance, is a concept welcomed in an editorial in the June issue of De Rebus, the Association of Law Societies (ALS) journal for attorneys.

The middle-income person is left out in the cold where legal fees insurance is concerned — earning too much to qualify for free legal services on the one hand and not earning enough to buy legal services for himself on the other.

The same problem in regard to the fees of the medical profession has been met by means of medical aid schemes, which provide medical fees insurance.

The analogous provision of legal fees insurance schemes is equally essential, the editorial says, welcoming initiatives presently being taken in the private sector to provide such insurance on a general basis and by organisations such as the A A.

Spies to be taken to task

Staff Reporter

A public meeting to condemn secret organisations such as the CCB and the Johannesburg City Council spy ring will be held next week

Conference organisers say the meeting will give the public a chance to show their opposition to secret and unaccountable "security" action

The speakers will be Gavin Evans, a target of the CCB; Jane Barrett, a city council target, David Dison, Brian Currin and Tony Leon

Mr Evans will give the background to the political situation which allowed the CCB to develop, and recount his contact with CCB agents

Mr Leon will talk on misuse of ratepayers' money and accountability in local government.

Mr Dison, a lawyer, will assess the Harms and Heimstra commissions.

The meeting is at 8 pm, Wednesday June 27, in St Luke's church hall, Orchards

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Top security cop denies shock torture

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21/6/90

CLAIMS that a security detainee had been tortured and assaulted were denied to the Harms Commission yesterday

Siphiwe Maxwell Mtimkulu - who has been missing for eight years - had made the claims in 1981 against police under the command of Lieutenant Colonel Hermanus du Plessis, who was then the head of Security Police in Port Elizabeth.

Commission chairman, Mr Justice Louis Harms, heard Du Plessis yesterday deny Mtimkulu had electric shocks administered to him or that he had been assaulted on numerous occasions at Jeffreys Bay police station

Paul Pretorius, for the Independent Board of Inquiry into Informal Repression, said Mtimkulu had complained after his detention of having been "rolled up in canvas and assaulted" and hit with a rubber pipe.

This was denied.

Mtimkulu disappeared in 1982 while going for medical treatment. The car in which he had been travelling was found burnt-out near the Lesotho-Transkei border.

Also in earlier evidence before the Commission - which is investigating alleged SAP hit squads - it has been alleged that Mtimkulu had not complained about his treatment at the hands of the police but had on his release.

He had medical tests at Livingstone Hospital in Port Elizabeth and at Groote Schuur Hospital in Cape Town where the tests had shown traces of Thallium in his body.

He had also told doctors he had been forced to stand for nine days continuously while under interrogation.



HARMS
PROBE
INTO
HIT
SQUADS

Proceeding

'Hanging Bill' criticised

South 21/6 - 27/6/90

THE Criminal Law Amendment Bill, which makes the death sentence compulsory instead of mandatory, has been slated as a "Hanging Bill"

Although the Bill introduces some reforms on the death penalty, human rights organisations believe it does not go far enough to reduce the number of legal killings on Death Row

South Africa has one of the highest execution rates in the world — higher than in all First World countries

Between 1911 and 1968, 2 323 executions were performed, an average of 40 a year. Between 1968 and 1988, 1 904

people were executed, an average of 95 a year

When President FW de Klerk announced a moratorium on executions on February 2, more than 300 people were awaiting their fate on Death Row

Introduced in April the new bill allows Supreme Court judges to use their discretion in deciding when to impose the death penalty

The Bill has come under sharp criticism from legal and human rights organisations

Mrs Paula McBride whose husband Robert is on Death Row, said prisoners there were unsure of their fate

"The tensions on Death Row have been quite high since February 2 as there has been a lot of insecurity about the future," said McBride.

"No one can explain to the prisoners what the implications of the new Bill are

"They could face a long period of review — and not knowing is very difficult."

Lawyers for Human Rights (LHR) has distributed an information sheet on the new Bill to the inmates on Death Row, believing that people directly affected should be informed.

The organisation welcomed the new Bill as an attempt to bring South Africa closer to international standards of human rights

They supported the extension of powers of the Appellate Division, saying this would prevent "hanging judges" from acting with impunity

"However, we regret the fact that there has been little change to the number of

crimes punishable by death and regard it as absurd that crimes such as attempted robbery with aggravating circumstances remain on the statute books as capital offences," LHR said in a statement

The Attorney General is given the right to appeal against sentences imposed by the lower courts which he considers either too lenient or too stringent.

People on whom the death penalty has been imposed will have an automatic right of appeal without first having to apply for leave to appeal. Notice of appeal should be filed within 21 days of the passing of sentence

The Minister of Justice will be empowered to step in and submit grounds for his doubt to the Appellate Division if he feels a conviction is incorrect or the decision of a judge to impose the death sentence is not proper

An accused under 18 years cannot be sentenced to death. The onus is placed on the state to ascertain the age of the accused if it is in doubt

If the Appellate Division confirms the death sentence and the convicted person does not petition the President for clemency, counsel will be appointed to do so on his or her behalf

People presently on Death Row who have exhausted all legal procedures for appeal and review will have their cases reviewed by a panel of retired judges appointed by the Minister of Justice

Life sentence is included in the Bill as a realistic option to the death sentence

Diary

"This should not only be a realistic option, it should be the only option," said Phyllis Naidoo, editor of "Death Row Diary"

"This way, we can have time to fix our mistakes and remedy them and not execute the condemned, in a state execution"

The Bill provides for amendments to the Prisons Act to establish the interests of society as a norm when considering the release of a Death Row prisoner

Regional Courts will be able to pass sentences of up to 15 years (they presently may do so up to 10 years). They will also be empowered to deal with murder cases when the death sentence is not in question

The new Bill is also criticised for making no provision about where those sentenced to death will be housed pending the appeal and review proceedings

Psychological

In recent years, people have spent months and sometimes years on Death Row under the shadow of the hangman's noose before being freed

People who have had their sentences commuted after a long stay on Death Row have often needed medical and psychological treatment to adjust to their changed circumstances

The Bill also leaves all the shortcomings of the pro deo system intact

It does not deal with the evils of detention preceding trials, confessions to magistrates, interpreters or indemnity granted to state witnesses who often are accessories to crimes

"The new Bill is a hanging bill," said Naidoo. "The government should go further than this Bill and abolish the death penalty"

"If the state is concerned about violence in South Africa it should look to its own violence first"

"You cannot show your abhorrence of murder by judicially murdering the offender despite the articulate legal jargon used to justify it, and the legal actors used in this exercise"

Media harassment continues unabated

South 21/6 - 27/6/90

AT least 10 incidents of harassment of journalists in the last few weeks are listed in a dossier compiled by the Association of Democratic Journalists (ADJ)

They include:

- A brutal assault on a journalist covering the Hiemstra Commission of Inquiry by rightwing elements,

- The sacking of an assistant editor of a university student publication over her satirical column, and

- The court appearance of a newspaper editor for publishing "sensitive material"

This week, the editor of Vrye Weekblad, Mr Max du Preez, appeared in court on two charges under the Protection of Information Act which prohibits the publication of "sensitive material"

The charges relate to information published in the magazine in February that the University of Stellenbosch had offered to act as a front for the National Intelligence Service to obtain information on the African National Congress, the South African Communist Party and the Soviet Union

On May 9, a SABC-TV journalist, Mr Johan Claassen, who covered the Hiemstra Commission of Inquiry into allegations of a spy department in the Johannesburg City Council was attacked by a masked man at his farm near Alberton. The man knocked him unconscious and tied him up

At May 28, the sports editor of the Sowetan, Mr Horatio Motjuwadi, failed to appear in court after falling ill. His

attorney was informed that Motjuwadi, detained the month before for 15 days under Section 29 of the Internal Security Act, would be charged under the Explosives Act

In other incidents of harassment, journalists covering the violence in Thabong township in the Orange Free States were caught in the crossfire after battles between township residents, rightwingers and police

The vehicles of at least two journalists were overturned by angry crowds who apparently, mistook their cars for police vehicles

On May 25, police confiscated film from a photographer covering the funeral of a former ANC member exile in Soweto

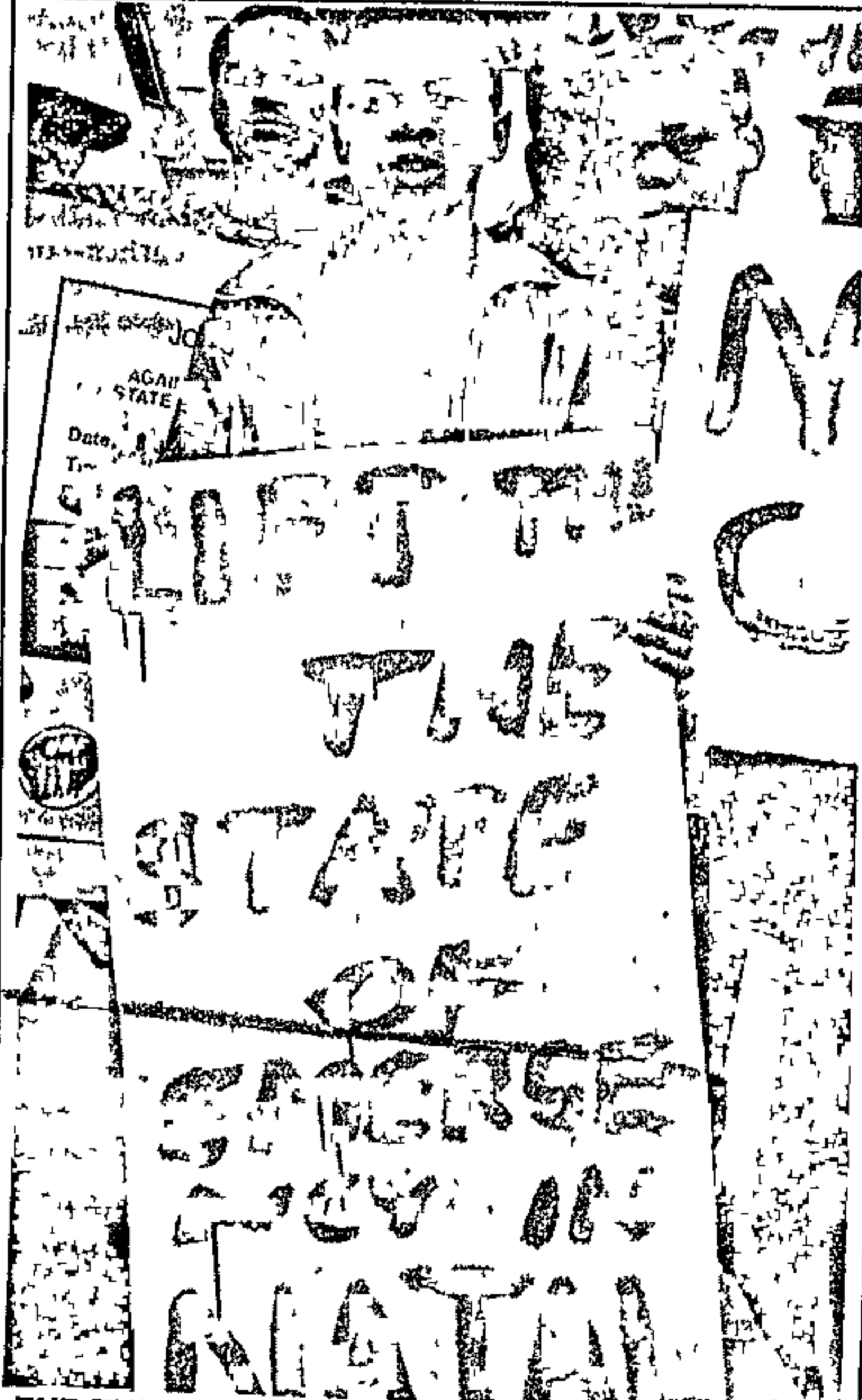
- The staff of an alternative newspaper in Durban say they have faced death threats, police harassment and legal action in their coverage of the Natal violence

The only alternative to Ilanga, a bi-weekly newspaper owned by Inkatha, in the Zulu-language market in Natal

Editor Mr Cyril Madlala received a phone call last week from a man who said a bomb had been rigged under his car. The caller disconnected after Madlala joked he was expert at detonating bombs

An unknown gunman earlier shot at the Umlazi home of news editor, Mr Chris Hlongwa.

Hlongwa has been subpoenaed by the defence lawyers for KwaZulu deputy cabinet minister Mr Samuel Jamile, on trial for 15 counts of murder attempted murder and incitement to murder



END THE EMERGENCY. Youths in Cape Town protest against the continuing the state of emergency in Natal

Spy ring: top officials slated

By Kitt Katzin and
Steve McQuillan

Top officials of Johannesburg City Council have been roundly condemned for their role in operating a sinister municipal spy ring

Advocates leading evidence for the Hiemstra Commission describe the spy operation as an illegal political frolic calculated to further the aims of the National Party, which ruled the council at the time

The commission was set up to investigate The Star's revelations of a spy network in the security department

Commission chairman Mr Justice Hiemstra is expected to present his findings to the Administrator of the Transvaal, Danie Hough, next month

In concluding argument by Denis Fine, SC, and Lötter Wepener, those answerable for unlawful conduct were named as Manie Venter, the town clerk, John Pearce, director of public safety, Brigadier Jan Visser, a director of the security department, and Frederick "Frik" Barnard, head of the monitoring section, and all other officials involved

Legal teams representing these

officials have challenged the substance of this argument, saying the officials' actions were understandable and justified

Mr Fine and Mr Wepener, in presenting their argument, said it was clear the spy operation was originally set up by a "elitist clique" specifically selected to target lawfully constituted political organisations, registered trade unions and individuals

In the clique were Mr Venter, Mr Pearce, the late Danie van Zyl, former chairman of the management committee, and Brigadier Visser, who were members of a special security committee set up in September 1986

No justification

In a 220-page argument delivered today to the commission chairman, Mr Fine and Mr Wepener concluded that there could be no justification, civilly or criminally, for the covert spying activities, which cost ratepayers at least R1,8 million

The advocates said that the officials' sinister activities, which included drawing up secret profiles of citizens and the monitoring of individuals, were actionable in law

They include that the spy operation amounted to an invasion of privacy because, in their view, there did not appear to be any over-riding legislation that legitimised the unlawful activities of the security department

Neither was there any authorisation by the city council management committee to pay informants for spying

This argument was supported by Nic van der Walt, representing the city council

While the council adopted a neutral approach at the commission, by neither attacking individuals nor trying to excuse or explain their actions, it was clear that the infiltration of organisations and payment of informers were not approved by the management committee, said Mr van der Walt

He said if any actions were unlawful, those responsible were limited to Mr Venter and members of the security department

Schalk Burger, SC, Solly van Nieuwenhuizen, for Mr Venter, Mr Pearce, Brigadier Visser and Mr Barnard, defended their clients in the face of the central allegations made by the commission's advocates and others

● To Page 2

252 22/6/90 Spy ring: top men slated

● From Page 1

In the case of Mr Venter they said little of his time had been devoted to the security department and it was clear he was not kept informed about the affairs of that department

Mr Venter was not part of an initial decision to infiltrate the Five Freedoms Forum (FFF) and the End Conscription Campaign (ECC)

In the case of Mr Pearce, his legal team argued, he was never consciously a party to the decision to infiltrate political organisations and rejected criticism that he, Mr Pearce, had given deliberately vague and improbable evidence

Infiltration

"To expect that Mr Pearce had to be fully appraised of all the facts whenever the infiltration of an organisation was considered would be wrong

"To accuse him of a gross dereliction of duty in circumstances where he was constantly assured that organisations were infiltrated in the interests of the city council is unfair"

In the case of Brigadier Visser, his legal team said that he was not a member of a so-called "elitist clique" that had allegedly been selected to target political organisations

Although Brigadier Visser served on the security committee, this was not his decision. He had believed this decision had been authorised at the highest level

In the case of Mr Barnard, his legal team said that he was not influenced by political considerations in deciding to monitor the ECC, and he was not misled by the perception that the ECC or the FFF were necessarily radical organisations

In their summation, Mr Fine and Mr Wepener said

● The payment to spies was a direct and flagrant contravention of the Local Government Ordinance and of the Security, Intelligence and State Security Council Act

● The infiltration of organisations was a civil and criminal wrong

● There was no credible evidence to suggest that the people who initiated the system could have reasonably believed they were acting lawfully

● The use of bugging devices was obviously "part and parcel" of the system of information

The Hiemstra Commission



gathering and was a criminal and civil wrong

● Political considerations were "the order of the day" and targets were chosen because of the perception that they were left-wing organisations that operated against the National Party

● Even the basis on which informants were paid was abused "We have seen countless occurrences of payments being sanctioned under a non-existent Act and under the pretence that this had something to do with the preservation of the council's assets, property and personnel"

● The spy system was aimed at invading the privacy of organisations and individuals. Seen in the scheme of things, the operation did not advance the interests of the council

● The claim by Mr Pearce that other municipalities also conducted spy rings was a gratuitous statement without factual foundation

● Vast sums of ratepayers' money was spent on maintaining the spy network, far beyond the "princely sum" of R17 000 suggested by Mr Venter when he commented on The Star's disclosures

'Pass the buck'

● Financial checks and counter balances to ensure the system was not abused were lackadaisical and undesirable

● Attempts were made to "pass the buck", but the ultimate responsibility for the unlawful conduct of the security department rested with those responsible for the establishment of a covert monitoring system

● The suggestion by spymasters that their activities were justified in the face of the "total onslaught" theory had to be rejected as a deliberate improvisation

● It was doubtful that all relevant documents had been handed in and this made the commission's task even more difficult

Mr Fine and Mr Wepener said the officials behind the spy ring had demonstrated how dangerous it was to implement a system that gave them the unlettered right to embark upon clandestine activities, invade the rights of individuals, report on their activities and make value judgments on their fate and destiny

● More reports on Page 9

Probe on activists' killings

THE United Democratic Front yesterday appointed Lawyers for Human Rights to investigate the alleged involvement of police and Askari members in the violence that has claimed the lives of three political activists at Oukasie, Brits.

Members of the executive committee of the Pretoria region of the UDF, who included Dr Abie Nkomo, Mr Ronnie Mamoepa and Mr Moss Chikane, announced at a Press conference that the independent commission of inquiry followed the mysterious death of ANC member Mr Abel Molokoane (35).

Molokoane's bullet-riddled body was found on June 10 on a road between Oukasie and Letlhabile.

Hiding

A spokesman for the police in Brits said yesterday they were investigating the murder.

He added that police were searching for suspects who were known to them and were apparently hiding in Bophuthatswana.

Mamoepa, who is also publicity secretary of the UDF (southern Transvaal), said Molokoane was murdered shortly after he had established that he was on a hit squad list. *Sowetan 22/6/90*

Mr Brian Currin, national director of the LHR said they had already collected affidavits from certain witnesses regarding the violence at Oukasie.

He and two other lawyers are likely to start their investigations on Monday.

They will also investigate the death of Mr Marshall Buys and Mrs Modimong, whose house was damaged by an explosion.

There are allegations

By MONK NKOMO

that an Askari member who is presently linked to the Harms Commission is involved in the perpetration of violence in

Oukasie," said Currin.

Molokoane will be buried at Oukasie tomorrow at 2pm. The service will be at the Roman Catholic Church from 10am

By JACQUI SEGAL

POWER corrupts, and absolute power corrupts absolutely, human rights lawyers will tell the Hemstra Commission when it resumes for final argument today.

They will argue that an "elitist clique" of council officials — town clerk Mamie Venter, security chief John Pearce, former management committee chairman Dante van Zyl and former chief of security Brigadier Jan Visser — created a clandestine spy network in September 1986 which operated to further the aims of the National Party.

The lawyers will demand that the council spymasters be held accountable for their actions. These included the infiltration of organisations such as Five Freedoms Forum and the End Conscription Campaign, spying on individuals such

Hemstra: the moment of reckoning

March 22/1990

as murdered Wis academic David Webster, attacks on trade union officials, obnoxious house plans and using bugging devices

Commission chairman Mr Justice VG Hemstra will be told that huge amounts of taxpayer's money was abused by the security department in its covert operations.

Amid intimidation, the destruction of documentation and the unreliability and evasiveness of witnesses emerged the scenario of powerful security officials, operating unfettered, and abusing taxpayer's money to gather information in a covert manner through a system of paid informers.

It will be argued that the department had a close relationship with the South African Defence Force and Military Intelligence. The inference that can be drawn is that the information was used to further the aims of the National Party.

The legal team, representing the David Webster Trust and Five Freedoms Forum, will say that

● Venter was responsible for establishing the system of paid informers. It appears, from his evidence, that he did not really know what was going on in his department. He had complete trust in his colleagues, and on their request authorised the payment of money. In his evidence he attempted to "pass the buck",

and the blame to Pearce, Visser and spy-master Erik Barnard. Even if this is plausible, it will be argued that ultimate responsibility for the wrongful and unlawful conduct must lie with Venter as he was responsible for the setting up of the department and the establishment of the covert system.

● Pearce was the prime motivator in establishing the system of paid informers. He was well aware of the activities in his department, and if he was not so aware, he nevertheless signed documents authorising the activities of the department. He placed trust in Visser and relied on him. He must be held responsible for the system he created.

● Visser was added to the "clique" on the advice of Pearce, he had close connections with the SADF and national security. He was a staunch supporter of the National Party. Visser also authorised payment for activities of which he had no knowledge.

It was in this atmosphere of paranoia and confusion, it will be argued, that paid operatives such as Martin Henning, Anthony Bennett, Tony Naudé, John Eggarct where able to benefit and "hide the gravy train". Viewed in its totality, the evidence does not disclose any single event which in the scheme of things, advanced the interests of the council. Rather, it will be concluded, the conduct of the spying was wrongful and unlawful, there can be no justification either criminally or civilly for its covert activities. They must be held responsible.

New information ⁽²⁵²⁾ on Ribeiro killings

W/Maf 22/6/90
PRETORIA — Officials of the Harms Commission investigating political murders have submitted new information to the police concerning the murder in Mamelodi of Dr Louis Ribeiro and his wife, Florence.

Speaking at a press briefing yesterday, Free State attorney-general Tim McNally, who is leading evidence for the commission, said the information should not be regarded "as a breakthrough" but might help police in their investigations into the December 1987 murder of the doctor and his wife.

Another docket concerning another of the 71 political murders the commission is investigating has also been passed on to the police, he added.

The commission, established in February this year, will forward the necessary dockets to various attorneys-general around the country once the chairman and sole member Mr Justice Louis Harms releases his findings to State President F W de Klerk.

McNally said the findings would be released as interim reports as Mr Justice Harms deals with the various aspects the commission has covered.

He did not think the findings would take as long to be released as those of the Margo Commission into the Helmutberg air disaster in which 159 people were killed.

The SAA Boeing 727 Combi crashed into the sea off Mauritius in November 1987 and the commission chairman Mr Justice Cecil Margo released his findings last week.

The Harms Commission is to finish hearing oral evidence on Friday and argument is to start at the beginning of August.

Argument on the work of the SADF's clandestine Civil Cooperation Bureau (CCB) is to be heard first and then attention will focus on the possibility of a SA Police hit squad as alleged by former security police captain Dirk Coetzee and denied by most serving police officers who testified to the commission. — Sapa

Media 'played positive role role in Harms Commission'

WMail 22/6/90

252

THE media had played a positive role in the Harms Commission investigating political murders, Free State attorney-general Tim McNally, leading evidence for the commission, said yesterday.

Despite some criticism of the press during the 17-week sitting of the commission, where certain reports were said to be inaccurate, the media had helped bring the workings of the commission to the attention of the public, Mr McNally told a media briefing in Pretoria.

It was because of this that a number of people who initially thought they had nothing to contribute had come forward with evidence to the commission under the chairmanship of Mr Justice Louis Harms.

During the commission's 50 sessions, the accuracy of reports in the Afrikaans weekly *Vrye Weekblad* were called into question as was a report in *City Press*.

Vrye Weekblad was to a large extent instrumental in the establishment of the commission following an interview in Mauritius with former security police

Captain Dirk Coetzee, whose allegations regarding the murder of Durban anti-apartheid lawyer Griffiths Mxenge are being investigated by the commission.

Coetzee's allegations, along with a last minute confession by death row prisoner and former policeman, Almond Butana Nofemela, exposed an alleged hit-squad at the farm that abducted and killed people — as well as stole cars and damaged the property of anti-apartheid activists.

Much of the evidence of serving police officers has focused on denying the allegations of Nofemela and Coetzee as well as another disaffected Vlakplaas member, David "Spyker" Tshikalange. Nofemela made a statement the day before he was to hang for the murder of a Brits farmer not connected with hit squad activities.

Despite the accusation by commission officials that recent media coverage of the commission has focused on the negative, Mr McNally said he was happy with the quality of the coverage of the commission, which is due to wrap up its hearing of oral evidence today. — Sapa

REPUBLIEK
VAN
SUID-AFRIKA



REPUBLIC
OF
SOUTH AFRICA

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PRETORIA, 22 JUNIE
JUNE 1990

No. 12559

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. 1467

22 Junie 1990

KENNISGEWING VAN DIE STAATSPRESIDENT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

KENNISGEWING VAN TYDELIKE VRYSTEL-
LING KRAGTENS DIE WET OP VRYWARING,
1990 (WET No 35 VAN 1990)

Nademaal ek van oordeel is dat dit nodig is vir die bevordering van vreedsame konstitusionele oplossings in Suid-Afrika, verleen ek hierby kragtens die bevoegdheid my verleen by artikel 1 (1) van die Wet op Vrywaring, 1990 (Wet No 35 van 1990), onvoorwaardelik vrystelling soos vermeld in artikel 1 (2) van voormelde Wet, aan die persone in die Bylae vermeld gedurende die tydperk vanaf die datum van publikasie hiervan tot en met 19 Augustus 1990

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Kaapstad, op hede die 21ste dag van Junie, Eenduisend Negehonderd-en-negentig

F W DE KLERK,
Staatspresident

Op las van die Staatspresident-in-Kabinet.

H. J. COETSEE,
Minister van die Kabinet

BYLAE

Jobodwana, Zingisile Mtwezinhle
Moloto, Papie Otukile
Skweyiya, Sidney Themba.

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE (252)

No. 1467

22 June 1990

NOTICE OF THE STATE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA (1311)

NOTICE OF TEMPORARY IMMUNITY UNDER
THE INDEMNITY ACT, 1990 (ACT No. 35 OF 1990)

Whereas I am of the opinion that it is necessary for the promotion of peaceful constitutional solutions in South Africa, I hereby under the power vested in me by section 1 (1) of the Indemnity Act, 1990 (Act No 35 of 1990), unconditionally grant to the persons specified in the Schedule, immunity referred to in section 1 (2) of the aforementioned Act for the period from the date of publication hereof to and including 19 August 1990

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this 21st day of June, One thousand Nine hundred and Ninety

F. W. DE KLERK,
State President

By Order of the State President-in-Cabinet

H J COETSEE,
Minister of the Cabinet

SCHEDULE

Jobodwana, Zingisile Mtwezinhle
Moloto, Papie Otukile.
Skweyiya, Sidney Themba

'Council never authorised spying'

The legal team acting for Johannesburg City Council in the Hiemstra spy commission yesterday adopted a neutral stance in its concluding argument.

Nic van der Walt, SC, for the council, said it would not attack the system of how organisations were infiltrated nor excuse it.

He contested the claim that the security department had entered into a formal joint operation with the military during raids into Soweto which involved the burning of houses and attacks on individuals.

Members of the city council who participated in these clandestine operations did so from loyalty to the Citizen Force unit to which they belonged.

The question that must be answered, said Mr van der Walt, was whether "the system" (the monitoring operation) was a city council-approved venture or the work of a select few.

It was clear from the evidence that the only officials of senior management involved were Town Clerk Mame Venter, director of public safety John Pearce and senior deputy director of security Brigadier Jan Visser. The remaining players were members of the security department.

Mr van der Walt was critical of the composition and activities of a special security committee on which sat Mr Venter, Mr Pearce, Brigadier Visser and the late Danie van Zyl, former chairman of the management committee.

It seemed clear that the management committee was never told of plans to infiltrate organisations and to pay informers.

Mr van der Walt asked the commission to find that the infiltration, spy operation and payments to informants were never authorised by the council in terms of any delegated or other powers.

He said Mr van Zyl had at times, for his own unknown motives, misused the security department for political purposes.

Evidence had shown that party political abuses were limited to the spy profile on former city councillor Pat Rogers, former councillor Geoff Stark and on information gathered on some National Party councillors.

Handwritten notes and markings on the right margin, including the number '252' circled.

Stop council using 'bugs', lawyers urge

252 Sta 22/6/90

The chairman of the Hiemstra Commission has been asked to recommend that steps be taken to ban Johannesburg City Council from using bugging devices.

The request, by advocates leading evidence for the commission, comes in the wake of damning evidence about the use of bugs by the council's security department.

The bugging equipment was used to spy on individual ratepayers, legitimate political organisations and trade unions for political purposes, the commission heard.

The advocates, Denis Fine and Lötter Wepener, recommended that Mr Justice Hiemstra request that the Administrator of the Transvaal take steps to stop the use of bugging equipment.

The Hiemstra Commission, which is investigating allegations of a spy ring in the Johannesburg City Council, is hearing argument today. Steve McQuillan and Kitt Katzin report.

The Hiemstra Commission



In their concluding argument to the commission today, the advocates noted several instances in which bugging equipment was used by officials running the council's secret spy ring.

It has emerged from evidence that bugging devices used by the council were concealed in pens, calculators and tie pins. They also came in the form of small microphones and voice-activated tape recorders.

Also raised in evidence was the story of how S P Naude, who worked in the intelligence sec-

tion, was himself bugged. The bug was later removed by military experts.

It was clear from Mr Naude's evidence that bugging devices were used, built, inspected and tested by the council, said the advocates. Bugging was one of the unlawful methods used by the security department to invade people's privacy.

City council spies at one point contemplated using bugging equipment to monitor Democratic Party city councillor Pat Rogers.



Johannesburg town clerk, Manie Venter.



Director of public safety, John Pearce.



Senior deputy director of security, Brigadier Jan Visser.

Advocates speak up for GOUWS

22/1/69
252

Advocates leading evidence at the Hiemstra Commission have come to the defence of the man who blew the whistle on the Johannesburg spy scandal

They said Hannes Gouws, a former section head of the spy unit in the city council, had acted unlawfully in removing documents from the council's security department

But, said Denis Fine, SC, and Lötter Wepener, had he not done so, the unlawful activities of the security department would have continued.

Mr Gouws handed the documents to The Star

Revelations

Said Mr Fine and Mr Wepener "The misdemeanour in removing the documents is far outweighed by The Star's revelations of a spy ring, which led to the appointment of the commission

"But for these disclosures, it is hardly likely that the spy ring would have ceased its activities. Even when funds were not available there were still underhanded attempts to pay informants"

What Mr Gouws did was reprehensible, but more important was the right of ratepayers and citizens to know how their money was spent

The advocates said Mr Gouws's explanation of why he removed the documents had some credibility. He felt threatened by the department and some of its officials and took the documents to protect himself.

When it was known that Mr Gouws had taken the docu-

ments, general panic prevailed, punctuated by the fear and knowledge of all concerned that they had been involved in covert and unlawful activities

"In the light of what the disclosure of the documents achieved and the fact that they have been handed back to the council, Mr Gouws's misdeeds pales into insignificance when seen against the background of the evil he ultimately averted," the advocates said.

Lawley Shein, acting for Mr Gouws, said he disagreed with the conclusion of Mr Fine and Mr Wepener that Mr Gouws had acted unlawfully in removing documents.

Regarding Mr Gouws's credibility, Mr Shein said he was the only witness who was prepared to incriminate himself, which he did by testifying about his involvement in a teargas assault on a city council employee.

Mr Shein argued that Mr Gouws should not be charged with theft of documents or for the teargassing incident

Challenged

The legal team for Town Clerk Manie Venter and other officials described Mr Gouws as a poor witness, challenged his evidence in several material respects and alleged he had lied to the commission.

Mr Gouws had admitted that he had stolen bugging equipment and documents, had infiltrated the Black Sash, had been prepared to carry out unlawful acts, had assaulted a watchman

and had implicated several people on the basis of hearsay.

Supporting this view was A P Roux, advocate for the South African Defence Force, who said Mr Gouws was a self-acknowledged liar who had breached an oath of secrecy

"I submit that the sensational revelations made by this modern-day Walter Mitty do not deserve to be recorded in the commission's final report"



Hannes Gouws . . . produced the council security department documents that led to the inquiry.

Inquiry into Brits violence

Sowetan 22/6/90 352

THE United Democratic Front and Lawyers for Human Rights have launched a three-man commission of inquiry into the violence in Brits.

The appointment of the roving commission, headed by the national director of Lawyers for Human Rights, Mr Brian Currin, followed clashes between Oukasié residents over forced removals to Lethabile, which have left at least three people dead.

Currin will be assisted by two attorneys from Pretoria.

The commission's investigation will start on Monday.

The UDF has expressed its shock and dismay over the death of Oukasié resident Mr Abel

OWN CORRESPONDENT

Morokane, who died "under suspicious circumstances" two weeks ago.

Mr Ronnie Mamoepa of the UDF called on the Government to dismantle hit squads even prior to the outcome of the Harms Commission because they led to instability in the country.

He said violence had been escalating in the Brits area and the UDF has identified the apartheid system as being responsible for the violence. The UDF has warned that unless the Government took immediate steps to curb the violence in Brits, a "second Maritzburg" could develop.

The organisation also urged the Government to stop the forced removals to Lethabile. Currin said the contents of affidavits obtained from Oukasié residents would not be made public at this stage because it might prejudice the commission.

He said allegations have been made of members of Askari being involved in violence including at least one Askari linked to the Harms Commission.

The commission will compile a report which will be submitted to the Government.

Morokane will be buried tomorrow at 10am at the Oukasié Roman Catholic Church.

Judge-presidents 'may state views'

CAK 7-18 22/6/96
(252)

THE Minister of Justice, Mr Kobre Coetsee, has told Parliament that the Judge-President of the Cape, Mr Justice George Munnik, and all the judge-presidents, were fully entitled to express an opinion about the death penalty changes in the Criminal Law Amendment Bill.

He was reacting to reports in the press last week about a claim in Parliament by Mr Dave Dalling (DP, Sandton) that Mr Justice Munnik had initiated a hastily mounted campaign to block a reform of the death sentence that had already been approved by the Chief Justice.

Speaking in debate on the second reading of the bill, Mr Dalling said the measure contained a clause which would allow the Appellate Division to set aside the death sentence if it believed it would not itself have imposed death.

He said Mr Justice Munnik had said that it departed from the principles laid down by the Appellate Division and had the effect of emasculating the discretion of the original court.

Mr Coetsee said he wanted to state categorically that in the preparation of the legislation, there had been the closest co-operation between the Chief Justice and the judge-presidents.

He said the judge-presidents accepted that it was the right of the Standing Committee on Justice to make recommendations.

"There was therefore not a confrontation of any sort. It was a question of expressing viewpoints. The committee brought an amendment and the judge-presidents gave an opinion on the matter."

F/M 22/6/90

DEATH SENTENCE (252)

Counting heads

An important change to the Criminal Law Amendment Bill, accepted by the Standing Committee on Justice, will allow the Appellate Division to set aside a sentence of death, if it is of the opinion that the Appeal Court would not itself have imposed it.

According to committee chairman Gert Myburgh (NP, Port Elizabeth North), the principle is applicable only to the death sentence and adds a further check because of the nature of the sentence.

It means every death sentence "will be considered afresh by the Appeal Court," said the DP's Dave Dalling during the Second Reading debate. Dalling told parliament that the amendment had the support of the Chief Justice — but had met with opposition from Cape Judge President George Munnik.

In a letter to the standing committee, Munnik objected to the clause on the grounds that it departed from principles laid down by the Appellate Division which limited the Appeal Court's right to re-examine decisions on the death penalty by the original court.

In addition, Munnik said, the amendment had the effect of emasculating the discretion of the initial court in passing the death penalty. Dalling agrees that this is the effect of the clause and that it does take the "final responsibility for approving a death sentence out of the hands of a single judge and places it at the discretion of the highest court."

Once the Bill becomes law, a panel of six judges or retired judges will be appointed to reconsider the sentences of more than 300 people on death row at present. Myburgh says the Bill has been piloted through this session because it is government's intention to "clear death row" as quickly as possible. Those who do not qualify for reprieve, according to Myburgh, will then be referred to the State President with an appeal for mercy.

Myburgh stresses that the aim of the amendments is not to bring an end to the death penalty, but to reduce the number of executions. ■

CCB's Maree believed to be back in SA 252 MacNally

CIVIL Co-operation Bureau (CCB) member Chappie Maree is thought to be back in SA, Free State Attorney-General Tim McNally said at a Press briefing yesterday

Speaking after the close of argument in the first leg of the Harms Commission, McNally and investigating officer Lt-Col Johan Wright said they believed Maree was available to testify but that they had not been able to link him to any of the allegations surrounding CCB SA operations

They also said leads unearthed regarding the murder of Dr Fabian Ribeiro and his wife in 1986 had been passed on to the Pretoria Murder and Robbery Squad's Col Suiker Brits



● MAREE

McNally said disclosure of these leads to the open commission could hamper the investigation

LINDEN BIRNS

McNally said it was decided that Defence Minister Gen Magnus Malan and Law and Order Minister Adriaan Vlok could not give any relevant evidence and would not be called to testify

He disclosed that the unsolved murders of Robert Smit and his wife and the Rick Turner murder would not be examined by the commission

"We've been able to discover that they (the Smit murders) have been investigated by relays of competent senior policemen, and all the leads followed up, so for the commission to take another look at it would be futile," McNally said

"On Natal matters, we've looked in depth at the Rick Turner case from 1978, and we've found that in the absence of (Martin) Dolinsek, who is overseas, we won't get anywhere," he added

McNally said he did not think the commission had moved forward on the David Webster murder

"It's important to notice that all the witnesses perceived as having been involved have denied participation to the commission"

The commission looked in depth at seven out of a list of 71 murders put forward by

Justice Minister Kobie Coetsee

"We definitely haven't heard the whole truth from all the witnesses, at least one camp is lying," he said reacting to a query of the truthfulness of evidence before the commission

McNally said the commission had not proved that the CCB had killed anyone

In response to claims that the commission was "toothless", McNally said he believed Mr Justice Louis Harms as commissioner had "as full a set of judicial dentures as any other commissioner"

Safes

He said the judge had exercised his rights to subpoena witnesses, to test evidence and question witnesses, as well as to confiscate any documents, books or objects of evidence

"Not one witness subpoenaed has not given evidence, and only Almond Nofemela refused to take the oath, on religious grounds

"We even broke open safes belonging to other government departments (Defence) at the cost of R1 500," he added

It was pointed out that a lot of "behind the scenes" investigation had been carried out, but that much would not see the light of day at the commission

Harms will not probe Bophuthatswana policeman's claims

THE Harms Commission of Inquiry will not investigate a Bophuthatswana security policeman's claims that a SA hit squad operated in the territory

Free State Attorney-General Advocate Tim McNally, who leads evidence before the commission, confirmed yesterday that because Bophuthatswana was an independent state, it did not fall within the commission's ambit 252

Yesterday, Bophuthatswana security policeman Det Const M A Plaatje issued a statement to Sapa describing how he and Bophuthatswana security force units

LINDEN BIRNS

crossed into the Northern Cape to monitor a Bophuthatswana opposition party meeting at a stadium near Vryburg

In the document signed after he was identified this month by Seoposengwe Party supporters, Plaatje refers to a SAP hit squad in Bophuthatswana as "Red Squad"

SAP spokesman Brig Vic Haynes said police had no knowledge of such a unit "As has been repeatedly stated, we deny the existence of any hit squad in the SAP" Bophuthatswana police liaison officer Col 252

David George also denied the existence of a hit squad in the territory He said circumstances surrounding Plaatje's allegations were under investigation

The commission is expected to examine a list of unsolved violent crimes in Lebowa "Bophuthatswana is in a different category from Lebowa in that it is an independent state," McNally said

He said Bophuthatswana president Lucas Mangope would have to set up his own commission of inquiry but that it was of no interest to the Harms Commission

HRC: repression escalates

B/pan 22/6/90

WILSON ZWANE

REPRESSION had escalated since President F W de Klerk's landmark February 2 speech the Human Rights Commission (HRC) said yesterday

In a statement the HRC alleged that the police were as brutal in dealing with political activity as they were before the state of emergency was lifted in the Free State, Cape and Transvaal provinces

It said since De Klerk's

speech, more than 176 people had been killed and 1 563 injured directly or indirectly by police actions

There were 180 ongoing political trials and 47 detentions under Section 29 of the Internal Security Act countrywide. Two people were held in terms of emergency laws in Natal. Five political prisoners at Leeuwkop prison had suspended their hunger strike

NATAL UNREST DEATHS

September 1987 — January 1989:.....	668
February 1989 — June 20 1990:.....	1 067
Past 24 hours' official toll.....	5
TOTAL.....	1 740

Orange Free State	0	0	0	0
Transvaal	0	0	0	0

(b) No deaths due to cholera were notified to the Department of National Health and Population Development during 1989

* Notifications received by the Department of National Health and Population Development

513 Mr M J ELLIS asked the Minister of National Health and Population Development

- (1) How many (a) cases of and (b) deaths from poliomyelitis were reported in re-
- (2) how many persons of each race group were immunised against poliomyelitis in each province in 1989?

THE MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

(1) (a) Notified cases of poliomyelitis received by the Department of National Health and Population Development in the Republic of South Africa by population group, 1989 (as on 30 May 1990)

Province	Population Group			
	Indian	Black	Coloured	White
Cape	0	3	3	0
Natal	0	2	0	0
Orange Free State	0	1	0	0
Transvaal	0	2	0	0

(b) No deaths due to poliomyelitis were notified to the Department of National Health and Population Development during 1989

(2) Number of children under one year who received at least three doses of poliomyelitis vaccine in the seven health regions of the Republic of South Africa, 1988

Province	Population Group			
	Indian	Black	Coloured	White
Cape	345	43 819	71 168	19 319
Natal	16 029	78 765	2 212	7 240
Orange Free State	55	15 976	472	1 754
Transvaal	3 356	108 474	6 946	40 980

SENTENCES FOR MURDER

522 Mr AJ LEON asked the Minister of Justice

(1) In respect of sentences handed down by the Supreme Court for murder, how many persons were sentenced to (a) a fine without the option of imprisonment, (b) a fine with the option of imprisonment, (c) up to 5 years' imprisonment, (d) 6 to 10 years' imprisonment, (e) 11 to 15 years' imprisonment and (f) other specified punishments in 1985, 1986, 1987, 1988 and 1989, respectively;

Unrest-related deaths in Cape Town area: 22/6/90

523 Mr P G SOAL asked the Minister of Justice

(2) what total number of persons was convicted of murder in each of the above years?

districts as a result of unrest on or about 6 September 1989, if so, in respect of each such person, (i) when and (ii) what were the findings of the inquest, if not, why not?

THE MINISTER OF JUSTICE

(a) CAPE TOWN

As far as could be established no persons died in this magisterial district as a result of unrest on or about 6 September 1989

(b) WYNBERG

The persons who caused the death of 9 persons at Khayelitsha on or about 6 September 1989, have been charged. The deaths of 2 persons at Grassy Park and Mitchells Plain on or about 6 September 1989 are still being investigated

(c) GOODWOOD

The person who caused the death of 1 person at Elsies River on or about 6 September 1989, has been charged. The dockets in connection with the death of 3 persons on or about 6 September 1989 at Bishop Lavis are with the Attorney-General, Cape Town, for a decision

(d) BELLVILLE

No

(e) SIMON'S TOWN

As far as could be established no persons died in this magisterial district as a result of unrest on or about 6 September 1989

SA Development Trust future of land

524 Mr P G SOAL asked the Minister of Development Aid

- (1) Whether the Government has taken a decision regarding the future of land currently held by the South African Development Trust, if not, (a) why not and (b) when can such a decision be expected, if so, (i) when was this decision taken and (ii) what is the purport of the decision,
- (2) whether he will comment on whether certain reports concerning such land

which appeared in newspapers on or about 3 May 1990, copies of which have been furnished to the Minister's Department for the purpose of his reply, if so, what is his response to these reports?

THE MINISTER OF DEVELOPMENT AID

(1) Yes

(a) and (b) Fall away

(i) In the court of March 1990

(ii) The land shall be administered by the South African Development Trust for the benefit of Blacks, which may include the disposal thereof to Blacks. The land shall further only be included in the areas of jurisdiction of independent states and self-governing territories if the inhabitants concerned agree thereto

(2) The Government announced that the Black Land Act, 1913 (Act 13 of 1913) and the Development Trust and Land Act, 1936 (Act 18 of 1936) are receiving attention with the view to possible revision. These Acts effect *inter alia* the vested interests of a large variety of people and instances. It is therefore an extremely complex matter. No decision has as yet been taken in this regard

HSRC: investigations for Bureau for Information

525 Dr F H PAUW asked the State President

Whether the Bureau for Information requested the Human Sciences Research Council (HSRC) over the past four years to carry out investigations for the Bureau, if so, (a) (i) how many and (ii) what investigations, (b) what was the cost involved, (c) to whom was the information gathered by means of these investigations made known and (d) in respect of what periods is this information furnished?

THE STATE PRESIDENT

(a) Yes

(i) 25

(ii) On various matters of current interest to the Government

Hienstra told of Jo'burg council's 'strategy of concealment'

Webster 'cover-up' slated

23/11/90

Spy ring officials 'subverted democratic process'

STEVE McQUILLAN and KITT KATZIN

OFFICIALS of the Johannesburg security department demonstrated a "complete lack" of political and administrative accountability to the elected representatives of the city council, the Hienstra Commission was told yesterday.

The allegation was levelled in the concluding legal argument of Winnie Trengove SC, John Campbell and Gilbert Marcus, who acted, individually, for various parties including the Five Freedoms Forum, End Censorship Campaign and the David Webster Trust.

They said the evidence suggested a deliberate attempt had been made by senior administrative officials to conceal the true workings of the security department.

"The chain of accountability from the information section to the city council was broken at every link," they said.

"The combination of secrecy and lack of accountability inevitably produced irregularities, excesses and illegalities.

"The ordinary democratic process was bypassed and indeed subverted. In the result, not surprisingly, there has been a complete break-



STEVE McQUILLAN and KITT KATZIN

JOHANNESBURG City Council has been accused of weaving a web of intrigue and deception to cover up its sinister surveillance of murdered academic Dr David Webster.

The council's claim of innocence in the assassination has been questioned by the legal team representing the David Webster Trust at the Hienstra spy commission.

The advocates, Winnie Trengove SC and John Campbell, said the council's failure to report to police their spying on Dr Webster after his death "suggests a state of mind not concomitant with innocence."

Dr Webster (44) was gunned down outside his home in Troyeville, Johannesburg, on May 1 last year. His murder remains unsolved. In the concluding arguments to the commission yesterday, two legal teams suggested that

● Evidence that a member of a combined city council/SA Defence Force team was responsible for Dr Webster's murder could not be excluded.

WEBSTER WATCH

It has been 418 days since the assassination of University lecturer and human rights activist, Dr David Webster, outside his Troyeville home and so far no progress has been made in determining precisely who killed the Wis academic. Addressing a Pretoria press conference this week, Free State Attorney-General Al. Mr. Tim Motswagole said he felt that the Examinations Commission had "not moved forward" in investigating the Webster murder. A reward of R20 000 still stands for information leading to the conviction of Dr Webster's killers.

● Allegations that a former SADF officer was involved in Dr Webster's killing should be fully investigated.

The legal teams were referring to claims by Hannes Gouws, a former section head in the council's security department. Mr Gouws said in evidence that a Mr Dick Greyling had told him that Dr Webster had been shot by Paul de Swardt.

Mr Trengove and Mr Campbell said there was no doubt that a personality profile on Dr Webster had been compiled by the security department. Dr Webster's name appeared regularly in the spy reports which were sent on to the SADF.

Mr Trengove and Mr Campbell said council employees had adopted a "strategy of concealment" over the whereabouts or knowledge of the security department's Webster file.

"It is unconceivable that a profile of this sensitivity, coincidentally about the victim of a hitherto unsolved

Rightwing 'plot': informant goes into hiding

PAT DEVEREAUX

THE man who infiltrated ultra-rightwing groups and exposed the alleged assassination plans to the Afrikaans Weekly newspaper, Vrye Weekblad, Mr Jan Smith, has gone to ground and is under police guard.

This was one of the latest developments yesterday, including the release from police custody of 11 rightwingers arrested on Thursday evening.

Vrye Weekblad broke a sensational story in yesterday's edition in which it published information received from former National Intelligence Service and Security police agent, Mr Smith.

He claimed he was approached by top-ranking AWP commanders and a former Nazi captain to

assassinate Mr Mandela at Jan Smuts Airport on his return from his world tour on July 18.

Police General Herman Stadler said last night the police took the newspaper's allegations about the rightwing group's intended actions "very seriously and were conducting intensive investigations."

Other plans allegedly made by the rightwingers included the poisoning of Sovetov's water, the sabotage of power stations in the Northern Transvaal, the sabotage of auto-banks and department stores and the assassination of a number of other

SALE NOW ON SALE NOW ON AN INVITATION WANT

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Mr Trengove and Mr Campbell said council employees had adopted a "strategy of concealment" over the whereabouts or knowledge of the security department's Webster file.

"It is inconceivable that a profile of this sensitivity, coincidentally about the victim of a hitherto unsolved murder, could simply have disappeared without trace and it is submitted that the inability of any member of the department to assist the commission in this regard is sinister in the extreme."

Mr Lawley Shein, for Mr Gouws, said there was evidence regarding the involvement of Mr Greyling and Mr de Swardt in the Webster murder. "While the evidence regarding the killing of Dr Webster may not fall within the ambit of this commission, it is submitted that Mr Gouws's allegations should be fully investigated."

Mr Trengove and Mr Campbell commented on

● TO PAGE 2.



2 Saturday Star June 23 1990 2

Webster

● FROM PAGE 1.

a report drawn up by council spy Tom Naude, in which he suggested that Dr Webster had been involved in the covert and illegal channelling of money to the African National Congress.

They noted that Mr Naude later conceded, in evidence, that the report was possibly false.

"This helps not one whit the reader in 1988 (when the report was filed) would have believed it to be true."

Mr Naude, the commission was told, had cultivated a superficial friendship with Dr Webster and went running with him in Crown Mines

He had supplied Dr Webster's home address to the security department in an official report.

At the time, Mr Naude had infiltrated the Five Freedoms Forum, of which Dr Webster was vice-president.

"It is difficult to extrapolate from this web of intrigue and deception the role of the department, if any, in Dr Webster's murder."

Mr Gouws's evidence relating to the alleged role of the military in Dr Webster's murder was rejected by A P Roux, counsel for the SADF, and by the legal teams representing senior city council officials.

Advocates representing the commission, Denis Fine and Lötter. Weener, described Mr Naude's association with Dr Webster as sinister.

● See Page 4.

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How top men shaped in city spy rings probe

KITT KATZIN and STEVE McCULLAN

JOHANNESBURG City Council chief Mame Venter yesterday faced harsh criticism for the role he played in the municipal spy scandal and was taken to task for issuing false statements that misled the public.

Commission

And Mr Venter was not alone in bearing the brunt of criticism. Others included public safety director John Pearce, security director Brigadier Jan Visser and the man who headed the monitoring section Fredrick "Frik" Barnard. All four were represented by Schalk Burger, SC, and Solly van Nieuwenhuizen. Denis Fine, SC, and Lötter Wegener, for the commission, said it was clear that the spy system was an abuse and that Mr Venter must bear the responsibility for its shortcomings and subsequent failure.

Commission chairman, Justice Victor Hienstra, is

expected to present his findings to Administrator of the Transvaal Dame Hough next month.

van Nieuwenhuizen

MR VENTER:

The case against HE was one of those responsible for setting up a system in which informants were paid for information given to the city council and knew full well which organisations had been infiltrated. He also knew they were opposed to the National Party. Mr Venter had been untruthful in some of the evidence he gave to the commission. It was unbelievable that Mr Venter could have denied to the press that the End Conscription Campaign (ECC) had not been infiltrated when he knew it had. He never applied his mind to payments to informants or exercised discretion. He merely rubber-stamped payments requested by Brigadier Visser.

Also misleading were his attempts to justify spy payments on the basis that they had been approved by the council's legal advisers. This was not



Under fire

Facing the flak yesterday were, clockwise from top left, city council chief Mame Venter, for misleading the public; public safety director John Pearce, for being the prime mover behind the informer system; main monitor 'Frik' Barnard, for using the security department to further the aims of the military, and security director Brigadier Visser, for being evasive and untruthful.



treasurer for spy fees under an Act that did not exist

Mr Venter failed to inform the new management committee, elected on October 26 1988, of the existence of the paid informant system

On the claim he made to the press that only R17 000 had been paid to informants, Mr Venter was accused of deliberately attempting to underplay the costs involved

The R17 000 was a mere bagatelle and it told only half the story.

"This statement was clearly designed to mislead the public and to create the impression that the revelations of The Star amounted to a 'storm in a tea cup'

"As we know now, the information system had its own infrastructure which not only paid informants, but handlers who also had their cars and overtime expenses paid by the council

"To state that R17 000 was all that was involved is, to say the least, disingenuous"

Mr Venter was accused of deliberately misleading the public with his statement that spy activities ceased in July last year. There was evidence to show that operations extended beyond that date.

The case for
MR Venter had not been properly informed about the activities of the security department

He had obtained legal advice in regard to the payment of sources and exceeded his authority only to the extent of "over-paying" R300.

He believed he was acting at all times in the best interests of the city council

The creation, extension and activities of the security department did not hold for him any financial reward and did not



JUSTICE HIEMSTRA

create for him more status or political power

If it was true that he had sinister motives, then his participation in the activities of the security department was shortsighted and difficult to understand

MR PEARCE

The case against
HE was one of the prime movers behind the paid informant system and his evidence was deliberately vague and improbable

Mr Pearce was unable to satisfactorily explain why the decision to pay informants was not disclosed to the management committee. He also knew the Five Freedoms Forum (FFF), the ECC and trade unions had been infiltrated, but could not explain why

"If he did not know of the organisations that had been infiltrated, then he was guilty of a gross dereliction of duty as he had set up with his colleagues what was clearly a dangerous organisation. And, if he is to be believed, he did not even take the trouble to monitor their activities"

He also knew political considerations were "the order of the day" for the spy network

"It is submitted that Mr Pearce was well aware of the activities carried out in his department. If he was not aware, which is not conceded, of having signed

Weighing up 28 days, 4 000 pages worth of evidence

various documents that point inevitably in that direction, he is the author of his own misfortune and must accept responsibility for it"

The case for
HE had not sought to minimise his responsibility and accountability

Although it could not be denied that Mr Pearce was involved in the paying of informants to infiltrate the FFF and ECC, he was never consciously a party to the decision to infiltrate the movements

Similarly, criticism of his lack of knowledge on the reasoning behind the infiltration of leftwing organisations was unfounded

He had never purported to have a detailed knowledge of security and did not profess to have any expertise in the field of information gathering.

Also unfounded were claims that his evidence was deliberately vague and improbable "Bearing in mind the extent of Mr Pearce's (limited) involvement and the size of his department, it is not surprising that he did not know the details

BRIGADIER VISSER

The case against
HE was a "totally unsatisfactory witness who was evasive, untruthful, argumentative" and, at times, one who deliberately changed his evidence to correspond with that

of other witnesses

Brigadier Visser pretended too that he was blindfolded when he signed documents certifying certain facts. His clear political bias seemed to correspond with other members of the "clique of four"

Like Mr Pearce, Brigadier Visser could not escape responsibility for the irregularities in the security department

Brigadier Visser was untruthful in regard to the use of bugging equipment

The case for
HIS involvement in the so-called spy operation came about as a result of a suggestion by the late Danie van Zyl, former chairman of the management committee, to pay informants

This had been caused by an upswing in cases of intimidation, theft and damage to council property, which made it difficult to gather information to protect council assets and personnel

However, when it became clear to Brigadier Visser that information obtained in this way had little value, he scrapped the payment system. Justification for the system should be seen against a background that it was important to gather information before deciding on whether it was relevant

MR BARNARD

The case against
OF all witnesses who testified, Mr Barnard was without doubt the most unsatisfactory

He was closely connected with the use of bugging equipment and was the city council's contact man with the SA Defence Force. He used the security department to further the aims of the military

Mr Barnard was accused of weaving a web of lies, offering ludicrous evidence and compiling on a whim a spy profile on Mr Rogers

Mr Barnard was accused of acting unlawfully by ordering that Geoff Stark, a PFP councillor at the time, be spied upon

Regarding the infiltration of organisations, his knowledge and perceptions lacked expertise and were based on misconceptions. "As a result, it must be found that the conduct of Mr Barnard was unlawful and that he knew this"

The case for
HE was accountable for intelligence operations that included forecasting a daily and long-term threat on a national and local basis

This was to be done through collecting information, verifying intelligence standards, processing information and operating counter-intelligence programmes

He was not influenced by political considerations in deciding to monitor the ECC and was not misled by the perception that the ECC of the FFF were leftwing or radical organisations

As far as the FFF was concerned, he wanted to establish what role it would play in relation to the city council and how this would affect the council. He did not take these decisions lightly

23/6/90
Spy ring officials 'subverted democratic process'

STEVE McQUILLAN and KITT KATZIN

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The allegation was levelled in the concluding legal argument of Wim Trengove SC, John Campbell and Gilbert Marcus, who acted, individually, for various parties including the Five Freedoms Forum, End Conscription Campaign and the David Webster Trust.

They said the evidence suggested a deliberate attempt had been made by senior administrative officials to conceal the true workings of the security department.

"The chain of accountability from the information section to the city council was broken at every link," they said.

"The combination of secrecy and lack of accountability inevitably produced irregularities, excesses and illegalities.

"The ordinary democratic process was bypassed and indeed subverted. In the result, not surprisingly, there has been a complete breakdown of trust, not only between ratepayers and their representatives, but within the ranks of the city council itself.

The city council's spy operation, according to earlier evidence to the commission, cost ratepayers R1.8 million.

The Trengove team said town clerk Mr Mame

● TO PAGE 2.

23/6/90
Spy subversion

● FROM PAGE 1.

Venter and public safety director John Pearce had apparently seen fit to saddle the late Danie van Zyl, the former management committee chairman, with the responsibility of accounting to the committee about the spy operation.

"They did so confident in the knowledge Mr van Zyl could not answer for his conduct.

"This constitutes a cynical attempt to blame the deceased for what was a patent failure on their part to account for the clandestine and illegal conduct of the security department."

● HELEN GRANGE and LOUISE BURGERS report that allegations have been made that the Hiemstra spy commission inquiry was not objective, merely a front for a political organisation and that important evidence was withheld.

Hans Bornman, representing various spy handlers and spies, submitted that Denis Fine SC and Lotter Wepener, in leading evidence for the commission, had overstepped the terms of reference of the commission on occasions.

But in papers handed up yesterday, Mr Fine and Mr Wepener termed "disgraceful and unsubstantiated" the submissions by Mr Bornman.

"It is regrettable and deplorable that counsel, on behalf of three witnesses, have seen fit to make these untrue and substantiated allegations. It is not only an attack on counsel leading evidence but on the commission itself," Mr Fine said.

He asked that the commission make a ruling on the matter as it was fundamental to the credibility of the commission as a whole.

Mr Bornman said "During proceedings, the boundaries of the commission's terms of reference were exceeded and so many core aspects which fell within their area were ignored. We will submit that the commission, with some exceptions, cannot make a reliable finding."

He said it was almost unthinkable that advocates which were appointed by the Administrator to lead evidence before a Commission could refer to a "Nationalist Government regime".

He said the proceedings fell far short of being an objective inquiry and instead sometimes exactly reflected the original accusation that the security department was a front for a political party.

Security men will testify at Minister's murder trial

By S'BU MNGADI

C/press 24/6/90 *(10/10)* *(10/10)* *252*
TWO white security policemen who allegedly gave KwaZulu's Deputy Minister Bhekizizwe Jamile a photograph of an activist suspected of throwing a hand grenade into his car, have been subpoenaed to testify at the Minister's mass murder trial.

Jamile, 60, a senior member of Inkatha Central Committee, and Msizi Hlophe, 19, have pleaded not guilty to five charges of murder, seven of attempted and three of incitement to murder. They are appearing before Justice Mitchell and two assessors in the Maritzburg Supreme Court.

The Pinetown-based members of the security branch, a warrant officer and a sergeant, are alleged to have been close to Jamile until he was arrested at his Ulundi home on February 19 this year.

The State alleges that Jamile was given a photograph of a young detainee whom security police suspected of having thrown a hand grenade into a car in which Jamile and two others were travelling in 1987.

Two activists from Clermont, Durban, were acquitted of charges of attempted murder in connection with the hand grenade attack in 1989.

The Supreme Court is expected to establish the policemen's intention in giving Jamile the photograph.

The Jamile murder trial took a dramatic turn this week when the Inkatha leader's co-accused, Hlophe, was alleged to have told a group of people that Jamile had instructed members of the KwaZulu police to shoot Clermont businessman Zazi Khuzwayo.

A shocked courtroom was told by deputy president of the Inyanda Chamber of Commerce Obed Mthembu that he was present on June 8 when Hlophe told people behind the Supreme Court that "they" had instructed "The ZP's" to shoot Khuzwayo.

Khuzwayo was shot dead in his Clermont shopping complex office in May 1987. The State alleges Khuzwayo's death and those of other local community leaders were ordered by Jamile.

The State cites disagreement over the proposed incorporation of Clermont into KwaZulu between 1982 and 1985 as having led to the killings and attempts to kill other people - including UDF co-president Archie Gumede.

The accused told the group the only person he had personally shot was Nicholas Mkhize, a Clermont taxi operator who was killed on July 5, 1988.

Mthembu told the court Hlophe pleaded with the group to call his brother to testify in his favour, as he was aware of the circumstances in which the events happened and he had been instructed by Jamile.

Mthembu said at the time he questioned Hlophe about a gun attack on his home on February 21, 1988, but the accused denied knowledge of the incident.

Describing the incident, Mthembu said he was fired at a number of times by a person dressed in clothes similar to those of the riot police.

He told the court he was shot four times and his house set alight, causing R120 000 damage. He spent two months in hospital as a result of the attack - which took place four days after the funeral of Inyanda member Lindiwe Pearl Tshabalala, wife of advocate Vuka Tshabalala.

Mthembu said he spoke at Tshabalala's funeral, warning that her killers would be apprehended.

Tshabalala was fatally shot on February 10, 1988, as she was leaving her bottle store. The State alleges that Jamile instructed a number of men, including Hlophe, to kill her.

The hearing continues tomorrow. Three members of the KwaZulu police, two known only as Vela and Vusi, and Zwelibanzi G Dhlamini, are being sought by the Pinetown police in connection with the Jamile trial.

BUSINESSMAN SUES

BUSINESSMAN David Phasha claims petrol worth nearly R2 million has leaked from faulty underground storage tanks at his Soweto garage

He claims Shell (SA) is responsible and that they offered him R10 000 in compensation

"This is laughable," he told *City Press* "I am suing them for R2 278 133 in damages."

Phasha claims that for seven years petrol pumped into the tanks, installed and maintained by Shell at his Orlando West Service Station, simply seeped into the ground through a hole in the tanks.

He said that between 1981 and 1988 - when he at last confirmed the tanks were faulty - he ran his business at a loss and acquired extra debt by having to sell or cash in some of his investments and take out loans on which he paid R300 000 in interest.



David Phasha

Phasha said he had also had to pay the Receiver of Revenue R114 960 GST on sales that did not occur because the petrol had not been sold but had seeped away.

He repeatedly complained to Shell, he said. They checked the leak detector in the tanks and assured him the tanks were not leaking.

However, in 1988 after he had spent more than R176 000 on tracing the cause of the loss, it was discovered the leak detector had not been properly installed.

Phasha said "The whole saga started in 1982 when people started watching fires floating on water in a stream close to the garage."

He examined the fires and found petrol seeping into the stream at several places along the stream's banks.

The district sales manager of Shell, Keith Sepati, also examined the bank and confirmed there was a leak and sent for an engineer.

Sepati later informed him the engineer had mended the leak and Phasha was compensated for the loss of 20 000 litres of petrol.

"I accepted this because I believed and trusted Shell's network. The fires in the stream were washed away by the first rains of the season."

But the petrol station continued to show a loss and in 1983 Phasha sold some of his investments to obtain cash to pay his business debts.

Phasha still suspected seepage but Shell assured him there was none, Phasha said.

After further complaints to Shell more tests were conducted but he was told these proved negative.

The situation did not improve and in July 1988 one of the pumps was damaged by a car. When it was replaced it would not function, and other pumps also malfunctioned.

An engineer inspected the pumps and said he believed there was a leak although no leakage was shown in a pressure test.

When the engineer examined the leakage detector he found it had not been properly installed, but just wired and left hanging.

Shell has denied liability for the losses.

A Shell spokesman said Shell would defend any court action.

Garage owner claims R2-m for losses

By CONNIE MOLISI and DESMOND BLOW

CP Press 24/6/90

Shell

252



CMV
TWP
25/10/90
252

Booklet out on SA executions

HARARE — South Africa executed at least 33 political opponents between 1964 and 1989 and there are still 73 political prisoners sitting on death row in jails in South Africa and two of its homelands, according to new booklet published in Zimbabwe.

The booklet, "Waiting to Die in Pretoria", is published in Harare by Phyllis Naidoo. It says that between 1976 and 1985, the government executed 1,154 black people and only 22 whites, reports the official Ziana news agency — Sapa

Law courses will focus on human rights

THE Law Faculty of the University of Pretoria is to present a comprehensive course on human rights during the latter part of the year

The course forms part of the LLM programme, but other interested parties may also enrol. They may attend the classes only or also write the examination for which they may earn a certificate. *Sowetan 25/6/90*

A spokesman said the lectures will be presented from the end of July on 13 consecutive Tuesdays. They will be from 5,15pm to 7,15pm and will focus on the protection of human rights in South Africa with reference to the international context

The lectures will include, "The Freedom Charter and the ANC Constitutional Guidelines", "Human Rights and States of Emergency", "The Namibian Constitution", "Women's Rights", "Access to Justice" and "Humanitarian Law" (252)

Course fees are R274. There are a number of bursaries available to students who would like to attend the course only. (252)

Those interested in attending the course should contact Advocate Cecile van Riet, Faculty of Law, University of Pretoria, Pretoria, 0002. Alternatively telephone (012) 420-3151

'33 hanged in SA'

HARARE - South Africa executed at least 33 political opponents between 1964 and 1989 and there are still 73 political prisoners sitting on death row in jails in South Africa and two of its bantustans, according to new booklet published in Zimbabwe. (252)

The booklet, *Waiting to die in Pretoria*, says that between 1976 and 1985, the South African Government executed 1154 black people and only 22 whites, reports the Ziana news agency. - Sowetan 25/6/90

Published in Harare by Phillis Naidoo, the booklet chronicles the names of political prisoners and the dates they were executed. - Sapa.

Photos to expose maintenance order violators in new Bill

A Bill to allow the use of photographs to keep track of maintenance order defaulters, was published at the weekend.

According to a memorandum on the

Maintenance Amendment Bill, it would also allow the attachment of de-

faulters' assets, and proposed that their particulars be made available to credit bureaux.

The measure had resulted from recommendations by a committee in the Department of Justice.

Fine

The Minister of Justice, Mr. Kobie Coetsee, said in a Press statement that the Bill would come before Parliament in 1991, and would be considered by the Joint Committee on Justice in the second half of this year.

"To enable all interested parties to evaluate the proposed amendments and to submit contribu-

tions, I intend to request the committee to obtain the comment of all interested parties."

He said the Bill increased fines under the Act, which had not been adjusted since 1963.

The fine for failure to make a maintenance payment was raised from R200 to R4 000, and that for unlawful publication of information identifying a person under the age of 18 who was involved in a maintenance inquiry from R500 to R8 000.

The memorandum said that at present maintenance courts could order only that maintenance be paid to Government institutions.

It was proposed that the powers of the courts be extended to enable payments to be made directly into a financial institution or to the beneficiary.

Expenses

In addition to maintenance orders, the courts would also be empowered to make orders on lying-in expenses, arrears maintenance and medical expenses.

In order to make it easier to trace defaulters, the courts could direct that photographs be taken of a person against whom an order had been made. - Sapa

EVIDENCE of African National Congress involvement in politically motivated murder is to be heard by the Harms Commission of Inquiry from August 20, it was ruled at the weekend.

Police ANC expert Maj-Gen Herman Stadler was to have delivered his evidence-in-chief at Friday's sitting but this was postponed following objections by the ANC's legal team that not sufficient time had been given to the teams to study the general's statement.

Gen Stadler's affidavit runs to more than 50 pages with more than 1 600 pages of annexure relating to ANC activities

The affidavit was handed in last Wednesday and the commission chairman and sole member, Mr Justice Louis Harms, said he would rule

Inquiry to hear ANC evidence

Sowetan 25/6/90 (252) ~~252~~

whether Gen Stadler's evidence would be heard or delayed.

Following a meeting in the judge's chambers prior to last Friday's sitting the ANC was given until June 20 to file whatever documents they wish to regarding Gen Stadler's evidence

The ANC leg of the Harms investigation is to follow legal argument concerning the allegations made against the SADF's sinister Civil Cooperation Bureau and then the allegations made by former



security pol. gen Butana Almond No n la and Dirk Coetzee.

The whole ANC matter is to be dealt with in continuous sittings.

The ANC was represented on Friday by

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PROBE
INTO
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SQUADS

veteran political trial advocate Mr George Bizos, SC

Also at the session was Mr Eberhard Bertelsmann, for the David Webster Trust, who handed in an un-

signed affidavit from Jan Johannes Smith, a security policeman, who infiltrated far rightwing organisations

The affidavit appeared in full in Friday's edition of the Afrikaans weekly newspaper *Vrye Weekblad*

Mr Smith alleges he met CCB member, former SADF captain Gary Cornish, who said he was in possession of 500 R1 rifles with 5 000 rounds; 100 9mm pistols and seven RP4 rocket grenade launchers

Four 'must face rap in city spy scandal'

TIM COHEN

THE Hiemstra Commission has been asked to find that Johannesburg City Council employees' spying activities were unlawful and politically motivated, and that "the buck should stop" at an "elitist clique" of four.

In final argument on Friday, Adv Gilbert Marcus said evidence led before the commission demonstrated a "textbook case of the abuse of power".

Marcus, who represented 12 organisations including Cosatu and the End Conscription Campaign (ECC), said what had happened in the council should never be allowed to happen again. This required the people centrally involved to take responsibility for their actions.

Central allegations were that council security department members illegally infiltrated at least 15 organisations and that individuals were monitored, breaching their right to privacy.

In the process, floor plans of houses were supplied to the SADF, incursions were made into Soweto to intimidate residents, a Receiver of Revenue official was paid to obtain information, a council night watchman was assaulted, at least one house was fire-bombed and Johannesburg residents were spied on and bugged.

The system of regularly paid spies began in 1984 and continued until late 1989. Lawyers acting for the commission estimated that it cost the council nearly R2m.

The "elitist clique" referred to by Marcus consisted of former Town Clerk Manie Venter, public safety director John Pearce, a security department director, Brig Jan Visser, and monitoring section head Frik Barnard.

Lawyers acting for the commission, Adv Dennis Fine SC and Lotter Wepener, argued that Venter, who was the council's town clerk since April 1984, was one of the

people responsible for the establishment of the paid informants system.

He could give no plausible explanation why, if the decision to pay informants was an open and legitimate decision, it was not minuted or placed before the management committee for consideration.

Pearce was one of the prime motivators in the establishment of the system, they said. The lawyers rejected Pearce's attempt to elevate the decision to pay informants to the highest level.

The lawyers concluded the infiltrations were "a wilful political frolic aimed at furthering the interests of the NP, and that these intrusions were in no way connected with the interests of the Town Council".

According to the lawyers, Barnard took the decision to infiltrate the ECC. He conceded that the ECC was infiltrated because he wished to be kept aware of what it was doing.

In conclusion, the lawyers said there was no legislation authorising the covert activities of the security department, which were not sanctioned and which were wrongful and unlawful. "Political considerations were the order of the day. Targets were chosen because of the perception that they were left-wing organisations which operated against the NP."

Adv Schalk Burger SC, acting for the four, challenged the views of the lawyers for the commission that the four men were guilty of an invasion of privacy.

He also said there was no evidence as to why the four were particularly isolated and why other people and bodies were not "answerable", like the council, which brought the section into being.

He also challenged the view that the activities were done for the NP's benefit.

Hiemstra inquiry 'did not hear evidence'

TIM COHEN

THE Hiemstra Commission has been told that evidence of operations in which Johannesburg City Council employees and Defence Force members burned Soweto houses and assaulted residents was deliberately never led.

In final arguments on Friday, Nic van der Walt acting for the council said it was important to note that Adv Dennis Fine, for the commission, knew about the potential evidence and chose not to present it.

"It is submitted that he clearly considered this to fall outside the ambit of the commission's mandate otherwise he would have elicited this evidence himself," Van der Walt said.

Van der Walt, who said the council had adopted a neutral approach, made these statements following allegations made in evidence tendered by Hannes Gouws, the

man who lifted the lid on the spy ring operated by employees of the council.

Van der Walt quoted from the record testimony led by Gouws: "We burnt houses with council members, together with army personnel. We intimidated people."

Alleged spy-handler Martin Hennig drew up reports on David Webster, Gouws said. Gouws had heard from sources that the person who shot Webster was the same man he and the group worked with.

After this, in his final heads of argument, Van der Walt quoted Fine as saying he had specifically excluded this evidence.

As a consequence Van der Walt requested that a specific finding should be made that the incursions into Soweto were purely military operations.

Law courses will focus on human rights

THE Law Faculty of the University of Pretoria is to present a comprehensive course on human rights during the latter part of the year.

The course forms part of the LLM programme, but other interested parties may also enrol. They may attend the classes only or also write the examination for which they may earn a certificate. *Sowetan 25/6/90*

A spokesman said the lectures will be presented from the end of July on 13 consecutive Tuesdays. They will be from 5,15pm to 7,15pm and will focus on the protection of human rights in South Africa with reference to the international context.

The lectures will include, "The Freedom Charter and the ANC Constitutional Guidelines", "Human Rights and States of Emergency", "The Namibian Constitution", "Women's Rights", "Access to Justice" and "Humanitarian Law". *(252)*

Course fees are R274. There are a number of bursaries available to students who would like to attend the course only. *(252)*

Those interested in attending the course should contact Advocate Cecile van Riet, Faculty of Law, University of Pretoria, Pretoria, 0002. Alternatively telephone (012) 420-3151.

'Necklaced' body found ²⁵²

The body of a man who had been necklaced was found near a hostel in Katlehong yesterday. St. 25/6

A police spokesman said last night that the body had been found near the Magodi hostel. It had been there since Saturday.

● East Rand police are investigating the death of a man who was stabbed in Bakerton Springs at the weekend. — East Rand Bureau

A tale of two commissions

We in the Five Freedoms Forum have been intimately involved with both commissions of inquiry which are currently investigating unlawful acts by elements of the South African Security Forces. This is because one of our founders and executive members, Dr David Webster, was gunned down at his home on May 1 1989 in Troyeville, Johannesburg.

There is a strong suspicion that elements of the security forces were involved in, if not the actual killing of, then certainly the building of a profile on David Webster.

The Harms Commission has focused on attempts by interested parties to identify hit squads operating within the South African security forces.

The Hiemstra Commission, on the other hand, has focused on spying activities by the security department of the Johannesburg City Council.

During evidence before Mr Justice Hiemstra, it became clear that profiles were built on leading activists and members of the anti-apartheid forces within South Africa.

Deliberate infiltration

One of the profiles that was developed was that of Dr Webster, and the material in respect of this profile was principally supplied by lawyer Tony Naude, who admitted under cross-examination that he had purposefully infiltrated the Five Freedoms Forum in order to spy on it and its members.

He was directed in this regard by Mr Martin Hennig, a full-time employee of the Johannesburg Security Department.

The precise purpose of building these profiles has not been finally determined at the Hiemstra Commission.

What is undisputed, however, is that the information gleaned by the security department of the Johannesburg City Council was passed, on a regular basis, to the military.

Indeed, there was such close liaison between the military and ele-

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'Named CCB members should go before Harms commission'



FIVE FREEDOMS FORUM

At 8 pm tomorrow at the church on the corner of Orchard Road and High Street, Orchards in Johannesburg, a public meeting will be held to voice opposition to the CCB and JCC spy ring. Speakers will include Tony Leon and Gavin Evans. In this article the Five Freedoms Forum puts forward some of the concerns that are likely to be addressed at the meeting.

ments of the Johannesburg security department, the members of both the intelligence arm of Wits Command and the Johannesburg City Council would meet on a farm outside Johannesburg and plan activities against anti-apartheid activists.

The major activity of this integrated unit based on the military farm appears to have been the conducting of raids into Soweto, during which suspected activists would be hauled out of their homes, beaten up, and subsequently forced to provide information.

The monitoring operation by the security department of the Johannesburg City Council was supervised by Mr Frik Barnard, who admitted under cross-examination to being a major in Military Intelligence.

It appears that there was close liaison between Major Barnard and elements of the intelligence community stationed at Wits Command.

Those records of the Johannesburg City Council security department that were made available to members of the commission (and there was extensive evidence about the withholding of documentary evi-

dence from the commission) pointed to the fact that both a card and a file were kept on Dr Webster.

All attempts by those leading evidence at the commission to obtain the contents of this file and the many others that were kept, proved fruitless.

One of the few files that was found was that of Mr Pat Rogers, a DP councillor, who it was admitted was spied upon by those same members of the Johannesburg security department.

At the Harms Commission, evidence has also been revealed that the sinister Civilian Co-operation Bureau (CCB), an element of special forces operating within the military, kept tabs on Dr Webster and others.

The existence of the CCB was not known at the time of the constitution of the Harms Commission but surfaced from evidence at the applications for the release from custody of Mr Ferdie Barnard and Mr Calla Botha, both ex-policemen from Brixton Murder and Robbery Squad, who appear to have been recruited by the CCB.

Mr Botha admitted to a long monitoring session of Mr Roland White, an ex-UDF activist from the Eastern Cape, and Mr Slang van Zyl, also an ex-policeman and member of the CCB, admitted to monitoring the activities of Gavin Evans, one of our executive members. At one point, there was an order out to eliminate Evans.

Both the Harms and Hiemstra commissions are nearing an end. The Hiemstra Commission has been conducted in an aggressive and exemplary manner, particularly because of the tenacious work of Advocate Dennis Fine and Lothar Wepener representing the State Attorney and leading evidence before the commission.

Scratching surface

This commission has also not been marred by the constant jurisdictional battles that characterise the Harms Commission.

The Hiemstra Commission has come to the end of its mandate, and has limited terms of reference. Yet the Harms Commission has only just begun scratching the surface of its vast mandate which is to investigate all politically motivated violent acts and murders committed within South Africa.

We in the Five Freedoms Forum are particularly upset that it would appear that evidence before the Harms Commission will come to an end within the next few days.

For one thing, we would like to see all the members of the military farm who were named at the Hiemstra Commission brought to the Harms Commission to answer questions in relation to their violent acts against opponents of apartheid and members of the Five Freedoms Forum.

Moreover, we believe that each named member of the CCB should be subpoenaed and interrogated by this commission.

If not, we will be allowing these people to get away, quite literally, with murder.

New laws mooted 'to curb secrecy'

NEW laws to combat secrecy in government are urgently needed over and above an amended Corruption Act, according to the acting dean of Wits Law School Prof Etienne Mureinik.

In response to the publication of the Law Commission's working paper on bribery and corruption, Mureinik said existing legal controls on official decision-making were "notoriously lax".

While the attempt to polish the Corruption Act was laudable, it was not the most urgent priority, he said.

"The starkest impediment to the legal control of corruption is the problem of proof. The paramount difficulty is that the crime is committed in secret, and that the parties to it are usually the only witnesses.

"The witnesses, being offenders themselves, will very seldom have a reason to disclose the crime, much less testify."

Mureinik said the author of the working paper was conscious of this difficulty, but measures to meet it were beyond his terms of reference.

"To meet this problem, the most urgent necessity, especially in the sphere of official corruption, is legislation to facilitate scrutiny and inhibit concealment.

"Our law does not generally require an official to give reasons for a decision, nor does it require officials to establish that their decisions are reasonable exercises of power, nor that they are adequately supported by the evidence.

"The effect is to free officials from a

TIM COHEN

meaningful obligation to justify their decisions, or to make justifiable decisions. The effect of that is to deny the courts meaningful power to scrutinise official decisions."

The consequence was a legal shield of non-scrutiny behind which official corruption could flourish, he said.

Four years ago the commission published a working paper which proposed a Judicial Review Bill to remedy these deficiencies.

Impact

"If enacted, the Bill would permit an official decision to be attacked in court for unreasonableness, for insufficiency of supporting evidence or for the failure of the decision-maker to furnish reasons.

The enactment of that Bill would have an immediate and considerable impact on official corruption far greater than anything contained in the working paper on corruption and bribery, Mureinik said.

A Law Commission spokesman said the commission hoped to submit recommendations arising from the judicial review working paper and the human rights working paper to government by the end of the year.

Recommendations on the Corruption Act working paper would probably be submitted early next year.

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No inquests into 15 unrest deaths

Political Correspondent

NO inquests have been held into the 15 unrest deaths in the Wynberg and Goodwood magisterial districts on or about last year's September 6 election, the Minister of Justice, Mr Kobie Coetsee, said yesterday.

Mr Coetsee said that "as far as could be established" no one died in the magisterial districts of Cape Town, Simon's Town and Bellville as a result of unrest around that time.

Replying to questions tabled in Parliament by Mr Peter Soal (DP Johannesburg North), he said that the people who allegedly caused the deaths of nine people at Khayelitsha and one at Elsie's River at that time had been charged.

The deaths of two people at Grassy Park and Mitchells Plain are still being investigated.

The dockets in connection with the death of three people at Bishop Lavis are with the attorney-general in Cape Town for a decision, he said.

Squatter court order made final

The temporary interdict restraining the Midrand Town Council from demolishing squatters' homes was made final yesterday

In the Rand Supreme Court, Mr Justice Margo said the *rule nisi* was confirmed, not because demolition was prohibited by law, but because by demolishing shacks without taking legal steps to have the squatters ejected, the council had committed acts of spoliation

The judge recorded that the order made no ruling on the provisions of the Prevention of Squatting Act, because those provisions had not been used by the council when it demolished the structures

The council was ordered to pay the costs of the application, launched by Thomas Ramawela and other squatters Hawke Structures, which owns the land, is to pay the costs of its opposition — Court Reporter

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Four not responsible

Own Correspondent

CAPE TOWN — Four policemen who opened fire on a crowd in Eerste River on September 6 last year were not responsible for the death of a 13-year-old boy who was shot in the neck, a Kuils River inquest court has found

The policemen, Warrant Officer Stephen Erwee and Constables William Sibertz, Andre Fourie and Cornelius Blommerus, were on duty at the Kleinvlei voting station in Eerste River, during the elections, Warrant Officer Erwee said

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told the court "an unruly crowd" of about 300 had thrown stones and poles dipped in tar at police

He ordered Constable Sibertz to fire rubber bullets at the crowd. When the protesters did not turn back, he ordered Constables Fourie and Blommerus to fire their shotguns three times

The crowd dispersed, but 13-year-old Leonard Ras suffered a fatal neck wound

The crowd was threatening and the police acted in self-defence, Warrant Officer Erwee said

Timeshare thefts

Bruce Davis was convicted in a Johannesburg Regional Court yesterday of stealing R78,188 from Southern Sun (Pty) between August 1988 and November 1989 by failing to deposit certain cash payments after selling timeshare units. The hearing was postponed to August 17.

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NEWS

Court dismisses union case against OK

The Industrial Court yesterday dismissed an urgent application by the South African Commercial, Catering and Allied Workers' Union (Saccawu) for an order declaring OK Bazaars conduct an unfair labour practice.

However, the union did not see its application as totally unsuccessful. Saccawu spokesman Jeremy Daphne said the court did not see urgency in the union's application, but maintained the union's right to file the same application for interim relief.

Conduct challenged

The court ruled that Saccawu still had the right to challenge OK's conduct during the strike, even though this might appear to be in conflict with the company's Supreme Court order obtained last week.

Union members had a right to remain on company premises, the court said, and their removal might be considered an unfair labour practice.

Mr Daphne said the union was proceeding with the same application, but under section 43 of the Labour Relations Act for interim relief.

The strike by more than 7 000 workers continued at 131 stores nationally. Mr Daphne said 214 workers had been arrested to date and 33 dismissed by OK management. Talks are to due he held today

in a fresh bid to end the OK Bazaars strike.

OK management and representatives of Saccawu are scheduled to meet in Johannesburg to negotiate on the strike by union members countrywide. Strikers want improved pay and working conditions.

Mr Daphne was adamant yesterday that strikers would not lower their demands.

The union is demanding an across-the-board increase of R160 a month and a minimum monthly wage of R800. Other demands include March 21 as a paid holiday, and a 13th cheque.

OK's offer includes service increases of between R115 and R145 a month and a minimum wage of R710 after a year's service.

Optimistic

OK industrial relations spokesman Gavin Brown was optimistic that a settlement would be reached soon. He maintained that negotiations meant flexibility. Strikers had lost more than R4.5 million in wages and bonuses since the strike began on June 4.

Mr Brown said the Industrial Court decision meant strikers could not enter 11 OK stores.

Strikers at these stores would also have to refrain from any alleged intimidation of non-strikers, customers or suppliers. — Staff Reporter and Sapa.



Shop or strike . . . Alpheus Qwabe pickets outside the Eloff Street, Johannesburg, branch of OK Bazaars yesterday on the opening day of the chain's nationwide sale, which is the 24th day of the strike by 6 500 workers. ● Picture by John Hogg.

'Hit squads' still alive, says report

Sowetan 25/6/90

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AS calls mount for the SADF's covert Civil Co-operation Bureau to disband, a new report claims that, in spite of the Harms Commission of Inquiry, "hit squads" are continuing their activities.

The Human Rights Commission special report into "Apartheid Under Pressure" claims that assassinations, attempted assassinations and other "hits" continue unchecked.

Meanwhile, a spokesman for the Independent Board of Inquiry into Informal Repression has confirmed that they would this week release information updates on informal repression, including alleged "hit squad" activities.



IBIR spokesman Mr Anton Steenkamp said it was worrying that CCB chief Mr Eddie Webb had testified to the Harms Commission that currently about 200 CCB projects were under way.

Bomb

"No one has questioned him (Webb) on it, and there had been no definite indication from the Government that CCB activities have been suspended," said Steenkamp.

HARMS PROBE INTO HIT SQUADS

The HRC report, released this week, links what it terms "a few" deaths - one locally and two across the borders - to "hit squads".

They are:

- * The murder on April 7 of Alexandra Township activist Aldo Mogano (22).

- * The death on April 23 of PAC member Sam Chand and his family of four in Botswana.

- * The attack by means of a parcel bomb posted in South Africa to the Rev Michael Lapsley on April

28. Lapsley, said to be an ANC supporter, survived the explosion but suffered severe injuries.

An HRC spokesperson said the perpetrators of these acts were easily identifiable as "hit squad" members as "people generally know when they are being attacked by vigilantes, whose victims are the same as those of the 'hit squads', or opposing factions".

The HRC report says "clear evidence" had emerged of the existence of hit squads within the ranks of the Security Police and the SADF.

"Although the Harms Commission continues with its inquiry, no such structures have been suspended," says the report. - Sapa.

Consumer boycott in full swing

Sowetan 26/6/90

THE consumer boycott in Tzaneen, Duiwelskloof and the Letsetele areas in the northern Transvaal, got into full swing yesterday.

A spokesman for the organisers, who include the Tzaneen Youth Congress and civic associations, said the boycott would continue until all their demands were met.

The spokesman said the boycott was sparked off by:

- * Police harassment of activists;

- * the large-scale detention of students in the area;

- * The demand of a living wage by workers; and

- * The re-instatement of sacked Dithaba Citrus

workers who were fighting for the recognition of their union, Fawu.

The spokesman said they hope the boycott would unite the business community into pressuring the Government to heed their demands. "Once our demands are met, the boycott would cease immediately," he said.

THE MOST AERIAL LAND BIRD IS THE COMMON SWIFT (APUS APUS) WHICH REMAINS AIRBORNE FOR TWO TO THREE YEARS, DURING WHICH TIME IT SLEEPS, DRINKS, EATS AND EVEN MATES ON THE WING



LEVELS of repression in South Africa - softened for a while following President F W de Klerk's February 2 speech - appear to have returned to "former brutality", says a recently released Human Rights Commission report. (252)

The report was recently submitted to the UN delegation which visited South Africa and is likely to influence UN policy on South Africa

It contains startling statistics on various facets of repression and says that while certain changes were brought about as a result of the President's acclaimed speech, all the "awesome" powers of repression were still intact and available to the government and most of them continue to be exercised. (252)

Curbs still reign - report

The only exception to this, says the report, is the recent lifting of the State of Emergency in all areas of South Africa except Natal which represents "the first shift in formal repression" Mr de Klerk's February 2 speech.

In addition, the report says that while political activity has escalated, resulting in various activities largely

being disregarded, security force response has "blown hot and cold" and for some time has "returned decisively to its former brutality"

Repressive powers continue to be embodied in the Internal Security Act (ISA), the Public Safety Act (PSA), the Public Safety Amendment Act (PSAA) and the amendments to the ISA and PSA which "wait in the wings", the report says

Detention without trial in terms of the ISA continues on a daily basis and "is happening as we speak", claims the report.

The numbers of people affected are in the hundreds rather than the thousands of the recent past, and the detainee population in May stood at between 400 and 500. - Sapa.

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Hospital officials took bribes, inquiry told

Pretoria Correspondent

Claims of bribery and corruption involving hospital officials have been made at the commission of inquiry into the eight-day strike at Ga-Rankuwa Hospital.

Jerry Ndhlovu, of the Workers' Committee of Ga-Rankuwa Hospital, yesterday told the commission officials had accepted "presents" from workers, and offered workers R20 bribes to reveal "information".

A worker had given an official, Mr A J Swanepoel, a "present" of money in order to "get an office", Mr Ndhlovu claimed.

He was being questioned on a list of workers' grievances, to which the Transvaal Provincial Administration had responded in writing before the strike began.

Alcohol

One grievance, listed under the heading "corruption", was that officials drank alcohol on duty.

The TPA's response to this was that workers were probably referring to a "single" event involving a white security guard.

The officer had been off duty, but consumed alcohol in a hospital office.

This was "inexcusable", but the guard had been rebuked in writing, the TPA said.

Asked by Mr G Josman, representing the National Education, Health and Allied Workers' Union, if workers were satisfied with this explanation, Mr Ndhlovu said "no".

He said two security guards had been fired for drinking on duty, but the officer had not. He should also have been dismissed, as alcohol was not allowed on the hospital premises.

Mr Ndhlovu said workers were unhappy with the TPA's reaction to other grievances.

He will be cross-examined today.

(252) (20) Star 29/6/90

Squatters face uncertain future

By Musa Mapisa and Zingisa Mkhuma

A temporary court order halting the demolition of the Midrand squatter camp has brought relief to more than 200 families living there

The camp developed in 1988 when 28 people were given a plot outside Halfway House to build shacks. The owner of the land charged them R15 a month

In February this year the squatters were given three months to move as the plot had been sold. Other squatters began moving on to the land when it became known that rent was no longer being collected, Peter Mapota, the squatters' representative, said

Now the squatter camp is faced with demolition

Constance Makofane, who moved into the camp because it was close to a doctor's surgery, said her only difficulty was the lack of water on the site

"I was not aware that we were threatened with demolition. I am prepared to move if they send us to a place where there is water, toilet facilities and a school for my children," she said

Susan Marabe, who comes from Brits, works in a suburb in Midrand. She is staying with her husband, who works in Halfway House

"My husband and I work here. If they demolish this place we have nowhere



Midrand squatter camp children live on the brink of uncertainty
Pictures by Ken Oosterbroek

to go. We can't go back to Brits as there are no jobs," she said

Joyce Goba lives with four sisters and a brother in a shack. Her shack and 15 others were built inside a shed

"As you can see, there is only one bed and five of us sleep on the floor. This is not a human way to live

Mr Mapota said the squatters would not move until the Midrand Town Council found alternative accommodation for them



NEWS

A man designed to rein in pin-striped miscreants



THE past decade has seen South African business becoming riddled with fraud, corruption and bribery.

Now the Government is considering forming a task force of "supercoops" to combat it and the man tipped to lead the group is Cape Attorney-General Frank Kahn.

A prerequisite for the job, one imagines, is being sufficiently hard-nosed to stand up against the power of corporate capital. Frank Kahn's record certainly suggests that this is one of his major attributes.

When in August 1988 the Harms Commission was appointed by the State President to investigate alleged irregularities by Sol Kerzner and Pretoria attorney Albert Vermaas, investigating officer Frank Kahn showed tough resolution in digging away at detail.

Frank Kahn, unafraid of corporate clout and unintimidated by the State or the armed forces.

set Mr Kahn, it seems, is not only unafraid of crossing swords with corporate clout but is equally unimpressed by the State or the armed forces.

He looks tough and talks tough with a bearing and manner that would have any pin-striped miscreant thinking long and hard about trying to pull the wool over his eyes.

But his way of doing things belies his looks. He does not behave in witch-hunts and, whenever possible, he resorts to requests for written or verbal submissions rather than dishing out subpoenas right, left and centre.

He is adamant, however, on the whole question of bribery and corruption. In a press interview last year he said, "The moment one subscribes to the philosophy that the ends justify the means, we lose international credibility and credit-worthiness. One lie begets another and eventually it undermines the fabric of public life."

However, he said this week that he firmly believed that

Personality

FRANK KAHN

Written by: CHRIS MOERDYK

South Africa was characterised by a strong vein of self-respect, proof of which was the judicial system.

"This, after all, is the dividing line between a banana republic in which fraud, bribery and corruption are common, and a stable western democracy that attracts the confidence of foreign investors."

He sees the role of the news media as being important in the work of commissions of inquiry and has gone on record as saying that the press had gone a long way in assisting the Harms Commission in its work. Of course, he welcomes the

idea of a squad of "supercoops" but typically has made no comment on the suggestion that he should lead it.

He believes it would be extremely effective if the idea is to have a small group of experts working closely together and able to act quickly.

This is particularly necessary as the problem, he feels, in getting fraud and bribery suspects to account for themselves, is that they are usually long-gone by the time traditional police methods have brought cases to court.

But he does seem to have things in perspective. He does not see the business shenanigans of the past decade as being a solely South Africa phenomenon but something that is a headache in countries the world over.

Frank Kahn is a man of considerable experience. His quarter century of service in the attorney-general's office has seen him prosecute in all manner of cases. He firmly believes that, as far as white-collar crime is concerned, all South Africans are

victims because this crime more than any other directly affects the entire economy.

He was born in Cradock in the Cape in 1940 and in 1962 he obtained his BA LLB at the University of Cape Town.

After a short spell of reading law in England he returned to South Africa to work in the judicial court in Wynberg. In the same year he joined the Attorney-General's office and that is where he has been since.

In 1977 he led an investigation into a major foreign exchange scandal and a year later he became one of the first public prosecutors to be involved in a case of white, right-wing terrorism.

He is married with one child, a daughter who, not surprisingly, is studying law. He is not a sportsman and told a journalist last year: "Sport leaves me cold." He added that his hobbies tended to be smoking and eating junk food as a result of what he described as a "frivolous routine."

Southern Sun obtains court interdict over striker sit-ins

Star 6/7/90

By Shareen Singh

252

Southern Sun Hotel Corporation obtained an interim interdict yesterday against the South African Commercial, Catering and Allied Workers' Union for the removal of 4 500 strikers from 19 hotels in the Transvaal and may consider similar action in Cape Town and the Free State

Saccawu members have been holding sit-ins at hotel canteens during the day.

At the Johannesburg Sun more than 250 workers have been sleeping in the hotel canteen since the strike started on Tuesday

Saccawu said its members had occupied hotel canteens demanding management allow strikers at all hotels access to its premises to hold meetings.

Incidents of clashes between police and strikers were reported at Sabie River Bungalows, Harrismith Holiday Inn and Ermelo Holiday Inn

Representation for all welcomed by lawyers

Star 6/7/90 (252)

Justice Minister Kobie Coetsee announced this week that the Legal Aid Board is investigating a system of public defenders to act for those accused who have no legal representation, a move welcomed by lawyers who are concerned over this deficiency in South Africa's legal system. **KAREN STANDER reports**

Facing criminal prosecution without the benefit of legal representation is a nightmare forced on about 85 percent of the thousands of South Africans sent to jail every year.

Legal academics have estimated that of the 153 000 people sentenced to jail in 1988/9, 85 percent (129 600) were unrepresented, and most of them were black.

Many legal experts have called for the introduction of a public defender's office to provide a lawyer for everyone charged with a serious offence, a system now being investigated by the Legal Aid Board on the instruction of the Government for possible implementation.

Johannesburg advocate Les Morison, who researched and wrote a paper on the public defender system for Lawyers for Human Rights (LHR), explained that the present judicial model was an "adversary type" where it was presumed that the passive judicial officer could best determine truth and justice by comparing the competing cases of two adversaries.

Rights

But this required a degree of equality between the adversaries, and justice was impaired when the unrepresented accused did not have the know-how to compete with the State prosecutor, who was more experienced and educated.

Brian Currin, national director of LHR, said a public defender system, apart from looking after the rights of individuals charged with an offence, would force the State to consider cases more carefully.

"We told the Government that unless an accused has legal representation, the judicial system is mere rhetoric and due process is meaningless. At the time, the Government said it could never work in South Africa and was not affordable.

"We welcome this new announcement and would like to offer assistance."

Reagan Jacobs of the Centre for Applied Legal Studies at the University of the Witwatersrand said the drawback of a public defender system was its cost.

"It would require enormous

funding but would also be a vast improvement. It would make representation accessible, especially in criminal cases."

The issue was brought to public attention in 1988 when South Africa's most outspoken jurist, Mr Justice Didcott, set aside the convictions and sentences of two unrepresented accused.

Overtaken

In the judgment, hailed as a landmark decision, the judge said South African courts should work towards the system pertaining in America, where no person could be deprived of "life, liberty or property" unless he was defended by a lawyer or opted to conduct his own defence.

The finding was later overturned by a full bench of the Natal Supreme Court, which said legal representation was not vital to the fairness of a trial.

Mr Morison believes the establishment of a public defender system is a necessity, not a luxury, as society would benefit by greater access to justice.

The State-funded Legal Aid Board, using private lawyers, was comparatively more costly and less accessible than a full-time public defender's office, he said in his paper.

Pro deo counsel, who represented those accused in the Supreme Court of capital crimes, were usually junior members of the Bar and generally not assisted by attorneys.

He said a public defender system would require full-time attorneys, but they could be assisted by others with different levels of legal education, including students. They would dispense legal advice and represent anyone charged with an offence which might result in a prison sentence.

It had been proposed that legally qualified conscripts and black legal graduates, who had difficulty in obtaining articles in private firms, be used in such a programme.

The public defender programme could initially function only in the lower courts, but be used to assist pro deo counsel in the Supreme Court, Mr Morison said.

Bill planned to extend powers of Advocate-General

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D (Dm) 6/11/90

MIKE ROBERTSON

GOVERNMENT will introduce a Bill in the next parliamentary session extending the Advocate-General's powers of investigation to include cases of maladministration

However the Advocate-General Amendment Bill will also give the Advocate-General the right to refuse to answer questions, in a court of law or before a commission, on any information obtained during an inquiry.

Money

The Justice Department said in a statement yesterday that the Advocate-General's powers would also be extended to allow him to investigate cases involving money due to the government or institutions of self-governing territories.

The statement said the new Bill was aimed at enhancing the effectiveness of the Advocate-General's office.

It said that whereas the Advocate-General's investigative powers had been restricted to alleged dishonest or improper acts relating to the handling of "public money", it was now being proposed that he be empowered to investigate instances where the state

was prejudiced by maladministration. The Advocate-General would also be able to investigate cases where members of the public were allegedly unlawfully or improperly prejudiced by a government institution or civil servant.

The Bill envisages conferring the following powers on the Advocate-General

- The power to refer a matter he is investigating to the responsible authority for necessary action;
- The power to request any state employee or member of the private sector to assist him in the performance of his functions,
- The power to appoint any person to conduct an inquiry on his behalf,
- The right to refuse to answer questions in a court of law or before a commission concerning information obtained in the course of an inquiry, and
- The discretion to order that expenses incurred by any person in the course of an inquiry be paid from state funds.

The statement said penalties prescribed in the Act would be increased, but it did not give further details

New measures target maintenance dodgers

CAPE TOWN — Tough new measures against maintenance defaulters have been proposed in the recently tabled Maintenance Amendment Bill

The draft legislation recommends that maintenance courts be empowered to make orders on lying-in expenses, arrear maintenance and medical expenses

It also recommends that fines be increased in line with inflation, that a court convicting a person who has failed to pay maintenance be empowered to order the payment of interest on arrear maintenance and that it attach assets where arrear maintenance is not recovered

The Bill proposes amendments to ensure that beneficiaries are not financially disadvantaged by the delays or suspensions of maintenance which are often caused by existing legal procedures

One such amendment allows for the transfer of maintenance orders if a beneficiary moves to another magisterial district. Under existing legislation, the contents of a maintenance file cannot be transferred and this causes delays and administrative problems

Another such amendment prevents

LESLEY LAMBERT

orders from being suspended during the period that appeals are disposed of by the Supreme Court

To help trace maintenance defaulters, the Bill proposes that the courts be allowed to order photographs of people against whom maintenance claims are made

A maintenance order can be made in the absence of the person against whom it is made, provided that the court has the defendant's written consent. The Bill proposes that, under these circumstances, it should also not be necessary for the complainant to give oral evidence. It proposes that written statements should be admitted as evidence

To prevent witnesses from traveling long distances merely to testify that a person against whom a maintenance order has been made no longer works or lives at a particular address, it is proposed that an affidavit should serve as prima facie proof of the evidence

The Bill also recommends that blood tests be used more often to determine paternity

Official defuses bomb at NUM office

THE NUM condemned the escalation of violence aimed at union property after a bomb was defused yesterday by a union official outside the organisation's Carletonville office.

The incident brings to four the number of attacks on NUM property in recent weeks, starting with the June 10 blast at the union's Welkom office which caused R250 000 damage.

NUM media officer Jerry Majatladi said yesterday NUM offices had been vandalised in Witbank and Rustenburg in the last two weeks

The union appealed to those who had differences with the NUM not to resort to violence.

MATTHEW CURTIN

Majatladi said the NUM endorsed Tuesday's comments by Chamber of Mines president Johann Liebenberg that the chamber, the NUM and the white mineworkers' federation the Council of Mining Unions (CMU) had taken positive steps to reduce racial tension on the mines

Police said yesterday they had arrested a further eight men in connection with the murder of a Virginia mine official fleeing from a crowd of up to 1 000 people.

This brings to 20 the number of men held

Four miners on murder charge

LINDEN BIRNS

FOUR men appeared in a Virginia court yesterday charged with the murder of Merriespruit gold mine's chief personnel officer Steve Buitendag, who was killed during a miners' protest on Monday afternoon. *8:10am 6/27/90*

A police spokesman confirmed that 20 men had been taken into custody for questioning since Monday, when Buitendag and two colleagues were allegedly attacked at a mass meeting protesting against the latest Chamber of Mines wage increase.

Buitendag was stabbed and suffered multiple head injuries after becoming separated from his colleagues who ran for safety when a crowd surrounded them in a hostel arena.

The four miners charged with the murder are Win Kakatha, 19, from Virginia; Thembile Mbele, 23, of the Transkei; Thomson Masipida, 27, from Vryburg, and Petrus Lefu, 28, of Ficksburg.

The magistrate remanded them in custody until the trial resumes on July 31.

clpress 5/8/90 (252)

'Winnie's men set my house on fire'

By MARTIN NTSOELNGOE

A GRUESOME tale of how Winnie Mandela allegedly ordered her football club to burn and kill people unfolded in the Rand Supreme Court this week.

The horror story emerged during the testimony of Dudu Chile, who is a Transvaal organiser of the Federation

of Transvaal Women, an affiliate of the African National Congress.

Chile, who said her son had killed football club member Maxwell Madondo, was testifying at the trial of club member Charles Zwane.

Zwane, 22, of Orlando West, Soweto, faces 11 counts of murder, 22 attempted murders, arson, two counts of unlawful possession of an AK-47 and ammunition.

Zwane has pleaded not guilty to all charges and is in custody.

Said Chile: "My house was burned because I refused to let my boys join the football club.

"The other reason was that my son killed a member of the football club, Maxwell Madondo."

She said she had never seen the Mandela Football Club playing football, but they were burning houses and killing people

When asked about her relationship with the Mandela family, she said she liked Nelson but hated Winnie.

The case resumes tomorrow

Decision on objector sets precedent

By Monica Nicolson

Andre Croucamp does not believe in God or belong to any religion

However, last week, the Board for Religious Objection classified him as a religious objector and charges were withdrawn against him for refusing to serve in the South African Defence Force.

Mr Croucamp sees himself as being part of a broad and loosely defined "non-theistic mystic tradition" so his acceptance by the Board for Religious Objection has apparently widened the legal definition of what constitutes religion

He believes he has opened the way for other objectors to be recognised by the Board. Religious objectors are permitted to perform community service instead of military service



Andre Croucamp

Previously, an applicant had to show that he belonged to an internationally-recognised religion and believed in God or a Supreme Being

In March 1986, David Hartman challenged the Board on the latter issue when he applied as an atheistic Theravadin Buddhist and was accepted.

Believe

The Board's decision on Mr Croucamp's case has been seen as a further precedent

"I do not belong to any formalised or conventional religion and do not believe in a God, but have assimilated and integrated insights of mystics, psychologists, historians and scientists. I have been largely influenced by Zen Buddhism and Taoism

"But my basic religious experience is similar to other religions," he said

Mr Croucamp said the reasons people went to the army — to protect family or property, out of pressure, loyalty or guilt, and even or because they enjoy the experience — did not motivate him

"I opt for compassion and understanding people. I believe. All is One so it is impossible to take sides or distance myself from the suffering of other people."

Mr Croucamp, who has been working as a human resources manager with an insurance company, is nervously waiting for the Department of Manpower to place him in the job he will be doing for the next 18 months.

He has been involved with community work for the past decade, counselling drug addicts, alcoholics and potential

suicide victims, working with Johannesburg's street children and at an AIDS centre

"I should be placed in a position to continue doing real community work. I hope the army does not use the time to punish me by putting me in a mundane office job," he said

He said that because he is a clear, confident and erudite person, he was able to convince the Board of his sincerity and point of view

Community service

But, because objectors were not allowed legal representation when appearing before the board, he felt a shy or non-academic person would be easily discriminated against

He also wished to see community service accepted as an alternative and not as a sentence.

Mr Croucamp's lawyer, John Willis, said "In my opinion, the importance of the ruling is that the Board has come to a point where it is considering applications from men who are not necessarily theists or do not belong to any world recognised Church

"It seems the Board has broadened the definition to include people with individual religious beliefs, if they are sincere and universal pacifists."

Although the End Conscript-Campaign was excited about the ruling, spokesman Mandy Taylor said people with philosophical or moral objections to serving in the defence force were still sent to jail

Secretary for the Board of Religious Objectors, Major D Fourie, was not available for comment. Neither was Mr Justice J W Edeling, who passed judgment.

4/7/90 (252)

Vlok's threat will mobilise SA youth, says Sayco

By Kaizer Nyatumba,
Political Staff

The South African Youth Congress (Sayco) yesterday condemned Law and Order Minister Adriaan Vlok's threat to pass legislation to make it easier for the courts to prove intimidation.

Sayco further warned that this move could spark unprecedented mass action, especially among the youth, throughout the country.

Sayco publicity secretary Parks Mankahlana said that the introduction of "more repressive laws" had the potential to sabotage the peace initiative of the people of South Africa, led by the African National Congress (ANC).

"It is disturbing," said Mr Mankahlana, "that this threat comes at a time when our people are demanding that a climate for free political activity be created so that genuine negotiations can begin. We view this as an attempt by the Government to deny the liberation movement space to consult its constituency, the masses of our country."

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F W to get Sebokeng report

The Goldstone Commission's report on the Sebokeng shootings on March 26 this year, in which several people were killed, is being considered for presentation to President de Klerk

This was disclosed yesterday by the Department of Justice, which said the report by Mr Justice R J Goldstone would later be handed to the president

A spokesman said it was not yet certain when the report would be placed on the President's desk, but that the matter was being treated as urgent.

— Pretoria Bureau

SPY SCANDAL UNRAVELLED

17-11-71
Crime Reporter

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day and were granted R500 bail each.

The man who leaked the details of the Johannesburg City Council spy scandal to the press, Hannes Gouws (28), has been arrested in connection with the illegal possession of arms and ammunition

A police spokesman said yesterday that Mr Gouws and his bodyguard, Pierre Bezuidenhout, had been arrested on Friday at Port Shepstone's Oslo Beach

They appeared in court yester-

A BXP sub-machinegun — a new Armscor weapon — with a silencer was allegedly found on the premises at which the two were staying. Detectives also found "various pyrotechnic devices" and 320 rounds of 9 mm ammunition, the spokesman said.

Mr Gouws was apparently in hiding after testifying before the Hiemstra Commission, set up to probe the spy allegations.

Alex rally shooting: two versions

Sta 3/7/90
By Montshiwa Moroke

The controversy surrounding the fatal shooting of Meshack Bekinkosi Kunene (21) by police at the welcome home rally for ANC secretary-general Alfred Nzo in Alexandra at the weekend continued yesterday with the police and Alexandra Civic Organisation (ACO) presenting conflicting versions of events

The ACO says

"I was on the podium when we saw people running towards the eastern side of the stadium I tried, through the address system, to stop them from running, but they kept on running," said Obed Bapela, spokesman for the Alexandra Civic Organisation

"Aubrey Kitime, chief marshal, Keith Madonsela, publicity secretary of the South African Youth Congress (Sayco), and I ran in that direction

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When we arrived on the scene we saw a white 'Husky' minibus used by Kew security police. Some people were talking to the man in charge, Captain J G van Huysten. We saw a youth in the police vehicle, who was apparently resisting arrest.

"A black security policeman, known in the township as Alex, was holding a shotgun in his hand. While we were asking Captain Huysten why they were arresting the youth, we heard the sound of a gunshot. We ran for cover. People who were standing around scattered and dived for cover.

"When I looked down on my right side I saw Meshack bleeding from the head. I could also see blood from his nose. Meshack was shot at close range through the window by Alex.

"People from the eastern side of the grandstand started throwing stones and bottles.

"There was no order to shoot and there was no warning."

Police say:

A man who allegedly stoned police was shot dead outside a rally in the township. Spokesman Lieutenant Henriette Bester said several policemen, including the captain in command, were injured when struck by stones and other objects hurled by a mob outside the stadium on Saturday.

The policemen tried to arrest a dagga-smoker, who had put up resistance and who started shouting. His screaming attracted attention and about 1 000 people attending the rally swarmed from the stadium and attacked police.

"A policeman whose life was in danger then fired a shot in self-defence and a 21-year-old man was killed," Lieutenant Bester said.

A police vehicle was damaged in the incident.

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ANC deputy president Nelson Mandela meets Russian dissident Nathan Sharansky at the I
during Mandela's visit to Los Angeles

Public defender system investigated for courts

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12/24 21/7/90

SUSAN RUSSELL

JUSTICE Minister Kobie Coetsee has asked the legal aid board to investigate the possibility of introducing a public defender system to act for accused persons who have no legal representation

In a statement issued on Friday, Coetsee said he had asked the board to furnish him with recommendations once it had conducted its investigation.

Coetsee's request to the board follows his address to the President's Council on June 19 on the accessibility of the courts.

It was suggested to Coetsee by members of the council that he consider the introduction of a public defender system.

Coetsee said he had confirmed in his budget vote in Parliament and address to the council that he and government had made it their duty to make the courts and the law more accessible to the public

This was at the same time as maintaining, as far as possible, the high esteem in which the administration of justice was held

"I have decided to request the legal aid board to investigate the possible introduction of a system whereby persons (elsewhere known as public defenders) with specified training and experience in the defence of criminal cases, and who are constantly on duty at the courts, can represent accused in criminal trials," he said

"I also look forward with much interest

to the results of a similar investigation conducted by the attorneys' profession"

Coetsee said several steps had already been taken to broaden the basis of legal representation.

"The Attorney's Amendment Act 1989, was recently promulgated to allow candidate attorneys with an Llb degree to appear in regional courts in certain circumstances."

Contribution

Coetsee said provision had also been made to allow candidate attorneys with a B Proc degree to appear in the district courts at the start of their articles instead of after a year as was the case before

"The government recently drastically increased its contribution to the legal aid board and a considerable amount is annually budgeted for the provision of pro deo legal aid," he said.

"I have also recently requested the rules board for courts of law to investigate a possible increase in the jurisdiction of the small claims courts and in the civil jurisdiction of magistrate's courts"

Coetsee said the board would submit a report and recommendations to him

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Hospital blamed for death of patients

By Mckeed Kotlolo,
Pretoria Bureau

KwaNdebele villagers have described the Philadelphia Hospital at Dennilton — the only hospital in the area, and which serves thousands — as a death trap

Many villagers, including a medical practitioner and other professional people interviewed by The Star, complained about a shortage of drugs and doctors, poor patient care, lack of equipment and an inefficient standard of administration

Most described the hospital as "a death trap" and said they took serious medical cases to private doctors or to the Kalafong and Ga-Rankuwa hospitals near Pretoria

The complaints were confirmed by the KwaNdebele Minister of Health and Welfare, Humphrey "Shower" Mabena, who told The Star his government's lack of control over the hospital compounded the problem.

Mr Mabena accused Philadelphia Hospital, which is administered by the Transvaal Provincial Administration (TPA), of refusing to treat patients without referral letters from any of the local clinics

He said the hospital also refused white doctors working in the territory permission to use hospital petrol when doing rounds at local clinics.

The Minister said his government had approached the Development Bank of Southern Africa for funds to erect a well-equipped general hospital to give the villagers the necessary medical care

"We hope the bank authorities will see the urgency of the matter," Mr Mabena said

The deputy director for liaison services, Jan van Wyk, denied that the hospital was under the administration of the TPA

'Control'

"However, we are in the process of taking over control of the hospital again, but no final arrangements have been made"

The hospital superintendent, a Dr Steyn, has been unavailable for comment since Wednesday. His office said he was attending meetings

The Star visited the hospital after receiving a number of complaints from individuals who claimed they were not satisfied with medical standards there

There were complaints about

poor treatment by nurses, lack of medication and having to wait long hours before being attended to by doctors

Some also blamed the hospital for the deaths of relatives, and said if the staff had attended to patients immediately many lives could have been saved. Some patients said they had to spend days without being attended to by a doctor because of a shortage of doctors and lack of proper equipment

A KwaNdebele carpenter, Mandla Amos Masombuka, spent three days at the hospital — with a fractured right arm, torn ligaments in a leg and a cut on his chin sustained during a car accident on April 28, this year — without receiving any medication

Immediately after the accident, Mr Masombuka was rushed to the hospital where he received a number of stitches on the chin

"I was made to sleep on a bench the whole night. I neither received treatment for the fractured arm nor the leg. They did not even take X-rays or at least give me a tranquiliser during the three days I spent there"

Account

He was unable to wash for the three days and has received an account for R674,34 for the time he spent there

He said he was not attended to by any doctor for the rest of his stay, in spite of his badly swollen arm and leg. Later he decided to leave because they refused to transfer him to either Kalafong or Ga-Rankuwa

Mr Masombuka said he went to Kalafong Hospital where he was immediately operated on and both his leg and arm were set in plaster. He claims that his arm no longer functions correctly because of delays at Philadelphia

Simon Jiyane, of Ekangala, blamed poor patient care and lack of drugs for his mother's death in April this year

An asthmatic, his mother had gone to the hospital for treatment of burns after a fire. Mr Jiyane said that when she needed drugs for her asthma, she had been told the hospital did not have any

The family had demanded she be transferred to Ga-Rankuwa Hospital where she died on arrival, after waiting four hours for an ambulance to transport her from Philadelphia Hospital

Tenants beaten for

Court makes a restraining order on Hillbrow caretaker

By **DESMOND BLOW**

A Hillbrow slumlord's white "security men" beat up and terrorised black tenants on Tuesday when they voiced complaints, it is alleged in papers before the Johannesburg Supreme Court

The landlord takes nearly half-a-million rand a year in rent from black tenants at Park Mews, a derelict eight-storey block of flats in Hillbrow

Tenants have now been granted a court order against the caretaker, manager and security men after an application by Actstop to restrain them from assaulting tenants.

According to papers before the court tenants - who pay on average R500 a month for a one-room flat - went to the office of caretaker Peet van Loggerenberg on Tuesday evening to lodge complaints about conditions in the building

Instead of listening to their complaints, Van Loggerenberg, surrounded by "security guards" who live in the building, allegedly assaulted three of the protesting tenants, including a woman. The three were taken to hospital for medical treatment

Among complaints tenants wished to discuss with Van Loggerenberg was that the lift does not work, that there is no hot water and no lights in the corridors at night. The flats also have broken floors, falling ceilings, broken toilets and blocked sewerage.

When Van Loggerenberg assaulted the three tenants, the others fled. But they had handed in a signed petition and late that night Van Loggerenberg and his "security men" broke down the doors of tenants who had signed the petition and assaulted them with fists, boots, batons, sjamboks and the butt of a rifle, an affidavit says.

Six were taken to hospital

The tenants fled their flats in the middle of the night and when they returned found their radios, clothing and other possessions - including money - were missing.

When Mohammed Dangor of Actstop phoned Van Loggerenberg on behalf of the tenants and offered to negotiate in the dispute, Van Loggerenberg told him to "f... off".

According to papers before the court, when Susan Albertyn, an attorney acting for the tenants, phoned and spoke to the manager, David Britz, he refused to discuss returning tenants' possessions to their flats

This week when *City Press* photographer Evans Mboweni and I tried to interview Van Loggerenberg about the assaults, we were threatened by Van Loggerenberg and three members of his "security force". They cursed us and forced us to leave the building

The flats are in a rundown condition and although they are rented out as furnished, the furniture provided is broken and dilapidated.

According to residents, after they complained about the conditions, their doors were smashed down late at night and they were beaten in their beds by Van Loggerenberg, Britz and several burly white men who call themselves Trust Security Services

In one flat a 29-year-old mother lay with her three-month old baby daughter in her arms as she was kicked all over the body

In another, a 16-year-old schoolboy on holiday from Swaziland was hit with a baton as he lay asleep and his arm was broken. His mother was not at home, but when she returned she found that R1 500 she had in a cupboard for her son's schooling had disappeared

Others in the room were lashed with sjamboks. We were shown blood-spattered pillows

■ Many tenants report that their possessions have been tampered with or destroyed by Van Loggerenberg and his "security guards"

Vuya Gaba, who returned to his flat on Wednesday after visiting his sister the night before, was taken to Van Loggerenberg's office where he was given two hours to pack his bags and leave the building. Gaba had paid his rent and was not in arrears

He found his flat had been vandalised. Broken glass, broken ornaments, cutlery and clothing was strewn on the floor

When he was on his way out he was assaulted by Britz and a "security guard" called Lawrence. He fled, leaving behind all his possessions. He has not returned

Charges have been laid at Hospital Hill police station

■ On Friday, when an urgent application was brought against Van Loggerenberg, Trust Security Services and David Britz, the three agreed to restrain from assaulting tenants until the application is heard. This was made an order of court.

Derek Zikalala, 16, had his arm broken by a "security guard". Solomon Rakabe, 27, was also assaulted.

■ Pic: EVANS MBOWENI

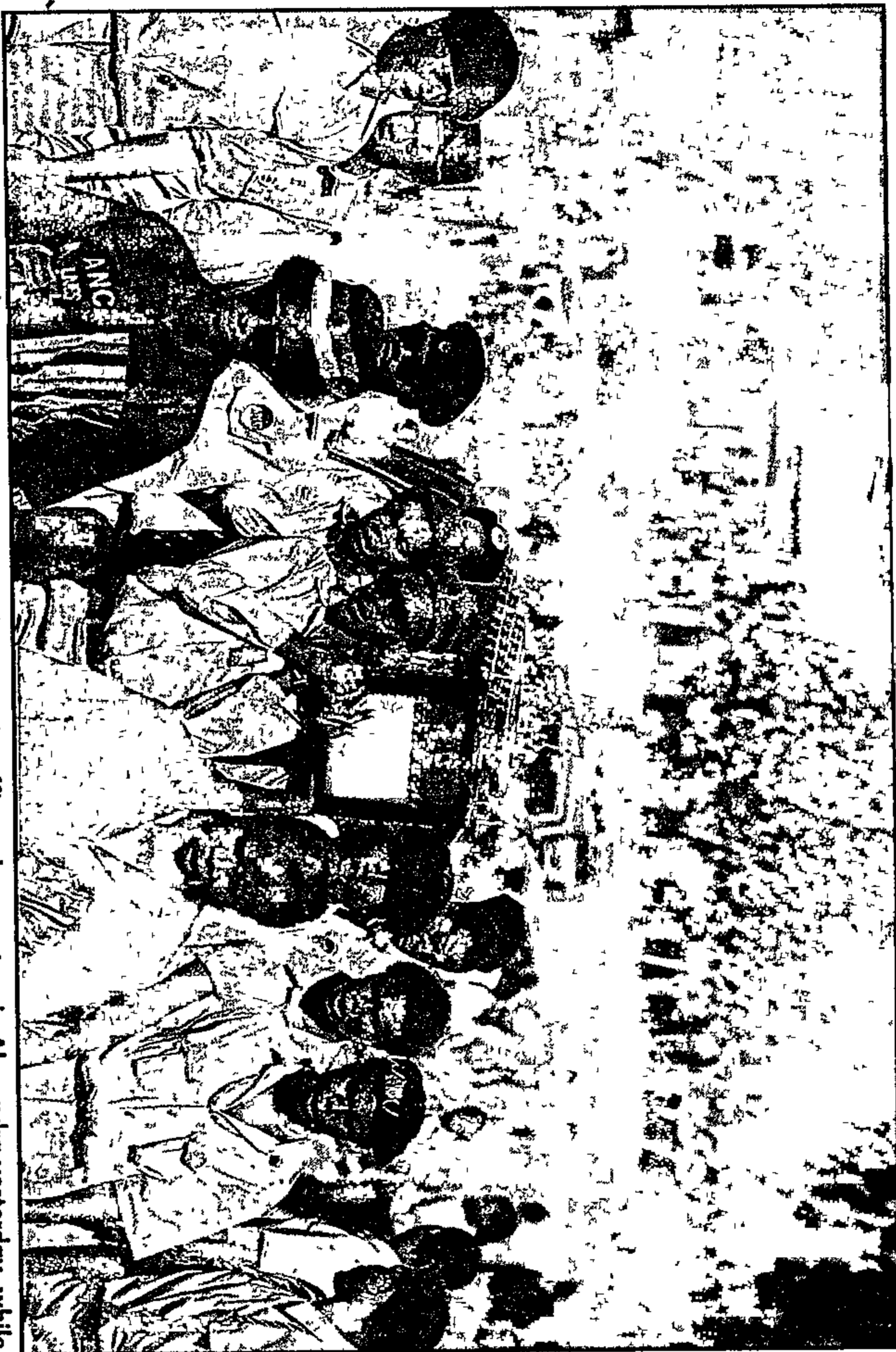
complaints

Sisulu calls for probe into shooting

By Kaizer Nyatumba, Political Staff

African National Congress internal chairman Walter Sisulu yesterday called for a commission of inquiry into the fatal shooting at Alexandra last weekend of an ANC marshal, who was buried yesterday.

Speaking at the service in the KwaNobuhle Hall in Alexandra, Mr Sisulu said the fact that the marshal, Meshack Kunene, was shot dead during a rally to welcome home ANC general secretary Alfred Nzo was indicative of the Government's lack of regard for the ANC and lack of respect for the Groote Schuur Minute



Activist honoured . . . the "Young Lions" carry Meshack Kunene's coffin to the cemetery in Alexandra yesterday, while the rest of the funeral procession follows at a distance.

Picture by Ken Oosterbroek.

Threatened
Activists have denied the police claim that Mr Kunene was shot in self-defence while he was attacking the police. They said Mr Kunene was threatened shortly before the shooting. Mr Sisulu called for a commission of inquiry into the death. Mr Nzo, who could not be at the funeral, sent a message of solidarity to the mourners, which was read by Mr Sisulu. The funeral was attended by about 3 500 people.

man bought 12 diamonds, valued

Three in court on arms charges

10/7/70

Three men appeared in the Johannesburg Magistrate's Court yesterday on arms and explosives charges, according to police.

Norman van Biljon, Julio Aruma and Michael Street were arrested by Yeoville police, who took possession of dynamite, 39 F26 handgrenades, three Claymore mines and dynagel.

The hearing was postponed to July 16 for further investigation.

The three were not asked to plead and were remanded in custody.

Police said the men were arrested after the police followed up information relating to the illegal possession of a handgrenade — Sapa

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Alleged 'Wit Wolf' killers in court again

The two Pretoria men who allegedly murdered two black men and seriously wounded a third in what have been dubbed "Wit Wolf" killings, again appeared briefly in the Cullinan Magistrate's Court yesterday

The men, 29-year-old Pieter Hendrik Groenewald and 27-year-old Brian Chester-Browne, allegedly killed Simon Koba and Petrus Makena shortly before midnight on May 5 on the Mamelodi-Cullinan road

The case was postponed to August 28. — Sapa.

See 10/7/90 (252) (circled) (circled)

Kidnap fear in search for missing lawyer

By Norman Chandler,
Pretoria Bureau

Missing Pretoria advocate Pieter Leeuwner has still not been found, despite a wide-spread search by family and police

Mr Leeuwner, who appeared before the Harms Commission for Civil Co-operation Bureau (CCB) operative Willem van Deventer, disappeared eight days ago.

There are fears that he could have been kidnapped

Claims that he had been involved in IDB (illegal diamond buying) deals have been discounted, sources told The Star yesterday

The suggestion was made in a weekend newspaper, but has not been substantiated so far

Mr Leeuwner (32) was also the attorney in a murder hearing in which it was alleged that a woman was flung from a balcony

It has been reported that he may have received death threats as a result of his involvement in the trial

In his association with the Harms Commission — which is hearing evidence into alleged unsolved political murders — Mr Leeuwner was said by his client (Mr van Deventer) to have received death threats and to have had his car tampered with by unknown persons.

Mr van Deventer told the commission he was not prepared to give evidence about any alleged association with the CCB, although he had earlier this year told a newspaper that he had been involved with the CCB until 1987

Dhlomo awarded R7 000 for defamation

By Cathy Stagg

Dr. Oscar Dhlomo, who in his former capacity as secretary-general of Inkatha sued the Argus Printing and Publishing Company and the former editor of the Sowetan, Joe Latakomo, was yesterday awarded R7 000 damages arising from reports published in April 1986.

Mr Justice M S Stegmann handed down his judgment in the Rand Supreme Court.

The judge was asked to rule on whether an organisation which is,

or resembles, a political party, could sue for defamation. Mr Justice Stegmann said there was no consideration of legal or public policy to prevent it.

"By publishing the words complained of, the defendants conveyed the implication that Inkatha had been guilty of criminal conduct by inciting its members, or alleged members, and the Amabutho impi, to assault the National Education Crisis Committee organisers and delegates at the Pioneer Hall in March 1986,"

the judge said.

The reports, published after a weekend conference in Durban in 1986, were defamatory, the judge ruled.

The sum of R7 000 was agreed to by the parties before judgment was handed down.

A claim by Chief Mangosuthu Buthelezi was settled before the trial.

The Argus Printing and Publishing Company and Mr Latakomo were ordered to pay the costs of the action.

Call for a 'public defender system' for all

APT TRHS

11/7/80

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It is estimated that at least 80 percent of people who appear in court charged with a crime have no lawyer representing them

The rich can afford to pay an attorney or an advocate

SA LAW

The very poor can ask for legal aid, provided they understand that they are entitled to it and have the courage to ask for a postponement of their trial

But if there was a public defender permanently based in the courts, someone accused of committing a crime would be able to get representation far more easily

The Minister of Justice, Mr Kobre Coetsee, issued a statement on June 29 in which he said he had asked the Legal Aid Board to investigate how a public defender system (PDS) could be introduced.

This week the topic is being debated at a seminar at the University of Natal in Maritzburg. Arthur Chaskalson, SC, national director of the Legal Resources Centre, who presented a paper, was asked how PDS would work

He suggested it would be similar to the way doctors do a period of internship. Recent law graduates could work under the supervision of full-time lawyers who would be there to supervise and take the difficult cases, he said

20 000 cases

Cases which would result in a fine, such as traffic offences, would probably not qualify for the PDS. "It is a case of resources. The people who administer it would have to set their priorities."

The Legal Resources Centre itself deals mainly with civil cases. It has offices in six cities and is funded by a large number of South African

South Africa does not have a public defender system at present — something which the Minister of Justice and many leading lawyers feel should be changed soon. CATHY STAGG, Argus Correspondent in Johannesburg, reports.

can corporations, trusts and individuals as well as by foreign donors. It probably handles about 20 000 cases, said Mr Chaskalson

Asked where the funds for PDS should come from, he said: "The state pays for magistrates, policemen, court buildings, court orderlies. If it wants justice as well, there would be a small extra charge."

Andre van Vuuren, the director of the Association of Law Societies (ALS), thought the ALS was seeking support for proposals to change the training requirements for para-legals or public defenders.

"We are very concerned about the number of people

going to jail who are underfunded. It is estimated 130 000 unrepresented accused were jailed last year

"We are investigating whether there should be a dual ladder system of courts and qualifications. For example, instead of doing a B Proc degree, then articles to qualify as an attorney, we envisage a scheme to train people for two years only. They would do subjects such as Criminal law, the Law of Procedure, the Law of Evidence and not include subjects such as private law which are covered in the full degree.

"This would equip people to go into magistrates' courts, district courts but not region-

al courts — as a first step on the ladder

"It would let people whose background does not enable them to do the full degree to begin earning a living while providing a public service. Later, if they wanted to study further, they should get the credit for the work they had already done

"Once they had qualified further, they would be able to appear in higher courts

"This is the basic outline of what we have in mind but we have to discuss it with all groups. The idea is to look at the needs of the people, not the needs of the attorneys

"It is important to manage from the bottom up, not from the top down, otherwise it would be like the doctors, tell-

ing the public that they had decided to allow paramedics to perform certain simple operations," Mr van Vuuren said

Mr Justice Moloto Director of the Black Lawyers Association's Legal Education Centre said "The Public Defender System cannot succeed unless it is paid for by the government, but although the government has to vote the money for the project, those who administer the running of it will have to be completely independent

He referred to the drawbacks of the pro deo system. When an accused is charged with a crime for which a death penalty could be imposed, the state provides the funds to pay for the accused's defence

The Bar Council provides an advocate. But to many accused, because the funds come from the state, they

cannot believe that the person defending them is an advocate in private practice who is completely independent from the state. Sometimes the accused refuses to accept the assistance of the pro deo counsel because of the suspicion that their advocate and the state advocate are secretly on the same side.

"And because very junior counsel do pro deo work, the accused believes he is getting a raw deal that this is a training ground for young lawyers and he is not getting someone with the best brains or experience

"For that reason, it is essential that the public defender is seen as completely independent otherwise the very people who need it most will not take advantage of it," said Mr Moloto

Mr Moloto thought it unfortunate that many people saw the law as their oppressor, not as their defender

Call is for public defender

It is estimated that at least 80 per cent of people who appear in court charged with a crime have no lawyer to represent them

The rich can afford to pay an attorney or an advocate. The very poor can ask for legal aid, provided they understand that they are entitled to it and have the courage to ask for a postponement of their trial

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Funds

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The Legal Resources Centre itself deals mainly with civil cases It has offices in six cities and is funded by a large number of South African corporations, trusts and individuals as well as by foreign donors It probably handles about 20 000 cases, Mr Chaskalson said

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Arthur Chaskalson
... like internships

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reports



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"We are investigating whether there should be a dual ladder system of courts and qualifications. For example, instead of doing a BProc degree then articles to qualify as an attorney, we envisage a scheme to train people for two years only They would do subjects such as Criminal law, the Law of Procedure, the Law of Evidence and not include subjects such as private law which are covered in the full degree

"This would equip people to go into magistrates' courts — district courts but not regional courts — as a first step on the ladder

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the bottom up, not from the top down, otherwise it would be like the doctors telling the public that they had decided to allow paramedics to perform certain simple operations," Mr van Vuuren said.

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"They would decide what type of cases to defend There would be no point if the public defender system was seen as a Government department"

He referred to the drawbacks of the pro deo system When an accused is charged with a crime for which the death penalty could be imposed, the State provides the funds to pay for the accused's defence and the Bar Council provides an advocate

To many accused, because the funds come from the State, they cannot believe that the person defending them is an advocate in private practice who is completely independent from the State Sometimes the accused refuses to accept the assistance of the pro deo counsel because of the suspicion that their advocate and the state advocate are

secretly on the same side
"And because very junior counsel do pro deo work, the accused believes he is getting a raw deal that this is a training ground for young lawyers and he is not getting someone with the best brains or experience

"For that reason, it is essential that the public defender is seen as completely independent, otherwise the very people who need it most will not take advantage of it," Mr Moloto said.

Mr Moloto said unfortunately many people saw the law as their oppressor, not as their defender. Even a lawyer with many years' training had to specialise in particular areas of the law and could not be regarded as an expert in every field

Scrapped

How much more difficult then, he said, was it for the ordinary man in the street to understand the myriad of laws we have on the statute books?

Under Roman-Dutch law, ignorance of the law is no excuse

Mr Moloto would like to see many South African laws scrapped and a return to our rich common law, a good constitution and the Roman-Dutch and African traditional laws which are easily understood by everyone

"Many laws are obvious, we all know it is wrong to kill and to steal From there it is mainly the problem of the constitution or the lack of it Some laws develop Provided they are given publicity and debated everyone gets to know about them and will accept them They evolve rather than having a statute passed so that something is OK one day and against the law the next.

"But even when we have only very good laws, human nature being what it is, the people who apply the law may not necessarily be good and we will always need the vigilance of someone like a public defender," Mr Moloto said

for 13/7/90

Mwasa general secretary granted bail of R25 000

By Celeste Louw

The general secretary of the Media Workers' Association of SA (Mwasa), Sihembe Khala, was granted bail of R25 000 by a Johannesburg Magistrate's Court yesterday after being arrested on seven charges, including bank robbery

Mr Khala (32) of Jabulani, Soweto was arrested in May this year following an armed robbery at the Fox Street branch of Nedbank on March 28

Mr Khala and a co-accused, Mckgwati Diseko (24) of Sharpeville, are alleged to have robbed

the bank of R102 000 and attempted to murder three policemen by shooting at them. The two men allegedly also robbed a certain Carlyle Raphelo of his watch

Mr Khala has pleaded not guilty to all the charges.

The magistrate, I Erasmus found that Mr Khala had not attempted to escape from the Hillbrow hospital where he had undergone treatment. He was allegedly shot in the leg by police.

The case was postponed to September 13.

SA legal system to go — ANC

By DANIEL SIMON

AN ANC government would totally overhaul the present legal system and replace it with one reflecting the political, social and economic changes brought about by the "struggle"

This is according to Mr Pen-
uell Maduna, of the ANC's De-
partment of Legal and Consti-
tutional Affairs, speaking
yesterday at a Black Sash-spon-
sored conference entitled
"Working for Justice — The
Role of Para-Legals in SA".

He said that in order for the
legal system to be "truly South
African", the whole approach
to law and human rights would
be fundamentally transformed.
It would borrow from indig-
enous traditions, and would ad-
dress imbalances in land and
wealth distribution

A future constitutional order
would aim to find a role for
people's courts. These would
be run by community workers,
or para-legals, armed with
"basic skills" in law

Mr Maduna said that one of
the legacies of apartheid, and
capitalism, was that justice was
inaccessible to the masses

The Roman Dutch legal sys-
tem would have to be examined
with a view to developing a new
legal system

The Roman Dutch system had
been imposed by the coloniser

to enforce his idea of peace and
order, taxation and the main-
tenance of commerce and in-
dustry. This was at the expense
of the indigenous and other co-
lonised peoples

The new system would have
to borrow that which was
"good" from the indigenous tra-
ditions, customs and modes of
conflict resolution for it to be
truly South African

"It will also have to benefit
from the accumulated experi-
ence of other countries, par-
ticularly in the area of human
rights," Mr Maduna said

The law should serve the in-
terests of social justice, direct-
ed at eliminating the poverty
under which the masses suf-
fered "while the few wallow in
ill-gotten wealth".

He said people's courts had
become "popular mass-based
organs" of administration of
justice during the struggle

However, these courts had
become associated with crime
and were regarded with dis-
dain by those who could not
fathom the depth of popular
feeling against apartheid jus-
tice and its administration

"With the participation of
para-legals, these organs could
develop into a means to ensure
quick, inexpensive and impar-
tial dispensation of justice in
an atmosphere of mutual amity,
trust and goodwill"

Natal branded 'most violent place on earth'

DATE TIME 13/7/90 (16) (252)

DURBAN — Natal must be the most violent place on earth, according to the retiring United States consul general, Mr Tex Harris, who leaves here for Washington today.

At a press conference — his last in the three years he has been in the city — Mr Harris said there were many reasons for the violence in the townships, but his personal observation was that the situation lacked a criminal justice system for all South Africans.

"There is no law or order for millions of people in Natal and KwaZulu. In the time I have been here, that is from September 1987, some 3 000 people have been killed.

"Yet less than 20 people have been indicted and tried for these township murders. This means that millions of

blacks must live in an area, which is lawless," said Mr Harris.

"Setting up a system of law and order which all South Africans will be proud of is one of the greatest challenges for all South Africans."

He added that his stay spanned an exciting time, and that he saw the cracks in the apartheid wall and the removal of sections of it.

"What is sobering for me and my friends is that as sections of the apartheid wall is torn down, those South Africans looking into the promised land do not only see lush green lands, but swamps that need to be drained, deserts that need to be watered and green areas that have to be preserved.

An enormous amount of work has to be done by all South Africans," he said. — Sapa

Overhaul the justice system, demands ANC

AM645
13/7/90
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By JOHN YELD
Staff Reporter

THE issue of justice was at the heart of the struggle against apartheid and South Africa's entire legal system and jurisprudence would have to be overhauled, said Mr Penuell Maduna of the ANC's Department of Legal and Constitutional Affairs.

Mr Maduna was delivering the keynote address at the conference *Working for Justice — the role of para-legals in South Africa* at the University of Cape Town yesterday.

The conference, which is being attended by about 250 delegates from law firms, advice offices, trade unions and community organisations from throughout South Africa, has been organised by the Black Sash and the Legal Education Action project at UCT's Institute of Criminology.

Mr Maduna said most South Africans had very little faith in the current legal system.

"The whole approach to law and human rights will have to be fundamentally transformed, it will not be enough for us to remove only the vestiges of the apartheid system from the statute book"

He said a new phenomenon, para-legals, had emerged in the struggle to transform South African society.

Crucial role

"These para-legals are community workers armed with basic skills in law and are accountable to the masses of our people.

"Functioning under the auspices of numerous human rights and legal resource groups, these para-legals play a crucial role in defence of our people against severe repression and the tyranny of apartheid"

In the future they would have an even more important role in mass political education programmes which would help generate the necessary human rights culture.

"By virtue of their work within, and their proximity to, the communities, they will play this important role more than the lawyers in private practice."

The ANC believed there would have to be a huge investment in programmes to develop "fully fledged, self confident para-legals".

But the existence of para-legals, human rights and legal advice groups and centres should not exonerate the new state from its responsibility of providing legal aid to those who needed it.

"We have to consider whether it would be appropriate for the future state to make legal aid a constitutional right."

Changes in legal system mooted

CHANGES to the South African legal system have been proposed to allow for public defenders or paralegals to appear in court cases at lower tariffs than fully qualified lawyers

The new system was proposed by the Association of Law Societies in Cape Town earlier this year and is discussed in the June edition of the legal journal, *De Rebus*

The editorial says there has been concern in the legal profession at the perception of the present system being irrelevant or unfair because of the high

number of criminal accused who appear in court unrepresented.

This had led to the consideration of a dual ladder system which provides a number of points of entry into the legal profession

By allowing for a practitioner to enter the profession at a bottom rung, he would have the chance of improving his qualifications and at the same time having his previous experience recognised

The most urgent need for representation was in criminal cases in magistrates courts where about 80 percent of accused have no representation - Sapa

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Sowetan 13/7/90

CP starts protection project

DURBAN — There could be no doubt there was a total breakdown of law and order in the Richmond community and in the country generally, the deputy chairman of the Conservative Party in Natal, Carl Werth, told farmers and residents of Richmond yesterday at a meeting called to discuss a community protection unit for the area. Sharing the platform with Mr. Werth was the founder and spokesman for the Welkom Blanke Veiligheid, Dawid Naude, and the Virginia leader of the organisation, Hannes Engelbrecht. — Sapa

'No law and order for millions in Natal'

DURBAN — Natal must be the most violent place on earth, according to the retiring United States Consul General, Tex Harris, who today leaves Durban for Washington

At a press conference, Mr Harris said there were many reasons for the violence in the townships, but his personal observation was that the situation lacked a criminal justice system for all South Africans

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which is lawless," said Mr Harris

Mr Harris said that the "skewing of standards" by the apartheid system meant that law and order did not exist in the townships as it did in white areas.

"Setting up a system of law and order which all South Africans will be proud of is one of the greatest challenges for all South Africans"

However, he said that his stay had spanned an exciting time and he saw the cracks on the apartheid wall and the removal of sections of it.

"What is sobering for me is that as sections of the apartheid wall are torn down, South Africans looking into the promised land not only see lush green lands, but swamps that need to be drained." — Sapa.

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A1645
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252

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PUBLIC DEFENCE FIM 1317190

Fair's fair

Of nearly 2,5m people facing the criminal justice system every year an estimated 850 000 conduct their own defences

During 1988-1989 financial year 152 492 people were convicted. Of these 129 618 (almost 85%) were not represented at their trials, according to Professor David McQuoid-Mason, dean of Natal University's law faculty

The pro deo system does not help the situation much because it provides a defence only in capital charge cases

A new phase in legal history may, however, have begun

Lawyers for Human Rights Brian Currin says it started when Judge Didcott insisted that legal representation was necessary for fair play

Didcott stated that the lack of funds and shortage of lawyers prevented him from ruling that no trial could continue if the accused

wished for, but was not provided with, representation. Many lawyers agree.

Didcott's decision was overturned by the full Bench in a subsequent case but Justice Minister Kobie Coetsee says his department has requested the Legal Aid Board to investigate the possibility of introducing a system of public defenders

This office is seen by Coetsee as a means of "drastically extending the basis of legal representation in criminal cases." Public defenders would be provided by the State

The Legal Aid Board says the request will be decided at its next board meeting in September

The minister's decision is also hailed by other members of the legal profession. Former State Prosecutor Nicole Whyte says she felt the situation — as it stood — was "horrific"

More effective

Her experience in the courts has taught her that State interpreters are often incompetent and the vast majority of accused, usually blacks, often thought that a summons to court meant they were guilty and most people were completely ignorant of judicial procedure

Since its establishment in 1969 the legal aid system has been severely handicapped because of a lack of funds. McQuoid-Mason illustrates how the public defender system would be far more effective even on a tight

budget

The legal aid budget for the 1988-1989 financial year was R9,6m. The cost of each legal aid case was estimated at R603 so about 16 000 cases were defended. McQuoid-Mason says the State could have employed 200 public defenders at R48 000 each a year on that budget

Each could handle 200 criminal cases a

year. This would mean that the State could assist, if the change were made, 40 000 applicants instead of only 16 000 now

He hopes the public defence system will eventually replace legal aid



McQuoid-Mason

Currin feels that many petty offences should be decriminalised to alleviate the criminal justice overload of which McQuoid-Mason speaks. This will curb the numbers and alleviate pressure on the defence system

A possible problem is that many accused, especially blacks and coloureds, may regard the system with some suspicion and distrust. Nonetheless, the public defender has had some success in the US where only 30% of the population cannot afford a lawyer

In SA an estimated 70% of accused would rely on the system

The Piet Retief

By DESMOND BLOW

THE police "hit squad" from Vlakplaas and other Security Branch policemen used soft lead "dum-dum" bullets to kill eight suspected ANC activists in two ambushes at the same spot four days apart, it was alleged in the Piet Retief Magistrate's Court this week.

"Dum-dum" bullets explode on impact and leave enormous wounds.

Allegations made by two former policemen stationed at Piet Retief were put to branch security officer WO Frederick Pienaar in cross-examination by counsel for the families of four of the those killed in the first incident.

They were appearing at the inquest, which resumed in Piet Retief this week, into the deaths of the four in the first incident on June 8, 1988.

The dead, all from Durban, were Surendra "Lenny" Naidu, 23; Nontsi-kelelo Cotozo, 25; Makhosi Nyoka, 25, and Lindiwe Mthemba, 21.

The inquest into the second incident on June 12, 1988, has not yet been held.

The four killed in this incident, all from Natal, were Boxer Joseph Mtembu, 28; Jabulani Sibisi, 28, Bruce Nkosinthu Thenjwayo, 22, and Sifiso Nxumalo.

In both incidents, four ANC infiltrators from Swaziland were led into a trap by a black policeman - one an Askari - posing as ANC members, the court heard.

The infiltrators were driven into the police trap by a bogus ANC member.

Advocate Marumo Moerane read in court part of a Press report in which two former police constables at Piet Retief, Theuns Grobler and James Stevens, described the eight bodies when they were brought into the police station as looking like "chicken wire".

In the Press report, Stevens said one of the security policeman had told him he had put his automatic weapon through the window of the vehicle and emptied the magazine.

Grobler said in the newspaper report that after the second incident a sergeant told him a woman had jumped out of the vehicle and screamed. "Please Nkosi, please!" but she had been shot dead.

'Dum-dum' bullets used on ANC eight

They told the newspaper they heard that the district surgeon's first report on the autopsy had stated soft-nosed bullets had been found in the bodies. A second report did not mention the soft-nosed bullets, they alleged.

In court this week Pienaar denied the allegations. He said: "This is a lie!"

He said the suggestion that the police ambushed the suspects to kill them and not to arrest them was not true.

He said had the police wanted to kill the suspects they could have used a machine gun on full automatic, and set up sandbags on the roadside. "It would not have been necessary to storm the vehicle."

The raid on June 8, 1988, was led by Maj Eugene de Kock, successor to Capt Dirk Coetzee as leader of Section C1 at Vlakplaas.

Counsel for the families of those killed on June 8, 1988, Marumo Moerane and Zak Yacoob, also claimed in cross-examination of Pienaar that the police report of the number of bullets fired by the ambushing police was conveniently made to coincide with the number of bullet holes found in the the vehicle.

The police examination of the vehicle showed 43 entrance bullet holes. An independent ballistics expert examined the vehicle a year later on behalf of the families and found 49 bullet holes.

Counsel said this did not allow for shots that shattered the windows of the vehicle nor bullets which missed.

Pienaar told the court the police wanted to arrest the suspects but a shot was fired at them from the vehicle, De Kock had shouted "Fire!" and they had kept shooting until he told them to stop.

The inquest was postponed to July 23 when Gideon Lotz SC, for the Minister of Law and Order and the police, will re-examine Pienaar.

Killings

'Whites pistol-whipped me'

By MARTIN NTSOELNGOE

THE son of former Alexandra mayor Rev Sam Buti told a Johannesburg regional court this week how he was punched, kicked, insulted and pistol-whipped by a group of whites.

Kwena Buti, 22, was in court on a charge of attempted car theft. He pleaded not guilty and is on R1 000 bail

Buti told the court he was walking

down Claim Street in Johannesburg when he saw a group of whites chasing some blacks

He decided to run away because whites "are fond of attacking blacks", but the group caught him

He said the whites took him to a basement where the assault allegedly took place

He said one of his assailants jumped on his head while others kicked him

Another threatened to shoot him, accusing him of trying to steal a car

He was treated at the Rosebank Clinic, where he underwent surgery for a wound above an ear

One of his attackers allegedly said "Since the release of Mandela, you kaffirs are stealing from us. We will fix you"

Security guard David Ncawu said he confronted Buti when he saw him tampering with a white BMW.

He said Buti offered him R200 if he allowed him to take the car.

The case resumes on August 17.

Picket: 16 to appear in court

Police have rejected a SA Commercial, Catering and Allied Workers' Union claim that 82 of its striking members were arrested while picketing Checkers in Ermelo yesterday.

A police spokesman said only 16 people were arrested for illegally displaying placards in a municipal area in

contravention of a municipal bylaw.

Saccawu said in an earlier statement that 82 strikers were arrested.

The police spokesman said the 16 arrested would appear in court today.

Saccawu said it intended approaching the Minister of Law and Order concerning the incident. — Sapa

Setting new standards

The average South African civil court has a white male judge, an adversarial atmosphere and an abundance of lawyers

Not so the small claims courts, marking five years of existence this year

There, legal representation is banned. The aim is often to mediate disputes rather than apportion blame and — for the first time in South Africa — black people sit in judgment

"People often say we must also get blacks to adjudicate in cases where white and black are involved — and it is happening in the small claims courts," said Director-General of the Department of Justice J J Noeth

Only seven out of the 1476 commissioners — attorneys and advocates acting as part-time adjudicators — are black

But "don't ask me to name them", says Mr Noeth, citing the case of a coloured magistrate who "suddenly resigned ... and we paid her well — I think she was intimidated"

Mr Noeth ascribes the skewed representation among commissioners to the scarcity of black lawyers, to his perception that they tend to practise criminal rather than civil law and to the fact that the more experienced lawyers are white

Lawyers must have at least five years' experience before they can be appointed as commissioners. Five of the 118 ad-

Thousands of aggrieved litigants look to the small claims courts for justice every year, using a system that in some aspects is showing the way to its big sisters, the magistrate's and supreme courts. **CLAIRE ROBERTSON** of The Star's Pretoria Bureau reports

visory boards across the country have black members

"I want to have more black commissioners, there's no doubt about it," said Mr Noeth

But "the main problem is more political, and I can't comment on that", he said

Mojanku Gumbi, national secretary of the Black Lawyers Association (BLA), confirms this view. "We have always declined to enforce laws we believe are illegal in that they do not enjoy the support of the majority of people

"We support the idea of small claims courts and public defender's offices — structures that provide more access to the courts," said Mrs Gumbi.

Yardstick

"But within the context of the South African legal system our members are not allowed to be magistrates, judges or commissioners"

By adopting this view the BLA effectively halves the pool of black lawyers eligible for commissioner duty — having signed up 400 of the estimated 750 black lawyers nationwide

But, says Mr Noeth, the real yardstick for the success of the

courts is the number of ordinary citizens using them "and I have no doubt they are serving their purpose"

The statistics back him up more than 15 000 cases are heard every year

In Pretoria the monthly average of 27 cases in the first three months of operation has more than tripled: about 83 cases a month are heard

Last year Johannesburg's court heard 2912 cases and countrywide clerks of the court handle roughly 80 000 inquiries a year.

In Johannesburg about 80 percent of the users are black people, in Pretoria 75 percent and in Durban about 60 percent, says Mr Noeth

Two groups in particular have benefitted from the courts — consumers and domestic workers, although both have reservations about the system

Daan Kruger, deputy director of communications of the Consumer Council, said "Those members of the public who are aware of the courts do use the system and do get satisfaction — but not enough people know what is available

"More should be done to make people aware of their ex-

istence. It is up to the legal profession," said Mr Kruger

Morris Zimerman of Johannesburg's Legal Resources Centre has had extensive experience of small claims courts and describes them as "fulfilling a great need"

The Johannesburg office assists in some 200 cases a year, preparing litigants' statements and explaining court procedure to men and women who, when they enter court to plead their case unaided by lawyers, often end up tongue-tied

Mr Zimerman believes appearing before a black commissioner — and being allowed to address the court in one's own language — would be "advantageous" to black litigants

Unaware

Florence de Villers, general secretary of the SA Domestic Workers' Union (Sadwu), said the courts had provided some relief, but as the system relied solely on the commissioner judging the truth of the two arguments, women unaware of their rights or intimidated by the court sometimes lost justified claims

Commissioners sometimes had to judge these cases on the basis of rather obscure common law provisions for employment and not all were aware of these, according to a Pretoria legal aid worker

TPA official
called me a
crook - porter

Pretoria Correspondent

A porter at the Ga-Rankuwa Hospital told the Cille Commission yesterday that she was called a "crook" by a Transvaal Provincial Administration (TPA) official who accused her of lying about her marital status in order to qualify for a housing loan.

Mavis Kheswa (44) said she received a R35 000 housing loan through the TPA in 1988, which she used to build a house in Soshanguve. About four months after the house was completed she was told to report to H Swanepoel.

She said Mr Swanepoel called her a "crook" and told her she was not entitled to the loan as she was married. He then opened her personal file and discovered a copy of her divorce decree, granted in 1986, she said.

Miss Kheswa said she was then called into the office of another official, A J Boshoff, who repeated the accusation.

She said both men, who have been accused of being "racists", threatened to confiscate her house and have her arrested.

The commission is investigating allegations that 23 premature babies

died as a result of an eight-day strike at the hospital in April this year, allegedly sparked by the TPA's refusal to suspend Mr Boshoff and Mr Swanepoel pending an inquiry into their conduct.

Miss Kheswa said she had not been forced into joining the strike, but had joined other protesting workers as a result of the accusations voiced by the two officials.

Prior to her taking the stand, a member of the hospital workers' committee, A Sibande, was accused of being a "troublemaker who nobody wanted in their department" by the legal representative for the TPA, J K Wessels.

Mr Sibande admitted his superiors, who included Mr Boshoff and Mr Swanepoel, viewed him as a "troublemaker". However, he said this was because he stood up for his rights.

Mr Wessels produced various letters from former chief medical superintendents at the hospital, warning Mr Sibande that if his conduct did not improve, certain disciplinary steps would have to be taken.

The inquiry continues.

Workers' picket plan blocked

By Shareen Singh

A plan by commercial catering sector employees to picket outside law firm Deneys Reitz today was banned after the company obtained an interim interdict restraining them.

The interdict prevents the South African Commercial Catering and Allied Workers Union (Saccawu) from conducting a campaign or instituting a programme of action that would "embarrass" the company. The union will oppose the interdict on July 24.

Saccawu's decision to picket

outside the law firm's head office in Sandton was taken at the union's annual congress at the weekend.

Congress said the company was "responsible for union bashing tactics and the disruption of collective bargaining processes".

Union spokesman Allan Horwitz said Deneys Reitz was one of the companies that rejected the Saccawu/Cosatu/Nactu accord on the Labour Relations Act. The company was also representing Southern Suns and OK Bazaars in their application for

interdicts against the union.

Mr Horwitz said the union was demanding that Deneys Reitz withdraw its opposition to the LRA accord.

The Cosatu Central Executive Committee will discuss the issue at its meeting this weekend.

Saccawu also decided at its congress to embark on a national one-hour work stoppage to highlight its living wage campaign and demands for the right to strike and picket without police interference. The union claimed 400 OK Bazaars and Southern Suns strikers were ar-

rested.

Most of the union's 90 000 members will stop work between 2 pm and 3 pm on July 27 and picket outside their workplaces.

Saccawu said strikes at OK Bazaars, Southern Suns and Checkers were still in full swing and the union was using mediation to try and resolve the disputes.

Workers at Metro Cash and Carry will start balloting tomorrow after yesterday's conciliation board meeting broke down.

Saccawu resolutions 'unlawful'

18/7/90 By Cathy Staggs 252

An urgent application was brought before the Rand Supreme Court yesterday, following allegations by the SA Commercial Catering and Allied Workers Union (Saccawu) that a firm of lawyers was using "union-bashing tactics"

The union also referred to the firm as "an ultra-right-wing firm of company lawyers" and threatened to picket their offices today

Mr Justice M J Strydom granted an interim interdict against Saccawu in the Rand Supreme Court yesterday

Saccawu planned to stage pickets outside Denys Reitz's Sandton offices, institute a programme of action to put

pressure on and embarrass the firm and institute a campaign against it

The resolutions were declared unlawful. The union, its officials, office bearers and members were interdicted from continuing these resolutions. The return date of the rule nisi is July 24

In papers before court, Peter Simkins, a senior partner in the firm, said the union was engaged in strike action against OK Bazaars and the Southern Sun/Holiday Inn groups.

The corporations had instructed Denys Reitz as attorneys and the firm had obtained court orders in connection with unlawful conduct associated with the strikes, he said

CAR-TUNIS 18/7/90 (252)

Namibia re-applies for extradition of 3

Political Staff

THE Namibian government has submitted a new application to the South African representative in Windhoek for the extradition of three right-wingers, two of whom are currently in detention, in connection with the murder of a security guard

The three wanted by the Namibian authorities are Mr Leonard Veenendal and Mr Darryl Stopforth, both of whom were detained last week, and a German, Mr Horst Klenz

A Foreign Affairs spokesman in Pretoria confirmed the application yesterday and said that when it arrived in Pretoria the Department of Justice would decide whether it complied with the provisions of the Extradition Act. This act allows for extraditions where a treaty with another country is not in existence

However, the Department of Justice has maintained that two previous applications by Namibia for the extradition of the three men have not complied with the provisions of the law.

The new application for the extradition of the three men has been made in connection with the murder of a security guard at an Untag office in Outjo, Mr Michael Hoesab, last year

However, an application for extradition against them for the murder of Constable Ricardo van Wyk, who died after the three made a dramatic escape, is also being considered

Namibian attorney-general Mr H Heyman said previous applications had been rejected on technical grounds and because they were not submitted through the correct channels, but he believed the new application complied with South African law

ANNOUNCE

Star 19/7/90

Boy tortured before his death - claim

By Shareen Singh
and Shebnaaz Bulbulia

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A statement by a youth, who claims he was tortured by police and that he witnessed the torture of Eugene Mbulwana (15) who died in hospital on Friday while in police custody, was yesterday released by lawyers

A lawyer said the witness, whose name was being withheld to protect his life, alleged police at Welverdiend police station near Carletonville tortured Eugene until he was unconscious

Seven months ago, Nixon Mbuyiselo Phiri (16) of Khutsong, was allegedly tortured at the same police station. He died of

a cerebral haemorrhage associated with external injuries

The witness alleged that police kicked, punched, chained and poked needles into the backs of a group of youths who were detained with Eugene last Tuesday

A police spokesman confirmed Eugene was among a group arrested on Tuesday and that he died while in police custody at the Leratong Hospital

However, police would not comment on allegations of torture until further investigations and a post-mortem were conducted.

The witness said he saw police beating Eugene with a whip. Police allegedly told him "Eugene

was stubborn and we wanted to fix him"

A police officer then stood on a table and started beating Eugene with his fists, he alleged. When Eugene fell the policeman started kicking him on the head

The eyewitness said other policemen joined in the beating

● The death demands an independent inquiry, human rights organisation, the Detainees Aid Centre (DAC) said yesterday

Eugene was the sixth person this year to die in police custody under similar circumstances. The Government has ignored repeated calls for an independent inquiry after each death, DAC said

Call
1977/90

Supreme Court speed-up

Supreme Court Reporter
RULES of proceedings
in the Cape Supreme
Court Division, have
been amended to expe-
dite its work.

In a notice, the Judge
President, Mr Justice
G G A Munnik, directed
that at the start of the
new court term on
August 1, Fridays would
be reserved for appeals,
reviews from inferior
courts, arguments on ex-
ception and other cases
to be heard in a full
court before two judges

Provisionals and mo-
tions would be heard on
any business day ap-
proved by the Registrar
except Friday.

Civil and criminal
trials would be dealt
with on any court day
during term except Fri-
day, unless otherwise di-
rected, in consultation
with the Judge Presi-
dent.

CAP 7imp 19/7/90 (252)

Gun sensation in court

Court Reporter

SECURITY officials at Cape Town Magistrate's Court said yesterday that they did not know how a firearm was smuggled into the building and that an arms-detecting device through which all visitors had to pass was "infallible"

Pandemonium broke out in one of the busiest of the courts, Court 13, when a man produced a firearm in the gallery while the court was in session, and aimed it at a suspect in a gang-related incident

He kicked a man in the public gallery, Mr Humphrey Pellen, in the face and made off

According to the chief of security at the building, Mr J P Nel, nobody saw the man escaping through the front entrance of the court with the gun after the dramatic incident, and the "infallible" arms-detecting device through which visitors to the court had to pass on entering the building would have spied the firearm

Mr Nel said it had been speculated that the weapon belonged to a policeman, but he believed it had been hidden in the building beforehand

He said that after the incident he arranged for police reinforcement

at the entrance and everyone was searched on leaving the building

Mr Nel added that three security men and a woman who searched handbags were permanently posted at the entrance, and no one could get past them with a firearm

According to Court 13 magistrate Mr DJ Oosthuysen and the prosecutor, Mr J Hobbs, there was a "quiet" scuffle in the gallery and several people ran to the front of the room — one jumping over the barrier in front of the magistrate's bench and running out through his private exit

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Firm faces Nuclear Act charges

By Therese Anders
Highveld Bureau

An incident at Kendal power station last year when a contractor's employee picked up a powerful radio-active isotope and took it home in his back pocket has resulted in prosecutions under the Nuclear Energy Act

Engineering company Ical (International Combustion Africa Ltd) has been charged with allowing a non-authorized employee, Ezekiel Khoza, to use and handle a powerful radioactive isotope.

An Ical employee, Andries Dawid Johannes de Bruyn of Witbank, has been jointly charged with the company

Ical and Mr de Bruyn appeared in the Middelburg Regional Court yesterday. They were not asked to plead and the case was postponed to August 14

The charges follow an in-

vestigation into an incident in March last year which is believed to be South Africa's worst radiation accident

A sheetmetal worker Jacob Mahlangu (40), who unwittingly picked up the isotope, is still fighting for his life in a Pretoria hospital. Late last year he had his severely radiation-damaged right leg amputated

Mr Khoza is alleged to have been allowed to handle the isotope or allowed to perform the industrial radiography himself

The charge sheet says Mr Khoza was not an industrial radiographer and had not been authorised by the Radiation Control Board to use radioactive material or undertake industrial radiography

The accused are also charged with failing to complete a logbook as required by the Radiation Control Board

- 1 Introduction
- 2 What is Deregulation?
- 3 Exemptions from Wage Determinations and Labour Orders
- 4 The Implications of Deregulation for Workers

Contents

Two rightwingers appear in court over explosives

Staff Reporters
Another rightwinger has been arrested in connection with alleged terrorist activities, bringing the number arrested in recent weeks to 28.

Robertsham advocate Andries Smith (52) appeared in the Johannesburg Regional Court yesterday with Section 29 detainee John Roesch (30) in connection with contravening the Explosives Act

Fanatical

Formal charges were not pressed. Neither was asked to plead and police allowed bail of R4 000 for Mr Smith and R5 000 for Mr Roesch.

Police sources said last night the SAP did not believe a large underground organisation com-

mitted to violence was operative, rather, a number of individuals sharing the same sympathies.

It is understood at least 16 fanatical splinter groups exist, though estimates have been put as high as 45. Their numerical strength is unknown.

Mr Smith, of Rockey Flats, Scholtz Street, was arrested on Wednesday.

Witwatersrand police spokesman Captain Eugene Opperman said detectives had seized an M26 handgrenade — the kind used in the Roodepoort hotel blast in which one man died and 21 were injured — a Mills pineapple grenade and an instant light flare.

Mr Roesch, of Corlett Drive, Roodepoort, was already being held in terms of Section 29 of the Internal Security Act.

Another nine suspected rightwingers are being

held under Section 29 in connection with blasts.

Captain Opperman said that as a result of Mr Smith's arrest, the net around South Africa's most wanted man, Piet Rudolph, had tightened.

Law and Order spokesman Captain Peet Botma last night warned people against assisting Mr Rudolph, saying they were playing with fire.

Warned

He stressed that police were not looking for Mr Rudolph for political reasons, but for theft.

Detectives are still searching for two rightwingers in connection with explosions outside newspaper columnist Jani Allan's Sandton flat. They are Fanie Goosen and Cornelis Lottering, members of the self-styled Order of Death.

Hiemstra witness. arms charges dropped

Staff-Reporter

Charges relating to the illegal possession of arms and ammunition against Hannes Gouws, the man who lifted the lid on the Johannesburg City Council spy-ring, have been dropped.

Mr. Gouws, a former member of the city council's security department, which operated the spy network, appeared in court in Port Shepstone this month with his body-guard, Pierre Bezuidenhout.

They were charged with the illegal possession of arms after security police found a BXP sub-machine gun — a new Armscor weapon — at a home in Port Shepstone which they were leasing. Detectives also found

various pyrotechnic devices and 330 rounds of 9 mm ammunition.

Mr Gouws and Mr Bezuidenhout appeared in court and were granted R500 bail each.

The case, however, was withdrawn this week by the Attorney-General of Natal.

"The charges against Mr Gouws and Mr Bezuidenhout have been dropped," an SAP spokesman said yesterday.

Mr Gouws caused a stir when he claimed in testimony to the Hiemstra Commission, which probed the city council spy ring, that he had been told the name of the alleged killer of Dr David Webster, who was shot dead outside his Johannesburg home last year.

Dukuduku: Wildlife offer to mediate

SUE OLSWANG

THE Wildlife Society has offered to act as mediators in the relocation of hundreds of squatters who have destroyed about 25 percent of Zululand's Dukuduku State Forest to make way for their dwellings

The squatters — said to number anywhere between 2 000 and 3 500 — have been given one month to vacate the State-owned forest near Mtubatuba. This follows the recent landmark court case in which seven men were convicted and given suspended fines of R1 000 each for illegally squatting in the forest. One of the conditions of the suspension of their sentences was that they leave the forest with their families by August 6.

Mr Rupert Lorimer, MP for Bryanston and Democratic Party parliamentary spokesman on environmental affairs, pointed out that no single piece of conservation land would be safe from invasion by squatters if the court had not made its watershed decision.

The Dukuduku squatters have, however, defiantly indicated that they will not move unless suitable land is earmarked for their relocation.

Mr Keith Cooper, conservation director of the Wildlife Society, said his organisation has offered to act as mediators between the squatters and authorities in discussions about alternative land.

Identified

"We have identified five different areas which will be considered for their relocation," Mr Cooper said, adding that important meetings between the parties would be held on Wednesday.

Mr Lorimer said he has organised a meeting between a lawyer representing the squatters, Mr Cooper, provincial representatives and himself.

"Dukuduku is probably the most important forest left in South Africa and its protection is vital.

"A substantial section of the forest has been destroyed since the squatters moved in. Trees have been cut down for building materials and firewood, and the squatters have used bulldozers to clear land for roads. Some squatters even arrived with cattle, even though the land is not suitable for grazing.

Mr Cooper said the effect of the squatters moving into Dukuduku Forest has been "horrific. More than a million indigenous trees have been destroyed and thousands more are at risk.

"There has also been horrific snaring of animals. We haven't seen signs of red duiker and bush buck because so many have been killed."

Several puzzling developments in the case of the missing Pretoria advocate, Pieter Leeuwner, have raised more questions than answers about the motive for his disappearance.

Mr Leeuwner (32), who was acting for Willem van Deventer, a former agent of the Civil Co-operation Bureau (CCB), has not been seen since he left his Arcadia home on July 2.

But an investigation by The Star has revealed that a number of vital documents, statements and tape recordings made about

Mr van Deventer's activities with the CCB have, since Mr Leeuwner's disappearance, been removed from the advocate's office safe.

Apparently, such was the sensitivity of the items, they were removed by close associates in an effort to guarantee their security.

The information includes details of several alleged political murders, including those of Dr Fabian Ribeiro and his wife Florence in Mamelodi, Pretoria, in December 1986 and the car-bombing of Piet Ntuli, former Minister of Internal Affairs in KwaNdebele in June the same year.

As the mystery of his disappearance deepens, The Star can reveal that Mr Leeuwner

- Had been involved in an discussion about the financial benefits of co-operating with police to set up a trap to uncover illegal diamond dealing
- Was spotted on a Germiston-bound train a few days after he disappeared
- Planned to visit Zimbabwe with his brother, "Sample" Leeuwner, to investigate setting up a car import business. Both had obtained the necessary visas two months before the advocate disappeared
- May be living somewhere in Namibia, although this cannot be confirmed

According to Mr "Sample" Leeuwner, he and his brother light-heartedly discussed with a police officer at advocate Leeuwner's chambers the subject of diamond-deal entrapment and how well the public could be rewarded for helping to uncover illicit deals

This arose as a result of them being told that an increasing number of diamond diggers had fallen prey to unscrupulous dealers who were selling their gems illegally and not passing on the profits

The day before Advocate Leeuwner disappeared, he was visited at his home by two unidentified men Looking anxious, the next day he told his girl-

friend, Anita Leeuwner, to telephone the police officer with whom he had the discussion about diamonds.

She was to tell the policeman to go to Advocate Leeuwner's office on the day he disappeared.

Also, police are investigat-

ing reports that Advocate Leeuwner was seen on a train last week, according to his brother He had apparently removed his moustache and was travelling alone It is believed police have already interviewed the eye-witness

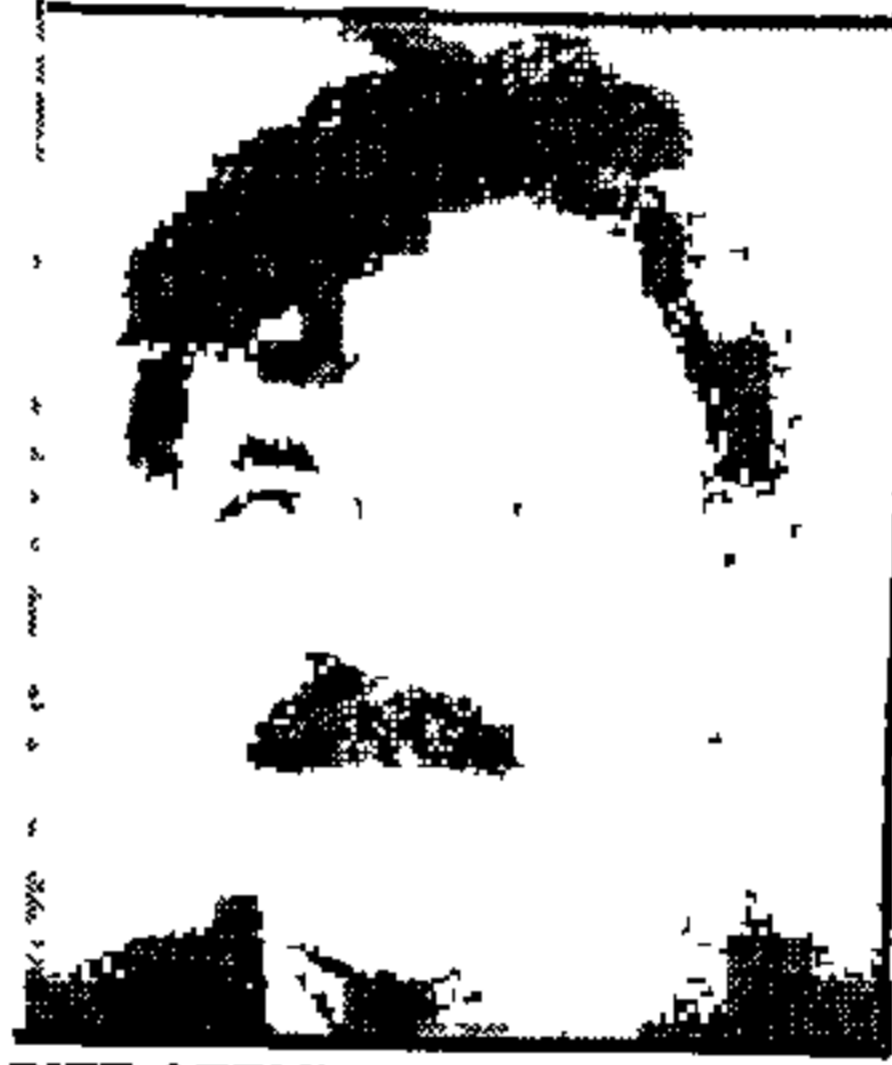
Police are following up all leads but are unable to say why he disappeared or if he had been kidnapped

A spokesman said Advocate Leeuwner had disappeared without trace.

Mr "Sample" Leeuwner and Mr van Deventer are hoping the CCB is involved because, if so, there would be more chance that Advocate Leeuwner was still alive, they said.

Both Advocate Leeuwner and Mr van Deventer had received threats about Mr van Deventer's evidence to the Harms Commission into alleged politically-inspired murders

Anyone with information about the case should contact the investigating officer, W/O Piet van der Merwe at Sunnyside police station, Pretoria, on (012) 343-9739 or 344-1801



PIET LEEUWNER: documents missing.

MISSING LAWYER: POLICE

NEWS

Saturday Star, July 2, 1990

(152)

battled

...the fourth alleged robber is being
sought by the police — Sapa

21/7/90 252
19 held after necklacing

DURBAN — Nineteen people — 17 men and two women — from Ekuthuleni squatter camp near Umlazi have been held by police for questioning following the necklacing of a pregnant woman and her boyfriend last month. The branch commander of KwaZulu police in Umlazi, Captain Kwazi Nene, said the mutilated bodies of Miss Neva Sarah Khomo, her infant, and Mr Mxolisi Cyril Ngcobane were exhumed earlier this week. He said they had apparently been sentenced to death by a "people's court" after being accused of murder — Sapa.

No repairs no rent, say tenants

By Desmond Blow and Patrick Mafafu

ARGYLE Court tenants thrown out of their seven-storey Hillbrow building have been allowed back into their apartments following a last-minute agreement on Friday.

The possessions of tenants in 30 flats from five of the seven floors had been strewn on the pavement.

However, the security gate at the entrance to the building had been locked and the tenants were forced to remain out in the cold.

The owners of the building, Gorfil Investments, and attorneys from the Legal Resources Centre reached agreement to allow the tenants back providing discussions are held next week to solve the impasse reached over the non-payment of rent.

David Gorfil of Gorfil Investments has threatened to evict tenants in its seven buildings in central Johannesburg unless rent for May this year is paid.

Tenants at the seven buildings owe a total of R300 000 in arrears, according to Gorfil Investments.

A spokesman for the owners said the order to evict Argyle Court residents was granted three weeks ago, but the landlord delayed evictions hoping to reach a settlement with Actstop.

Since the order was granted four meetings have taken place between Actstop, Gorfil Investments and landlord Kubheka Investments.

Actstop's major demand at the meetings was that the landlord carry out repairs on the buildings.

The landlord claims he has already spent more than R170 000 to meet Actstop's demands. Receipts shown to City Press show R41 000 was spent on Argyle Court alone.

Eviction

threat for hundreds in city flats

Actstop publicity secretary Cas Coovadia said their treasurer had more than R300 000 owed to Kubheka Investments, and it would be released only when repairs were carried out.

City Press examined Argyle Court a few days before the evictions and found that only the corridors had been painted. The interiors and doors of the flats had not been painted.

The lift was not working, and a woman had to walk up seven stories on the fire-escape with a baby strapped to her back.

The baths were badly stained and paint was peeling from the walls and ceilings. Many of the floors had holes in them.

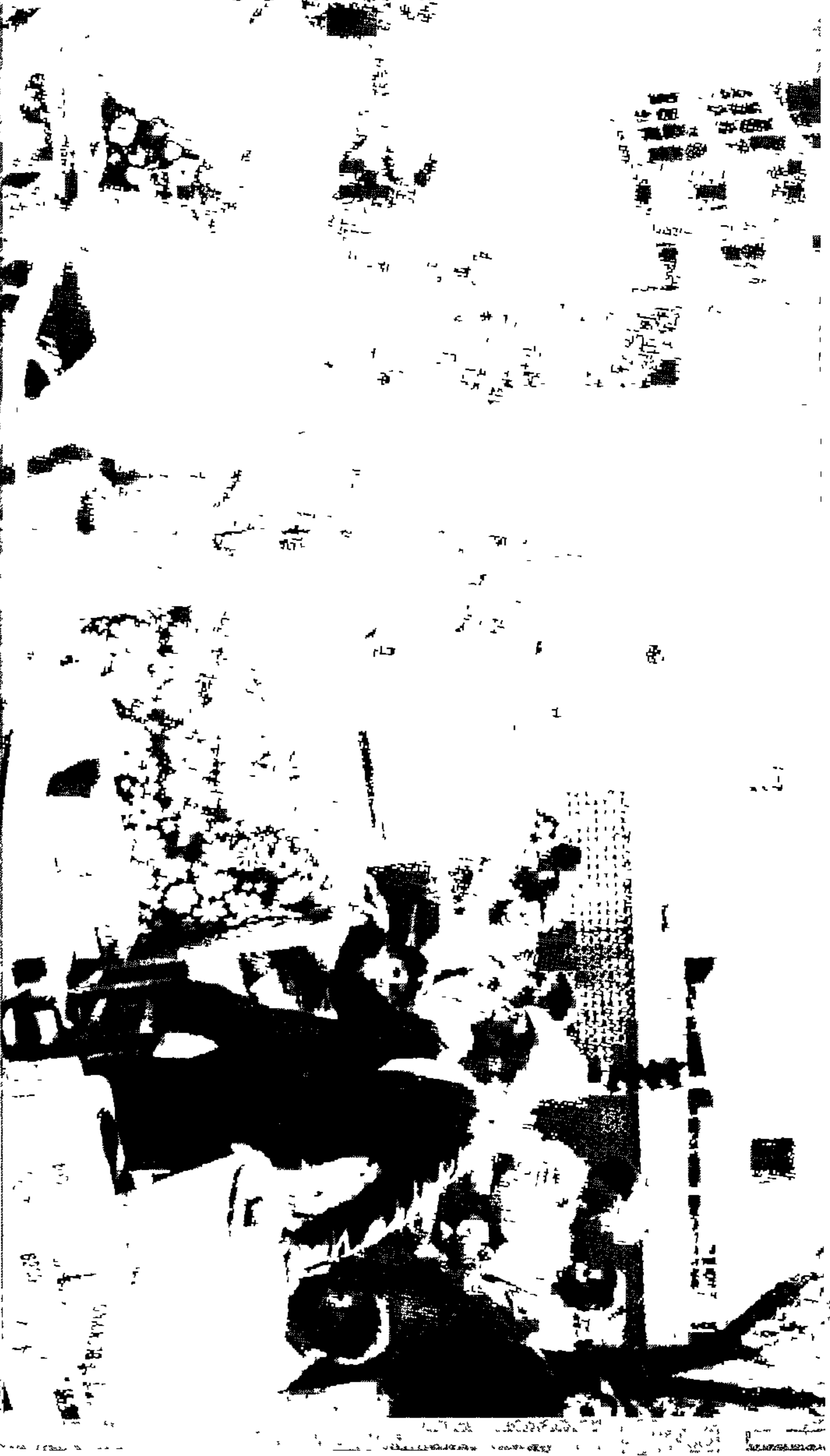
Gorfil said the lift had been repaired several times within the past few weeks, but that someone always deliberately caused it to break down.

A spokesman for Actstop said the lift had not worked for several years.

Tenants also claimed they had no hot water. Gorfil said there was hot water for 240 tenants but twice that number were there illegally and the furnaces could not cope.

He said his company had hurried out the building to a landlord who had allowed the building to fall into disrepair.

"In May we took back the building from the landlord. After several meetings with Actstop we agreed to drop the rentals and improve the building on the understanding they would pay rent from May this year."



The belongings of 100 families were thrown out of Argyle Court in Johannesburg on Friday night, before they were granted a reprieve.

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C/Memo
22/7/90

Daveyton probe on the rocks

By LULAMA LUTI

THE collapse last week of the commission of inquiry into maladministration and corruption in the Daveyton City Council has left a cloud of uncertainty hanging over the township.

The commission lasted for three days and no evidence was led.

It came to a sudden halt after members of the Daveyton People's Delegation (DPD) refused to take part in the proceedings.

The commission was appointed after a march earlier this year in which residents accused the council of corruption.

DPD chairman James Ngubo said the commission – appointed by Daveyton town council – was not constituted in terms of the Commission of Inquiries Act and therefore had no power to subpoena witnesses, some of whom had already resigned.

He cited the example of an officer in charge of the transport department – which had a R3,5 million deficit – who resigned two weeks before the start of the commission.

Ngubo said in the light of the stalemate, DPD had resolved to approach Transvaal administrator Danie Hough to appoint a proper commission.

C/Press 22/7/90

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Farmer found guilty of worker's death

By DAN DHLAMINI

A BURLY Odendaalsrus farmer ruptured the spleen of one of his workers by jumping twice on his stomach because he let cattle stray into a mealie field.

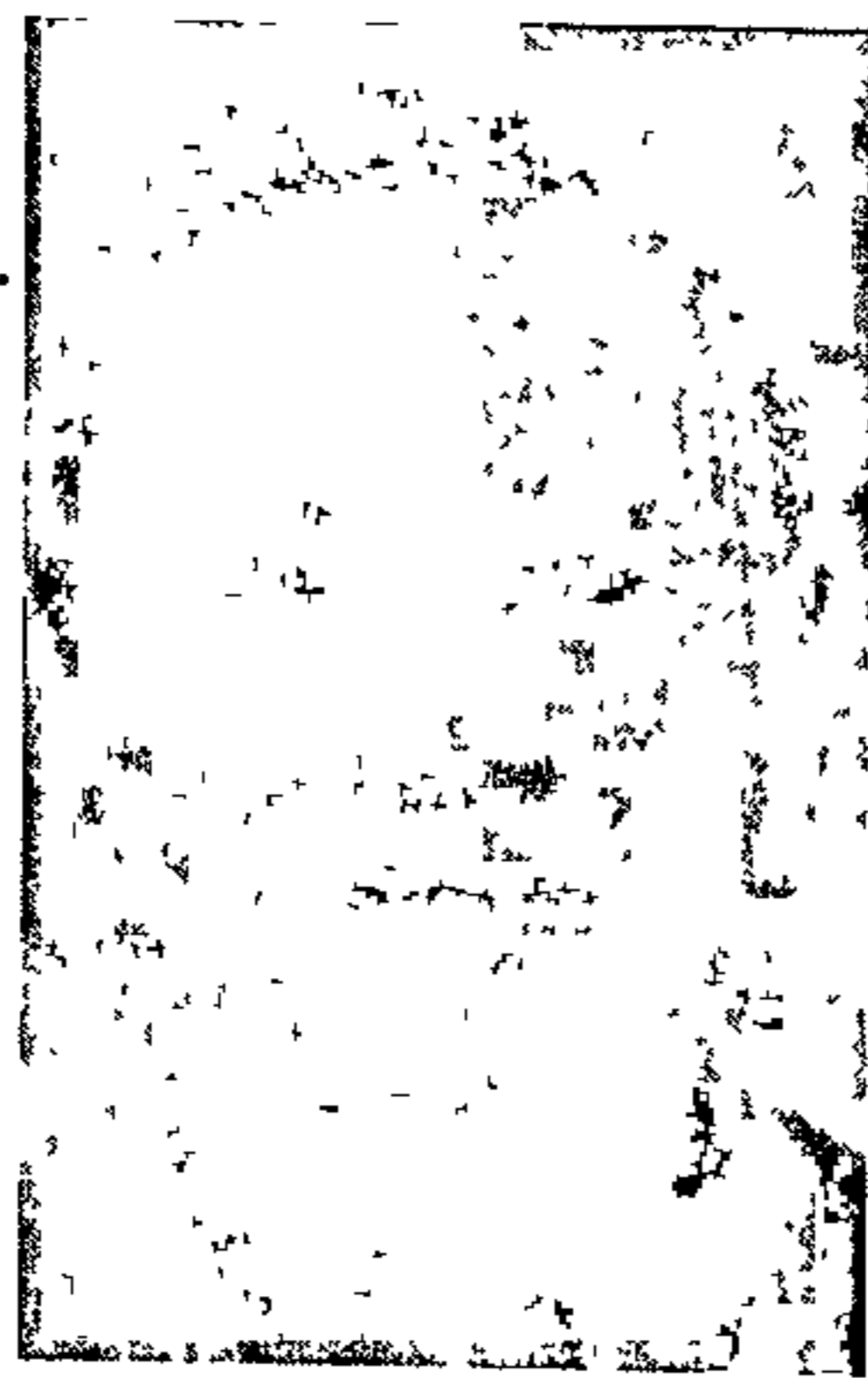
This was the conclusion of Welkom Regional Court magistrate AJ Visser this week when he convicted farmer Jan Bezuidenhout, 37, who is well known in rightwing circles.

Bezuidenhout's conviction on culpable homicide charges follows the death of farm labourer Abraham Lekone after he was assaulted on February 18 last year.

Sentence will be handed down on August 3. Bezuidenhout's bail was extended.

Events of the fateful day unfolded at the trial, which was attended only by Bezuidenhout's parents, the dead man's widow Micky Lekone, his sister Elizabeth Lekone and his grandchildren.

In a judgment that lasted almost four hours the magistrate accepted the version of the State through the evidence led by Elizabeth Lekone, medical doctor CRB Aitton, Detective Sergeant C Buys and Lekone's grand-

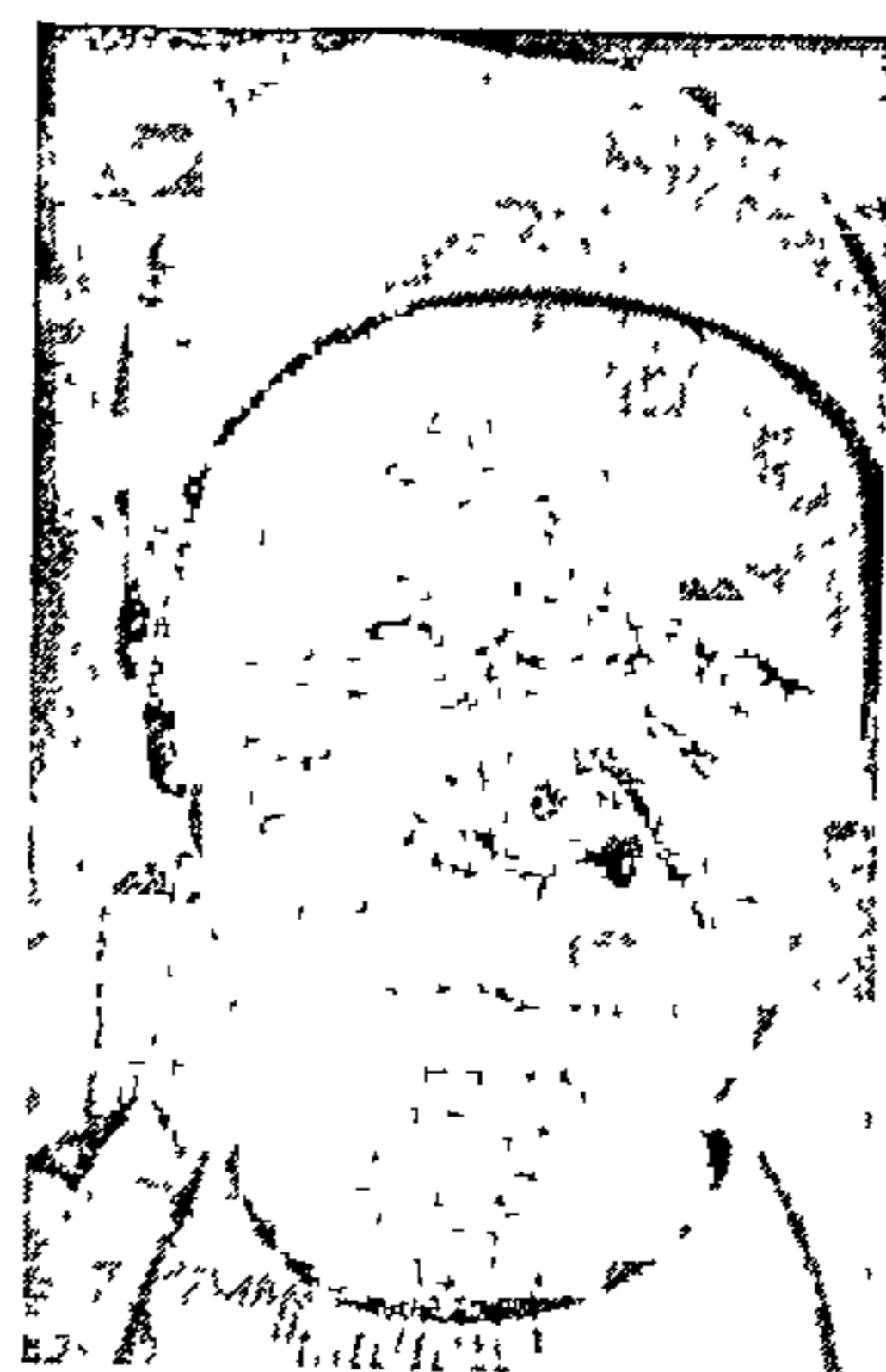


Stompana Lekone ... told to say a cow kicked Abraham.

daughters, Stompana Lekone, Naomi Lekone, 9, and Malefu Molefe, 12

He rejected Bezuidenhout's evidence as vague

Naomi and Malefu, who witnessed the attack on their grandfather, told the court Bezuidenhout had accused Lekone of neglecting his job by allowing cattle to stray into the mealie fields



Micky Lekone ... allegedly offered bribes to keep quiet.

and cause damage

They told the court Bezuidenhout hit Lekone across the face and, when he fell to the ground, jumped on his stomach. The two then ran home to seek help

Stompana told the court she and a woman who worked for Bezuidenhout had to help her grandfather home because he could only crawl.

Stompana said Bezuidenhout had threatened to shoot her and the woman if they told the truth about the assault. She said Bezuidenhout ordered them to say the old man was kicked by a cow.

Odendaalsrus district surgeon Aitton, who conducted the post mortem examination, said Lekone's spleen was ruptured and all the head and body injuries were consistent with an assault.

Former detective Buys, who investigated the case, told the court Bezuidenhout had told him he knew nothing of the assault and that Lekone was kicked by a cow in addition to being assaulted by someone else

Earlier Elizabeth Lekone said Bezuidenhout had promised to buy the dead man's wife, Micky, a house and a taxi if the family did not lay charges against him. She said he gave them R50 to buy food for the funeral.

Bezuidenhout denied he assaulted Lekone or promised his widow a taxi and a house

He told the court he was very angry with Lekone, who was drunk and had allowed the cows to invade the mealie field on two occasions.

He also denied he had made suggestions that Lekone was kicked by a cow.

Boy, 14, shot dead on farm

clp/ren
22/7/90

By DAN DHLAMINI

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WESTERN Transvaal police have opened a murder docket following the fatal shooting of a 14-year-old boy at Driefontein Farm, near Groot Marico, on Monday.

Western Transvaal police liaison officer Lt J Ackerman said a farmer, HF Mathee, 56, and his wife, were sitting on their stoep testing their .22 rifle. Mathee fired a shot into the bush. He fired a second shot which failed to go off. Mathee allegedly reloaded his rifle and fired into the bush again.

As the youngster Jan Thooe - who lived on the farm - was playing out of the bush, the bullet allegedly hit him on the forehead, police said.

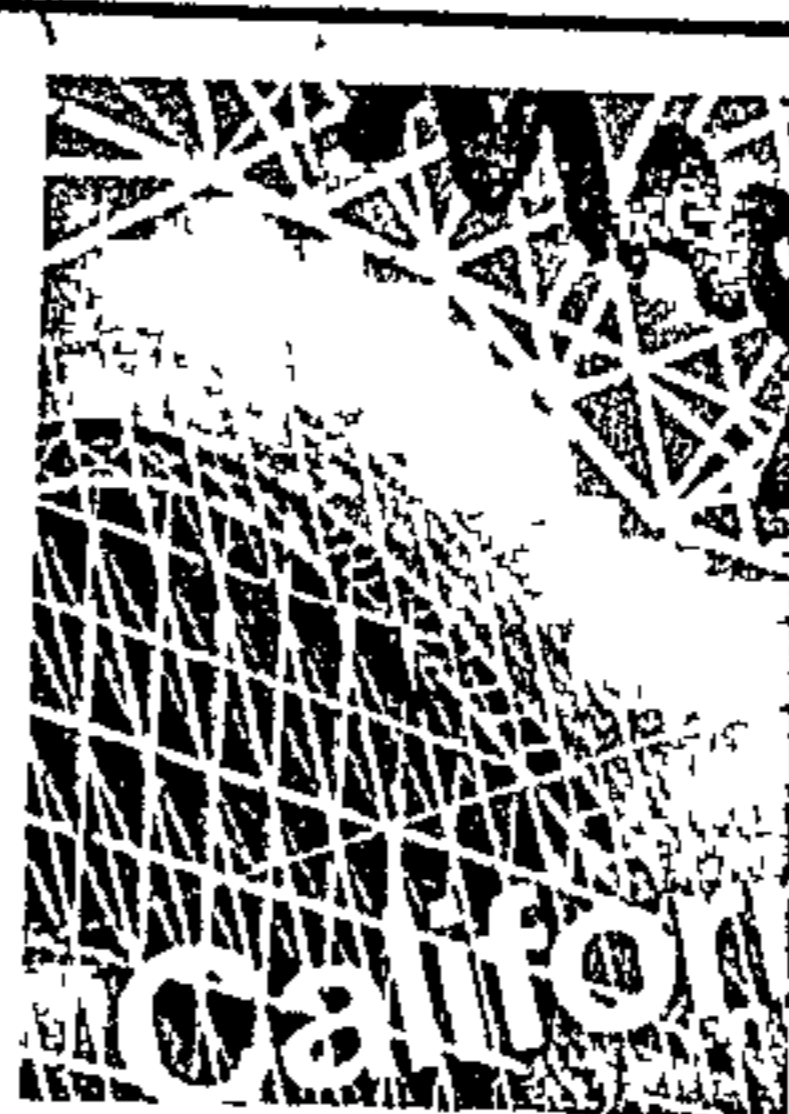
The farmer took him to Zeerust Hospital in his vehicle, but Thooe died the next day.

No arrests have been made. Police say they are investigating.

The shooting is the second within a year involving a farmer and a black person in the Western Transvaal.

Late last year, a farm labourer at Kafferskraal was shot while working in his garden and was seriously injured. Police said they were investigating. No one has been charged.

Western Transvaal organiser of Lawyers for Human Rights, Sam Present, said his organisation would thoroughly investigate the shootings.



Teacher 'molested pupils'

By DAN DHLAMINI

C/Pass 22/7/90

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A WHITE religious instructor in the western Transvaal is facing charges of indecently assaulting eleven black children - a girl and ten boys - aged between 14 and 17, at Bethal High School in Coligny.

Johannes Cornelius Lombaard, 48, a biblical study teacher at the school, appeared in court this week after being arrested at the school by Stilfontein child protection unit of the police.

No charges were read to him and he was released on R2 000 bail. The case was postponed to August 30 for a date to be fixed for the case to come before the Regional Court.

Prosecutor M Theunissen declined to give any further details of the case.

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252
'ET' in court again

By Celeste Louw
A former Soweto mayor, Ephraim 'E.T.' Tshabalala, briefly appeared in the Johannesburg Magistrate's Court yesterday after he had failed to attend court last week on a charge of unlawfully collecting money from squatters.

An inquiry into why Mr. Tshabalala failed to return to court last week after being granted time to consult his attorney will be held on September 17.

A warrant for his arrest had been issued but he undertook to appear yesterday.

He is to stand trial on 87 charges of selling and letting stands in Soweto unlawfully.

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NEWS

CP lays charge against Hani

Political Staff and Crime Reporter

The Conservative Party has laid a charge against Umkhonto we Sizwe chief of staff Chris Hani, in terms of the Internal Security Act

CP leader Andries Treurnicht yesterday said justice spokesman Chris de Jager had laid the charge with police

The CP move follows a speech by Mr Hani in Transkei last week in which he said the ANC might have to seize power if the Government did not agree to shift or share power

"It is unbelievable that the Minister of Law and Order or the State President himself have not yet ordered Hani's arrest," Dr Treurnicht said "By refusing to arrest Hani, the Government is promoting the occurrence of black-on-white violence in South Africa"

Mr Hani was allowed to openly promote and plan ANC violence against white South Africa Yet the Government had offered R50 000 for information leading to the arrest of right-wing terror suspect Piet Rudolph

● The SA Communist Party appeared to have played a prominent role in assisting ANC insurgents to enter South Africa in recent months, according to Major-General Herman Stadler, head of the SAP public relations directorate

Weapons seized

He said it was difficult to determine whether the SACP had hoped to derail negotiations between the Government and the ANC through such actions

The police were still busy with the case in which 40 insurgents were arrested and a large amount of weapons seized. General Stadler said the investigation was not directed at the ANC, but at people who broke the law

● SACP secretary-general Joe Slovo yesterday accused the Government of "reverting to Red-scare tactics" by alleging that the arrest of about 40 Umkhonto cadres — believed to be SACP members — signified a "Red plot"

He accused Mr de Klerk of trying to smear the party on the eve of its launch as a political party

The Democratic Party has demanded a public explanation from the ANC for allegedly bringing arms into the country "during this delicate stage of negotiations"

Commenting on allegations of an ANC insurrection plot, the DP demanded too that the ANC leadership should waste no time in acting against its own members to stop the development.

Ex-Askari implicated in Mxenge death is murdered

By Karen Stander and Craig Kotze

Former "Askari" Brian Ngqulunga, who was accused by two former colleagues of involvement in the murder of Durban attorney Griffiths Mxenge, has been killed.

The body of the former ANC member, who told the Harms Commission that not one arrest had resulted from his work for the police in nine years, was found "riddled with bullet holes" in the veld in Bophuthatswana on Saturday.

He disappeared from his So-shanguve home on Friday.

An ANC hit squad is suspected of having assassinated him, police sources said yesterday.

Mr Ngqulunga contradicted the evidence of Death Row prisoner Almond Nofemela and former security police captain and alleged hit squad leader Dirk Coetzee when he testified before the commission which was appointed to investigate politically motivated murders.

Denied

He denied that a hit squad had ever existed at the Vlakplaas police farm outside Pretoria — allegedly the base of the death squad — while he had been stationed there.

Mr Ngqulunga, a police sergeant at the time of his murder, was found dead in the veld between Lethlabile and Garankua at about 3 pm on Saturday; police said AK-47 cartridges were found near the body.

Mr Ngqulunga, stationed at police headquarters in Pretoria, was off duty when he went missing, police said. Bophuthatswana police were investigating.

South African security police are also said to be investigating.

Brian Currin, national director of Lawyers for Human Rights (LHR), said he hoped the police were not limiting their investigations to the ANC.

Nofemela told the Harms Commission that he and Mr Ngqulunga had been members of a four-man hit team which had murdered Mr Mxenge. He said Mr Ngqulunga had been present at the murder, but had not participated in the stabbing.

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Cape Times, Tuesday, July 24 1990 5

Bar council backs 'public defenders'

PORT ELIZABETH — The General Council of the Bar of SA has announced its support for the proposal to introduce independent "public defenders" to provide legal representation for accused people in criminal cases in the lower courts

At a congress at the weekend, the Bar resolved "as an urgent priority, to seek an assurance from the government that proper legal aid, or at least pro Deo defence, be provided to indigent persons"

It also recommended that Bars create structures for advocates to volunteer a certain amount of their time free of charge "to ensure that poor persons are not deprived of specialised legal representation in appropriate cases"

Delegates committed the Bar to the maintenance of an independent judiciary, and to ensuring the Bar was representative of all South Africans

The council also announced its support for the ideals, aspirations and challenges of a "new democratic South Africa"

Delegates expressed concern that accused persons "who can now be tried for murder in the Regional Courts and sentenced to imprisonment for up to 10 years, may not be afforded legal representation, as the pro Deo system only operates in the Supreme Court" — Sapa

Call for advocates to aid poor

PORT ELIZABETH — Delegates to the 45th AGM of the General Council of the Bar of SA at the weekend recommended that individual Bars create structures to enable advocates to voluntarily represent poor defendants free of charge.

A Bar council spokesman said this would ensure that the indigent were not deprived of specialised legal representation. The council agreed to "seek an assurance from government that proper legal aid, or at least pro deo defence, will be provided to poor persons".

The council announced its support for the introduction of "a system of independent public defenders to provide legal representation to indigent accused persons in criminal cases in the lower courts".

Delegates expressed concern that accused persons who could be tried for murder in the Regional Courts and sentenced to imprisonment for up to 10 years, might not be afforded legal representation as the pro deo system operated only in the Supreme Court.

The council also resolved to identify

with the ideals, aspirations and challenges of a new democratic SA.

The meeting committed the Bar to the maintenance of an independent judiciary and to ensuring that the Bar was representative of all sections of the population.

Delegates from Johannesburg, Cape Town, Pretoria, Natal, Eastern Cape, Free State, northern Cape, Transkei, Bophuthatswana and Ciskei attended the AGM.

Delays

The AGM resolved to consider methods of combatting delays in civil litigation and will make "various concrete proposals" to Justice Minister Kobie Coetsee and the Rules Board for reforms in this regard.

Cape Bar SC Milton Seligson was re-elected chairman of the general council. Pretoria Bar SC William de Vries was elected vice-chairman.

Chief Justice Mr Justice Corbett was again elected honorary president. — Sapa.

ANC is set to launch newspaper

THEO RAWANA

A NEW local newspaper sympathetic to the ANC was in the pipeline as a result of the uncertain future of Sechaba, the organisation's overseas publication, ANC spokesman Joel Netshitenge said in Johannesburg yesterday.

Netshitenge said that unlike Sechaba, the organisation's official organ abroad, the new newspaper would not be a specifically ANC publication.

"It will be an independent newspaper 'gravitating' towards the broader democratic movement. The newspaper is being discussed in the ANC's information department and in the movement in general," he said. No launching date had been set.

But the ANC was in the process of compiling its own journal — to be called Mayibuye, which would be launched in 10 days' time. It would be a continuation of the external publication Mayibuye.

The New Nation reported last week that Sechaba editor Francis Meli told an Association of Democratic Journalists (ADJ) meeting that the future of the East German-produced Sechaba looked "pretty dark".

"Far-reaching changes ... saw the (East German) authorities reluctant to use public funds to support the ANC," Meli said.

He said the ANC had been given a year, from January 1990, to continue producing the paper there.

Hospital escaper eluding us, say police

FRAUD suspect Ernest Hewitt, who escaped from the Johannesburg Hospital on Saturday, was still at large yesterday and police had no leads to follow, said police spokesman Capt Pieter van Deventer.

In an interview Van Deventer said Hewitt, who would have stood trial this week on charges of foreign currency fraud involving about R7m, continued to "elude" the Pretoria commercial crime unit.

Van Deventer added that police had not yet identified the three black men who

OWEN MAUBANE

helped Hewitt escape.

Hewitt was admitted to the Johannesburg Hospital from Diepkloof Prison with a heart ailment but managed to escape when three armed men wounded one of the two constables guarding him.

A Johannesburg Hospital spokesman said yesterday that Const SA Masinga, shot in the stomach and shoulder, remained in a "stable" condition.

PEANUTS

By Charles Schulz



Tshabalala in court

FORMER Soweto mayor Mr Ephraim "ET" Tshabalala appeared briefly in the Johannesburg Magistrate's Court yesterday after he had failed to attend court last week to face a charge of unlawfully collecting money from squatters

An inquiry into the reasons why Tshabalala had failed to appear last week after he had been granted time to consult with his attorney would be held at his next appearance on September 17

Warrant issued

A warrant for his arrest was issued by the court but Tshabalala was not arrested when he undertook to appear in court this week

Tshabalala is to stand trial on 87 charges of pretending that he had the authority to sell and let stands in Mshenguville, Soweto - *Sowetan Correspondent*

I saw five people killed - witness

24/7/90 By Melody McDougall
Vereeniging Bureau

pangas, knives, knobkerries and golf clubs

A photojournalist yesterday described the horror of witnessing the deaths of five people killed during street battles between Inkatha supporters and rival political organisations in trouble-torn Sebokeng township on Sunday

"It was terrible I have never seen anything like this before," said the shocked journalist, who wished to remain anonymous out of fear of retaliation.

He said most of the victims, who appeared to be innocent bystanders, were first shot and then hacked and battered to death by large mobs wielding an assortment of weapons, including guns,

He also levelled accusations at police, blaming them for being pro-Inkatha and more interested in videotaping the proceedings than intervening and helping people who were being attacked.

The journalist said he was covering the Inkatha peace rally at the Sebokeng stadium. "At one stage while I was outside the stadium taking pictures, two guns were pointed at me by Inkatha supporters. Some of them rushed at me and wanted to chop me with pangas and knives, but I managed to escape through a hole in the fence and fled to safety."

I saw five people killed - witness

Ste-
24/7/90 By Melody McDougall
Vereeniging Bureau

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Apartheid at fault Witbank killer

St- 25/7/90
Pretoria Correspondent

The Government and "its evil apartheid system" were to blame for the deaths of innocent people who died as a result of the liberation struggle

This evidence was given in the Pretoria Supreme Court by one of the two teachers who were convicted on 70 charges for their involvement in the 1988 Witbank car bombing.

Joseph Vilakazi (26), yesterday testified in mitigation at his trial before Mr Justice de Klerk, saying that if it were not for the "evil apartheid system introduced by the Government", af-

fairs would not have reached such a state in the country

Vilakazi and Ramoepi Maboja (26), both of Vosloorus, were convicted in Delmas on April 17 on 70 charges, including three of murder and 14 of attempted murder, following a car bomb explosion in October 1988.

They were found to have participated in the bomb explosion outside a Witbank office block housing security police and CID personnel.

Other charges comprised of malicious damage to property and one of car theft.

Vilakazi repeatedly maintained his innocence in the

crimes he was convicted for, and when asked by Mr G Roberts, for the State, whether or not he was an African National Congress member in 1988 Vilakazi — who admitted sympathising with the ANC — again pleaded innocence

"The ANC was there to liberate the country of the evil system of apartheid. My feeling was that it was a liberation movement.

When questioned by Mr G Gertsch, defence counsel, Vilakazi said he did not think it was ANC policy to attack innocent people.

The hearing continues.

Chd-Trans 25/7/90

FW signs Mier bill

By BARRY STREEK
Political Staff

PRESIDENT FW de Klerk has signed the controversial House of Representatives legislation to privatise the ownership of land in the Mier area in the North-Western Cape

The measure, now called the Mier Rural Area Act, has also been published in the Government Gazette, which means it is now officially law

However, lawyers acting for Mier residents have given notice of an application in the Supreme Court in Kimberley for the measure to be invalidated, although this matter still has to be heard

The move to sell the communally occupied land, a so-called coloured reserve in the Gordonia district which was first settled in 1865, was strongly opposed by the ANC deputy president, Mr Nelson Mandela, the ANC itself, the Namaqualand Citizens' Association, the Surplus Peoples' Project (SPP) and other organisations

About 900 of the estimated 1 400 adult residents of Mier also signed a petition opposing the measure

The law gives the Minister of Hous-

ing and Local Government in the House of Representatives, Mr Andrew Julius, the power to sell the land, which until now has been held in trust for the residents

It also validates, with retrospective effect, past actions of the Mier Management Board and the House of Representatives, Administration

The SPP said the gazetting of the law would dispossess residents of Mier of their land and birthright

"The privatisation of trust land means that communal land will be permanently alienated from the communities which have lived there for generations"

Residents of the other 22 reserves feared that similar laws would be made in their areas and this would have the effect of dispossessing thousands of people of their land

"In this time of negotiations, the Labour Party is changing the system of land tenure without consulting the people they purport to represent

"At a time when a new constitution is about to be written the Labour Party is preparing to privatise large tracts of land that will constrain the future land policy of a government that wants to serve the needs of the people," the SPP said

Security Act 'may be modified'

(252)

PETER DELMAR

ALL indications were that the Internal Security Act was likely to be abolished, or at least have aspects of its operation suspended within the near future, Human Rights Commission (HRC) member Max Coleman said yesterday.

Blom 25/7/90

Coleman said in an interview he believed government could no longer resist pressure to get rid of the Act.

He predicted government would at least declare a moratorium on detention without trial as part of the agreement expected with the ANC on removing obstacles to negotiations, including security legislation.

Since 1963 an estimated 24 000 people have been held under the Internal Security Act.

Other aspects of the Act most likely to be addressed were the ban on political gatherings and political trials.

Coleman said he believed government was anxious to get to the negotiating table and that it would have to make concessions on a number of "repressive" Acts, including the Internal Security Act.

Government, he said, could repeal the Act or make a statement of its intent to repeal or modify it, while simultaneously suspending its operation.

Boy shot: R2-m claim

South 26/7- 1/8/90 (252)

By REHANA ROSSOUW

THE mother of a Strand schoolboy is claiming more than R2-million in damages from the Minister of Law and Order, Mr Adriaan Vlok, after her son was shot by police during the Mass Democratic Movement's defiance campaign last year.

Xavier Robertson, 15, is unable to stand alone and cannot walk without help since he was shot on August 19 during a campaign to open beaches to all.

Mrs Wendy Lukas, of 11th Street Rusthof, is bringing the Supreme Court action

She claims in a summons that police last year shot Xavier in Sandown Road, Rusthof

As a result of the shooting, Xavier's skull was fractured and pieces of bone were driven into his brain

He was hospitalised at Groote Schuur until September 1 and underwent extensive surgery to remove the bone from his brain

Xavier was also hospitalised at Conradie Hospital for a month, where he underwent intensive rehabilitation

Mechanical

Lukas said as a result of the shooting her son had severe spasticity in his left arm and both legs, a large circular skull defect, and was unable to stand alone or walk without assistance

Xavier would require and would always need mechanical aids, an appropriate motor vehicle, a specially-designed and suitable home and permanent care

She said she was claiming damages for Xavier's future earnings and for the severe pain, discomfort, inconvenience, disfigurement and disability he suffered.

Lukas asked the court to award R2 044 418 in damages from the Vlok

Xavier's lawyer confirmed on Tuesday that he had been notified that the police would defend the action



CLAIMING DAMAGES: Xavier Lukas with his mother Mrs Wendy Lukas, left, and his grandmother Mrs Sophia Alloys

PIC: YUNUS MOHAMED

Rightwingers granted bail

26/7/90 Own Correspondent (340) (252)

POTCHEFSTROOM — Two of nine rightwingers being held in terms of Section 29 of the Internal Security Act were granted bail in a magistrate's court here yesterday during their brief appearance on weapons charges

Commanding officer of the Boereweerstandsbeweging (BWB), Petrus Johannes Bester (30), of Carina Court, Fochville, and Lodewyk Jacobus Mienie (40), of Middelwater farm in the Fochville district, appeared separately in connection with the illegal possession of ammunition and explosives. They were not asked to plead

Mr Bester, who is also chief of training of the BWB, was granted R2 000 bail and Mr Mienie R1 000. They will appear again on October 5.

The men were arrested with eight others earlier this month. One man, Enrico Francocci, of Cyrildene, Johannesburg, was later released.

Protest against death squads

South 26/7-11/8/90

252

THE Harms Commission into police, death squads resumes next week with civil rights groups still demanding that the commission's brief be extended to investigate politically-motivated murders outside the country

This Saturday, life-size puppets depicting hit squad activities will form part of a protest in Cape Town by the Campaign for a Judicial Inquiry into Hit Squads

The organisation has called on State President FW de Klerk to disband the Defence Force's Civil Cooperation Bureau (CCB) which, it claims, is still operating.

"The puppets will depict some-

body being murdered," said campaign spokesperson Mr Barney Jordaan.

He said the campaign had applied for permission for Saturday's march, but was still awaiting a reply

Jordaan said letters would be delivered to security policemen and security force members at the Castle, in which they will be asked not to become involved in politically-motivated operations

They would also be asked to make known information about hit squad activities

The Harms Commission is investigating 71 cases allegedly involving the CCB

The campaign plans to start a hit squad register to record the stand of every white MP in South Africa on the controversial CCB

● The Black Sash said this week it supported the campaign for a judicial enquiry into hit squads

"For credibility, decency and honesty to be restored to the government of this country, all those responsible for these crimes must be identified and be held accountable

"If this is not done, history will hold all of us responsible for crimes committed in our name," the human rights organisation said

Rural justice congress

From OUPA MPEKULA
COLESBURG. — A
landmark conference on
rural justice, focusing on
the legal needs in rural
areas, was held here this
week (252)

It was not only the first
conference of its kind but
also the first event with such
a high profile in the small
northern Cape town

The 140 delegates to the
one-day gathering on Mon-
day came from various parts
of South Africa and abroad

Although invited, the
Department of Justice and
Police did not attend

26/7 - 11/8/90
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26/7 - 11/8/90

FOCUS

With the spotlight on the re-emergence of the South African Communist Party, the question arises: Are the AWB manoeuvres and threats of violence not covered by the Internal Security Act?

Justice must be seen to be done

252
Sowetan
2/7/90

By ISMAIL LAGARDIEN

A WEEK ago the announcement of the inaugural rally of the recently unbanned South African Communist Party bore testimony to the anomalous period the country was going through.

This weekend's launch at Soccer City was going to bring all the laundry - clean and dirty - of communists to the front. The country could at last see it for what it is and not what Government propaganda wanted to make of it through its media.

It was too good to be true: communism, socialism, nationalism, Marxism, a new lexicon had emerged - and a glittering vision of openness, too, had set into the psyche of South Africa

Debate

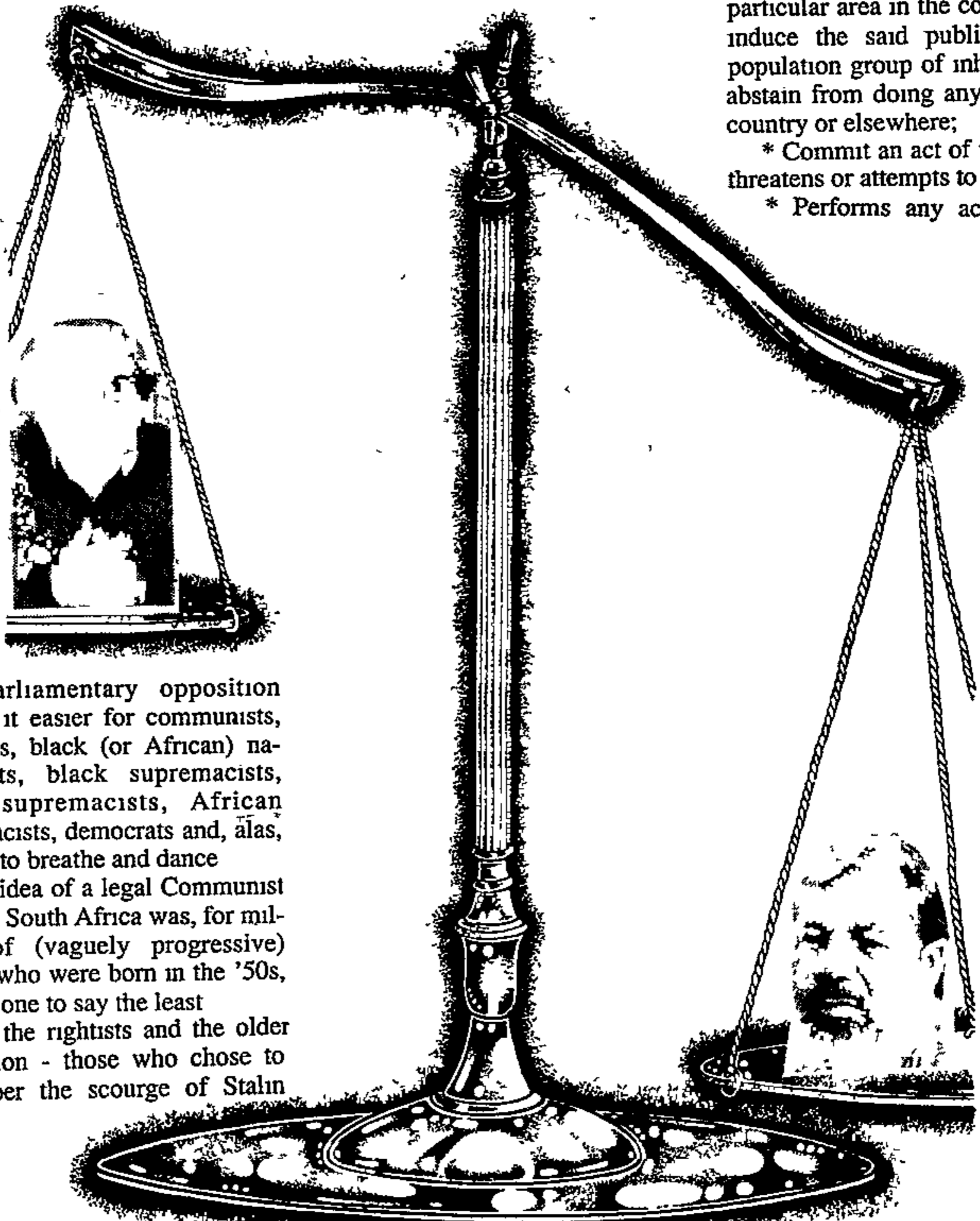
Through the pages of *Business Day*, the debate between big business and the grey-haired, bespectacled general secretary of the Communist Party, Mr Joe Slovo, had, under the baton of editor Ken Owen, been developing into a rich and almost benign gnashing of teeth and rattling of sabres

It was as if South Africa had in one swoop been turned into a country of adults

On another level, literacy projects were frantically publishing booklets explaining (to workers) arcane concepts that have, during the absence of democracy in Africa south of the equator, been associated with others - never at home

It was all thanks to the political aplomb of State President FW de Klerk and his historic speech of February 2 when he unbanned all

schedules is all forces objectif resistance one



particular area in the country or to induce the said public or such population group of inhabitants to abstain from doing any act in the country or elsewhere;

* Commit an act of violence or threatens or attempts to do so,

* Performs any act which is

extra-parliamentary opposition making it easier for communists, socialists, black (or African) nationalists, black supremacists, white supremacists, African supremacists, democrats and, alas, fascists to breathe and dance

The idea of a legal Communist Party in South Africa was, for millions of (vaguely progressive) people who were born in the '50s, a novel one to say the least

For the rightists and the older generation - those who chose to remember the scourge of Stalin

and not the classical communism of Trotsky - it was as if God had emigrated from South Africa and Mephistopheles had applied for citizenship

But something (besides right-wing backlashes) happened during this much desired process of alchemy

The security establishment appeared unhappy. Memories of not too long ago, when they had the all the communists under control, either in prison or beyond the borders, came flooding in and a wolfish cry went out "The commies are amassing, let's catch 'em while we can"

Supporters

Forthwith last Sunday the headlines rang "Crackdown on Communists" *The Sunday Star* was told by "Government sources" that members of the ANC and supporters of the South African Communist Party were arrested for allegedly planning an insurrection

It was reported that "they" had taken advantage of the climate of negotiations "to pursue their own agenda"

The ANC's Mr Ahmed Kathrada confirmed the arrests but denied "most emphatically"; according to *The Sunday Star*, that his organisation was involved in covert activities to scuttle the peace negotiations

Elsewhere in the same edition of *The Sunday Star*, in a report on

rightwing militancy on the boil, the South African Police are quoted as saying "The SAP is fully aware of various far-rightwing groups and individuals who propagate violence. The SAP view all incidents of political violence in a very serious light and full attention is given to them"

Are AWB para-military manoeuvres and threats of violence and talk of an insurrection covered by the Internal Security Act?

Statutes

The Act is as clear as statutes go and says that a commissioned officer of, or above, the rank of lieutenant-colonel may, "if he has reason to believe that any person who happens to be at any place" in the Republic (of South Africa) has "committed or intends or intended to commit an offence" referred to in Section 54

Section 54 of the same Act is unequivocal, any person who with intent to:

- * Overthrow or endanger the State authority in the country,
- * Achieve, bring about or promote any constitutional, political, industrial, social or economic aim or change on the country,
- * Induce the Government to do or to abstain from doing any act or to adopt or to abandon any particular standpoint; or
- * Put in fear or demoralise the general public, a particular population group or the inhabitants of a

aimed at causing, bringing about, promoting or contributing towards such an act or threat of violence.

"shall be guilty of the offence of terrorism".

Can the Act not be applied to the rightwing vigilantes in Welkom and AWB military manoeuvres?

There is a remarkable passage in Charles Villa-Vicencio's book *Civil Disobedience and Beyond* (David Phillip 1990) with regard to violence "South Africa is not likely to escape the cycles of repressive and revolutionary violence before it learns to live in peace.

Police

"Military and police spokespersons have repeated, warned the oppressed people who resist apartheid that they have experienced only the beginning of what the South African Police and military are capable"

The discrepancies become frightening when the above are juxtaposed to a remark by the extreme rightist interviewed by *The Sunday Star* "I know for a fact that the majority of the army and the police are not loyal to the Government. If it came to a choice between the ANC and us, they would be on our side"

There is an ominous shadow in the shape of a jackboot over the chrysalis which has already been swept into the gutter.

It's only a matter of time before something happens on the way to peace

88. Maric, op cit.:

New law on death sentence

A NEW law abolishing the compulsory imposition of the death sentence comes into effect today

The Minister of Justice, Mr Kobie Coetsee, announced yesterday that the Criminal Law Amendment Act would be published in the Government Gazette today

An inability of judges to exercise discretion in capital cases without extenuating circumstances has been criticised for years by the legal fraternity, civil-rights groups and political organisations

The Act also makes the following important changes:

- An automatic right of appeal is introduced
- The death sentence can be imposed only in specific cases if — after consideration of all mitigating and aggravating factors — it is, in the opinion of the presiding judge, the proper sentence

- When a person sentenced to death does not use his or her right to appeal and also where no attempt is made to petition the State President for mercy, counsel is appointed to exercise the convicted person's rights on his or her behalf

- Life imprisonment as "a realistic and feasible" sentencing option is emphasised and the release procedure of such a prisoner is determined

- Jurisdiction to hear murder cases is conferred on regional courts, subject to the jurisdictional limit of 10 years

The sections of the Act which come into operation now also deal with people already sentenced

Death penalty to be amended today

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By JACQUI SEGAL
THE controversial Criminal Law Amendment Act — or 'Death Penalty Act' — will be published in the government gazette today, giving new hope to prisoners awaiting execution.

The Act came before the last session of parliament, following a proposed amendment by the Standing Committee on Justice and the moratorium on executions announced by President FW de Klerk on February 2.

According to the new Act it is better to "emasculate" Supreme Court judges than to risk the chance of executing an accused in error.

South Africa has recorded the highest rate of execution the world, second only to Iran.
The Act introduces procedures for ex-

ecutive and judicial reconsideration to reduce the risk of error.

Important changes will be introduced by the Act.

● On a conviction for murder where no extenuating circumstances are found, it does away with the mandatory imposition of the death sentence. A trial judge now has a discretion — in cases that carry the death penalty — to impose an appropriate sentence, after considering mitigating and aggravating factors.

● A person sentenced to death is given an automatic right of appeal to the Appellate Division (AD). He no longer needs to get leave to appeal by the trial court.

His conviction and sentence will still be reviewed by the AD.

● The AD can impose a different sentence — not only if it believes the sentence to be unreasonable — but also if it would not itself have imposed the death sentence.

This controversial clause met with much opposition in its passage through parliament.

Cape Judge President Mr Justice George Munnick tried unsuccessfully to block the reform by rallying the support of the other provincial judges. All provincial judge presidents, except Mr Justice Smuts of the Orange Free State, op-

posed the amendment.

Munnick sent a representation to the Parliamentary Joint Committee on Justice, objecting to the "emasculatation, as it were" of the discretion of the trial court to pass sentence.

Also in terms of the new Act:

● If the AD confirms the sentence, the prisoner may still petition the state president for mercy. If he does not do so, a lawyer will automatically be appointed to submit a petition.

● Death sentence will not be passed on youths who were under the age of 18 at the time of the crime.

● Regional court magistrates can now

pass sentence of up to 15 years in murder cases.

● Those sentenced to death before the Act was passed will have their sentences reviewed by a panel of experts, to be appointed in terms of the Act.

The panel will use the criteria of the new law in considering the case records and any other documentation, to decide the fate of death row prisoners.

If they decide in favour of execution, the case will be submitted to the state president to decide on the exercise of mercy. If they decide against execution, the case will be referred to the AD for an alternative sentence.

Minister of Justice Kobie Coetsee said yesterday that a more detailed announcement would be made about implementation of the new measures.

Internal Security Act could be big obstacle

252
Sowetan
27/1/90
28/1/90

THE Internal Security Act could become the biggest obstruction to a negotiated settlement, says the Human Rights Commission

At a media briefing outlining the history and

By ISMAIL
LAGARDIEN

effect of the Act, the HRC's Dr Max Coleman said the Act embodied virtually all of the elements perceived as negat-

ing and stultifying free expression

He said it denied and limited the universal rights of freedom to speak or be heard, freedom to organise, persuade or influence, freedom to publish views

At the same time it permitted and encouraged punitive practices such as detention without trial, political imprisonment and heavy police action against peaceful assembly.

"The Act has become an anachronism riddled with inconsistencies and contradictions and completely out of step with the times and with both the spirit and the letter of the Groote Schuur Minute of May 4," Coleman said

DEATH ROW DEAL BID

By HENRY LUDSKI

LAWYERS representing the "Ungung 14" Death Row prisoners are likely to revive attempts to secure bail for them.

This follows a shock decision by the Chief Justice of the Appellate Division this week which pushes their appeal hearing to May 1991 — two years after they were sentenced. *See L 25/6 - 417190*

The "Ungung 14" were among 25 Paballelo residents convicted on May 26 last year for the murder of municipal policeman Lucas "Yeta" Sehwala in October 1985.

The lawyers this week travelled from Cape Town to Pretoria to break the news to the prisoners, who were hoping for an appeal hearing in the next two months.

This week the Human Rights Commission spoke out against the new "hanging" legislation introduced by the government as having fallen far short of the demand for the total abolition of the death penalty.

Discretion

They also criticised the new law for not having eased the plight of Death Row prisoners, many who have been held at Pretoria Central Prison for up to three years.

The new legislation, among other things, gives Supreme Court judges the discretion in deciding when to impose the death penalty.

Of the estimated 300 Death Row prisoners being held in Pretoria, 59 are considered political prisoners.

The Ungung residents were convicted in terms of the controversial "common purpose" doctrine in terms of which any member of a mob intent on murder is equally guilty if their actions resulted in someone being killed, irrespective of which individual inflicted the fatal blow.

Mrs Evelena de Bruin, 64, and her prisoner husband Mr Gideon Mandlongwane — parents of 10 children — are among the Ungung residents who have been held at Pretoria Central since May last year.



PROTEST The delegation representing the Shirley Gunn Support Committee argues with Colonel Mostert outside Security Police headquarters.

ANC act on Khaya feud

PEACE has been restored in strife hit Khayelisha after the African National Congress intervened and started talks between two opposing groups. More than 18 shacks were burnt to the ground last weekend in Site B. ANC interim committee member Mr Christmas Tinto said there was no truth in reports that the fighting began when ANC members clashed with supporters of the Pan-Africanist Congress (PAC). "There are members of both organisations in a committee we formed to monitor events in Khayelisha," Tinto said.

No clothes for detained Gunn's child

POLICE refused to accept clothing and food for the baby of detained activist Ms Shirley Gunn on Wednesday. Gunn, a former organiser for the Clothing Workers Union, was detained in terms of Section 29 of the Internal Security Act at a guest farm in the Karoo on Monday. A delegation, representing the Shirley Gunn Support Group, took the baby's items to security police headquarters in Loop Street, Cape Town. When they arrived at the headquarters, Imam Hassan Solomons, asked for the person responsible for Gunn's detention. A Colonel Mostert arrived and told the delegation to disperse as they were constituting an illegal gathering. He said he was prepared to speak to only a few people inside his office, and would not give any information about Gunn. The delegation asked that 15 month-old Haroon, who is with his mother, be provided with cooked vegetables and clean clothing daily. After the discussions, Imam Solomons reported to the group that security police refused to accept the baby's food and clothing. "They say they will only negotiate with the family and that the child is being cared for by them," he said. "I conveyed to the police that we are afraid for the child's safety as we know they use children to get information from their parents." The Gunn support committee also handed a letter to the security police saying Gunn's detention was a "deliberate attempt by the state to impede the process of negotiations." "The detention of Gunn and her child in this transitional period in the negotiation process proves the state's unwillingness to create a climate in which negotiations can take place," the letter said. The delegation demanded the immediate release of Gunn and all political prisoners and the return of all exiles to participate in the creation of a new South Africa.

PIC YUNUS MOHAMED

Stompie's last days

Winnie punched me — exclusive interview

PAT DEVEREAUX

THE trial over the death of Stompie Moeketsi Seipei (14) resumes for the sentencing of Mandela United Football Club coach Jerry Richardson on August 6

During the trial, the judge found that Winnie Mandela must have been present on the evening of the assaults in her home which led to the death of Stompie

The question is will Mrs Winnie Mandela face charges?

One person who would most like to know is key witness in the trial, Kenneth Kgasi, who yesterday, in an exclusive interview, expanded on his court evidence

He gave a similar interview to London's Sunday Telegraph this week in which he told of events leading up to the teenage activist's bloody murder and being forced to participate in an attempted murder

Worried

"Since it all began on the night of December 29 1988, my life has not been my own I do worry about my safety because my evidence linked a powerful political figure like Mrs Mandela to the assaults But I was more worried before I gave court evidence," said Mr Kgasi, one of the four young men abducted from Soweto's Methodist manse by members of the Mandela United Football Team and viciously interrogated and assaulted

Mr Kgasi (30) explained that he came to be living at the manse because he was a writer and was in the process of writing about the lives of the youngsters who took refuge there This is his story

I first met Stompie, the tiny Tumahole activist, about two weeks before our abduction He was brought into the manse one night and, because there was no room for him to share a bed with the other boys, he slept with me

At first we believed him to be just another street urchin He told us he had been sleeping at a township station

Because I was non-political and still am I was often a mediator when quarrels broke out between about youngsters aged between 14 and 28 years old There were usually about a dozen living at the house

The day after Stompie's arrival, a fight broke out when the others accused him of being a sell out and police collaborator

Stompie was furious, like a little wild animal, but he denied the charges

In the days that followed, just before Christmas, things quietened down and although he was still gossiped about the others seemed to accept him

I soon realised he was a child who had never known childhood He was very intelligent and very political He idolised the Mandela name and could recite the ANC's Freedom Charter by heart

However, tension was developing in the manse because of a clash between the minister who headed the manse, Paul Verryn and the housekeeper, Xoliswa

Falati She was a very militant supporter of the ANC and always wore the colours

She forced us to celebrate Christmas as "a black Christmas" which meant little or no celebration and no lights in the house, only candles

After Christmas, on December 29, the night of our kidnapping, a stranger rushed into the house followed by a gang of others and Mrs Falati She then pointed out Stompie, Thabiso Mono and Pelo Mekgwe They took me too because they seemed to think I might inform on the kidnapping

We were shoved into a waiting panel bus and the gang began to sing revolutionary songs, led by Mrs Falati We were ordered to join in the singing We were driven to what I later discovered was Mrs Mandela's Diepkloof house One of the gang demanded our watches and we gave them to him

We entered and found two rooms divided by a carpet and in the centre was a jacuzzi It was here that we were questioned by the leader, who we were told later told was Jerry Richardson

Then I came face to face with Mrs Winnie Mandela for the first time in my life She entered the room and seemed very tall Her movements were slow I am not sure if she hadn't been drinking or something

She looked at us scornfully, then began to berate us "For 26 years our leader has been inside for your benefit, yet you are continuing your nonsense You are not fit to live"

She ordered us to stand up and Xoliswa informed her about us She started with telling Mrs Mandela about Stompie being a sell-out and added that he kept a taping bug (recording device) up his nose She said I claimed to be an intellectual and she said that the other two were homosexuals and shared a bed with the Rev Paul Verryn

Mrs Mandela thought about this for a while, then she suddenly lashed out at me, grabbing me by the hair and punched me in the eye She was very strong I managed to get out of the way of the second blow but she then grabbed Stompie

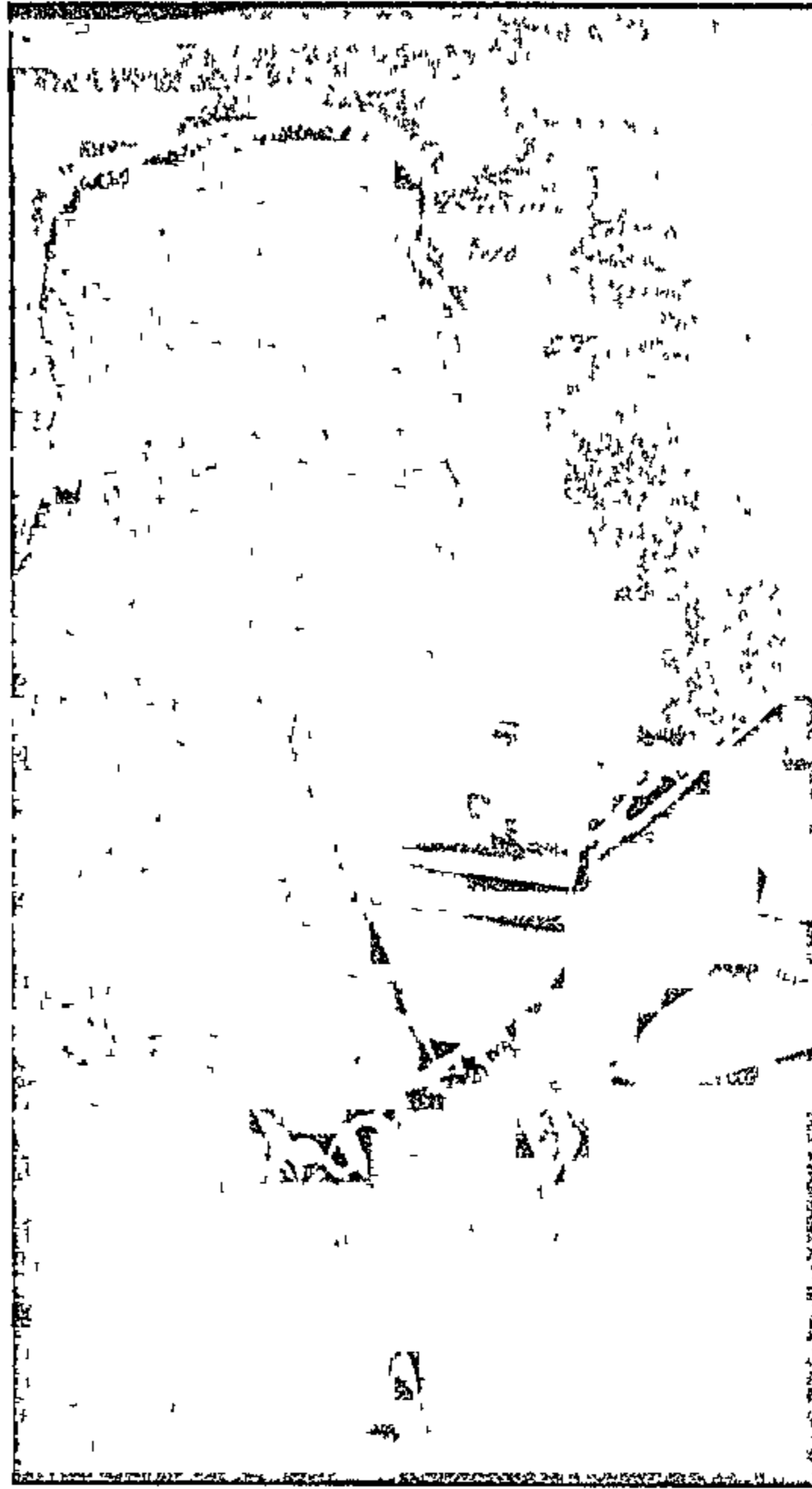
Punched

She accused him of being a sell-out and before he could reply to her accusations she punched him Then she turned on the other two "Why did you sleep with white men?" she shouted "Why do you sell comrades to the police Don't you know it is wrong?"

She continued to pick on Stompie and beat him She was wild and had savage eyes as she turned back to punching me "You should be fighting the white man like the comrades, but instead you allow them to destroy us," she screamed

The Mandela United Team, her bodyguards, then joined in and began to punch and kick us We were yelling for mercy and I could taste the salt of blood in my mouth

Mrs Mandela then stood back



SHEER TERROR Kenneth Kgasi, one of the key witnesses in the Stompie trial, describes the kidnapping from the Methodist manse and the events that occurred there in the story on this page
© Photograph Herbert Mabuza

and watched with a satisfied look on her face I was shocked that this woman — the mother of a nation — could do this She was so obviously in power and I don't think she even realised it was wrong For me her image was spoiled

After what seemed hours of beating, it suddenly stopped and we were taken outside to wash Stompie, the smallest, could hardly make it During the assault he actually confessed to selling out comrades in Parys and Jerry threatened him again and again

When I saw my face the next day I could not believe the bruises My face was fat and purple

We were then told to apologise and call Mrs Mandela "mummy" by Richardson But Stompie's torture was not over He was not to be forgiven and, as Jerry told us, he would not live

Blood

The child was struck by a muscular man who came into the room with Jerry He was kicked and beaten solidly by this man Stompie was in agony and totally destroyed while we could only look on

The next day Stompie could not eat Later Jerry asked him to write down his address and gather his belongings Stompie managed to get up and left with Jerry without saying goodbye

Angry AG's decision

PAT DEVEREAUX

THE Attorney-General of the Witwatersrand, Klaus von Lieres and Wilkau, can whether Mrs Winnie Mandela is likely out of her involvement in the Stompie

When approached for comment this would study the case and decide after August whether Mrs Mandela will be

Earlier he had said "My decision is still "I will, in due course, take a decision" on Mandela

"It was my decision to reserve the investigated the case to my complete Lieres and Wilkau

In May this year, a Johannesburg Mandela United football coach and guard Jerry Richardson, of the murder of 14-year-old Tumahole activist Stompie Seipei The trial resumes on August 6 for the sentencing of Richardson who has, in the meantime, been sent for psychological tests

In his judgment, Mr Justice B O'Donovan accepted the evidence of Stompie's three companions Mr Kenneth Kgase (30), Mr Barend Thabiso Mono (20) and Gabriel Pelo Mekgwe (21) as credible

Interrogation

He made a special finding that Mrs Mandela must have been present "for at least part of the time" at her Diepkloof, Soweto, house on the night of December 29, 1988, when the child activist and the three other young men were interrogated and assaulted

All three survivors testified in court that Mrs Mandela had begun the violent and bloody interrogation of Stompie and his companions which led in the end to his murder

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Angry AG says no decision on Winnie

PAT DEVEREAUX

THE Attorney-General of the Witwatersrand Local Division, Klaus von Lieres und Wilkau, can still give no indication whether Mrs Winnie Mandela is likely to face charges arising out of her involvement in the Stompie affair.

When approached for comment this week he said "I told you I would study the case and decide after judgment has been passed in August whether Mrs Mandela will be prosecuted."

Earlier he had said "My decision is still a long way off. I will, in due course, take a decision on whether to prosecute Mrs Mandela."

"It was my decision to reserve the right to do so. The police investigated the case to my complete satisfaction," said Mr von Lieres und Wilkau.

In May this year, a Johannesburg Supreme Court judge convicted Mandela United football coach and Mrs Mandela's former body guard, Jerry Richardson, of the murder of 14-year-old Tumahole activist Stompie Seipel. The trial resumes on August 6 for the sentencing of Richardson who has, in the meantime, been sent for psychological tests.

In his judgment, Mr Justice B O'Donovan accepted the evidence of Stompie's three companions, Mr Kenneth Kgase (30), Mr Barend Thabiso Mono (20) and Gabriel Pelo Mekgwe (21) as credible.

Interrogation

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All three survivors testified in court that Mrs Mandela had begun the violent and bloody interrogation of Stompie and his companions which led in the end to his murder.



ACCUSED Mrs Winnie Mandela beat Stompie, according to Mr Kgasi. The trial judge found she must have been at her home during the assaults.



UNDER FIRE Members of the Mandela United Football team with police in May last year. Former coach Jerry Richardson is to be sentenced on August 6 for the death of Stompie.

one of the key witnesses in the kidnapping from the Methodist occurred there in the story on this
● Photograph Herbert Mabuza

The following morning I saw Jerry's shoes had blood on them and there was no Stompie.

Then we were allowed more freedom around the house. We were given physical training and I was told I would be given a duty.

We set off running with the football team through the suburb of Diepkloof which is the neighbourhood I live in, but I was not allowed to go home. It was clear we were looking for someone who I later discovered was Ikaneng Lerothodi. We found him and he was dragged to an open piece of ground.

Jerry threw him to the ground, sat on his chest, and another gang member began to unscrew some gardening shears. I was holding the man's left hand and I could not believe it was happening. I was so scared.

Jerry then took the blade of the shears and began to stab into the man. I heard a moan and we pushed the body into a nearby ravine. I thought we had killed him. But it later turned out that he had survived the attack and lived to tell the tale.

We returned back to the Mandela Home. I found this all very disturbing and really did not want to belong to this gang of hoodlums. I began to plan my escape.

Kenneth Kgasi managed to escape a few days later and went straight to the Methodist Church to report the events which led up to the trial.

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39⁹⁵

ET on soliciting charges

C/Press 29/7/90 (252)
By **BERENG MTIMKULU**

FORMER Soweto Mayor Ephraim Butana Tshabalala made a brief appearance in the Johannesburg Regional Court this week on charges of unlawful soliciting involving more than R15 000.

Tshabalala, 81, of Mofolo appeared before H Verhoef and was not asked to plead on 87 counts.

Allegations against Tshabalala are that between 1984 and 1989 he unlaw-

fully allowed 35 families to erect shacks at stand 1130 in Mofolo. The "tenants" together allegedly paid in excess of R2 422 monthly rent to him.

It was further alleged that he violated a Supreme Court order restricting him from allowing anybody to "squat" at the Mshenguville stands.

An inquiry into Tshabalala's earlier failure to appear in court will be held when the case resumes on September 17.

Cop fired fatal shot

By S'BU MNGADI

THE Richmond inquest court found this week that a policeman was criminally liable for fatally shooting a schoolgirl on September 28 last year.

Magistrate FW Strydom found Const Nicholas Mcunu responsible for the death of Ntokozo Ngcobo, 14, after a bullet was fired from a minibus which drove into protesting pupils in Ndaleni, Richmond.

Police and army witnesses told the court that pupils had thrown stones at the minibus and the occupants. However, Strydom found the stoning evidence to be false.

Police sergeant Gert Nel, who witnessed the incident, told the court that at no stage did he see stones being thrown.

Strydom said he accepted the evidence of two witnesses who described a shot being fired from a sliding window in the minibus. He said it had been established that Mcunu was seated at that window.

Strydom referred his findings to Natal Attorney general Mike Imber.

SA courts to get public defenders?

CHT time
30/6/90

252

Political Correspondent

PUBLIC defenders as seen in US TV programmes could soon become an integral part of the courtroom scene in South Africa

Justice Minister Mr Kobie Coetsee said yesterday that a system of public defenders could form part of a programme to extend legal representation in criminal cases

He said he had asked the Legal Aid Board to look into the feasibility of public defenders representing unrepresented accused

The public defenders, who would have appropriate training and experience, would be continually on duty at courts

Mr Coetsee said the government wished to make the courts and the law more accessible to the public

Apart from the probe into public defenders, he also looked forward to the results of a similar investigation by attorneys

Several steps had already been taken to broaden legal representation. The recently promulgated Attorney Amendment Act allowed for candi-

date attorneys or articled clerks with an LL B degree to appear in regional courts in certain circumstances

Also candidate attorneys with a B Proc degree could now appear in district courts at the start of their articles and not only after a year, as before

The government had also recently "drastically increased" its contribution to the Legal Aid Board and a large sum was budgeted annually for pro Deo legal aid

The Rules Board for courts of law was also investigating an increase in the jurisdiction of small claims courts and an accompanying increase in the civil jurisdiction of magistrates' courts

Mr Milton Seligson SC, chairman of the General Council of the Bar, said it would be a mistake to make a "real departure" from the current pro Deo system in the Supreme Court.

Local attorneys said public defenders would fill a gap in the system of justice. But the Justice Department would have to pay competitive salaries to provide incentive for practitioners of high calibre, they said

Watch those debts . . . you could up end in jail

30/7/90 252
Creditors are generally not anxious to go to law for the recovery of money owing them because of the legal costs involved

Any reasonable approach from a debtor in response to a demand would usually be acceptable to a creditor

If you are in debt, don't wait for a summons. When you receive a letter of demand, get in touch immediately with the creditor or his attorney to make arrangements to pay — unless there is a dispute about the amount owing.

Then stick to the arrangement. If your circumstances change, approach the creditor again for a new arrangement to be made.

If you fail to pay, a court judgment could be taken against you — and once a judgment is recorded it is circulated to a wide range of creditors who will in future not be prepared to give you credit.

This applies, particularly, to banks, hire purchase companies and building societies.

If judgment is taken against you, you should ask the attorney or the creditor to agree to a part settlement and to file notice of abandonment of the judgment as soon as the debt has been paid off.

Pay before the seventh

Before making an offer, work out carefully all income and expenditure, including any irregular expenditure which may crop up during the year.

Pay on or before the seventh of every month and if you have a bank or building society account, arrange for a regular stop order. This will avoid judgment being taken if you forget to make a payment.

If you pay in instalments you will have also to pay interest and 10 percent collection commission on each instalment up to a maximum of R100 plus all other costs charged by the attorney.

It is therefore better to settle the debt directly with the creditor when you receive a letter of demand so as to avoid these additional costs.

If the attorney or creditor refuses to accept the instalment proposed, he will, after judgment has been granted, issue a warrant of execution for the attachment of assets.

If movable assets are insufficient to satisfy the debt, your house could be sold.

To avoid this, you could try to raise a long-term loan from a bank or building society by way of an advance on your bond or a second bond.

If your income is not sufficient to meet all your debts, even when given an opportunity to pay in instalments, you may have to sell some of your assets.

However, it is better for you to sell your assets at a relative leisure rather than have them sold in a forced sale in execution where the proceeds may still be insufficient to cover your debts.

If it is necessary to sell your house, a good estate agent could possibly get a price sufficient to settle all your creditors and still leave you with money to put down as a deposit on a more modest home.

If you have no assets, whatever you may be in a happier position. No one can shoot you for debt. In this situation you will have to leave yourself to the mercy of the court.

With the economy moving deeper into recession, a sharp upturn in the number of debt summonses, liquidations and sequestrations is likely. Michael McCloughlin, an attorney, provides guidelines on what to do if you fall into debt.

If your necessary household expenditure, excluding luxuries such as TV and video instalments, exceed your income the court will normally not make an order, but may postpone the matter for three to six months and then review your financial position.

Otherwise, it could order you to make a nominal offer on the debt subject to review after a time.

Alternatively, if you can show you have insufficient money left over to meet the debt after payment of necessary monthly expenses, you could make a nominal offer to pay off R10 or R20 a month.

If you do not pay up in terms of the offer, which will be made an order of court, a warrant for your arrest may be issued to bring you before the court to explain why you have not paid.

If your excuse is reasonable the court could make a new order. For example, it may grant the creditor a suspended committal warrant or an emoluments attachment order, suspended subject to your paying in terms of the court order.

If you still fail to pay, the committal warrant or emoluments attachment order may be put into effect.

Under the emoluments attachment order your employer will be required to deduct the monthly instalment ordered from your earnings and pay this to the creditor's attorney until the debt has been settled.

An employer may not fire you if such an order is granted against you.

If a committal warrant is put into effect you may be sent to jail for a certain time.

The bright side of this is that if you serve a jail sentence in terms of a committal warrant, the debt is expunged and the creditor is deemed to have received satisfaction.

In practice, the higher the debt the longer the period to be served in jail.

Apply for sequestration

Finally, you could either apply for the granting of an administration order (if your debts do not exceed R10 000) or apply for the sequestration of your estate.

You may also, of course, be forcibly sequestrated at the instance of a creditor.

If an administration order is granted, an administrator will be appointed to control the receipt and transmission of payments pro-rata to the monthly instalment ordered by the court.

If you apply for your estate to be sequestrated, you must show there are assets to be realised which can bring some benefit to creditors.

The court could then order that your estate be

wound up and creditors paid a dividend after realisation of the assets.

After that, creditors may not proceed further against you for any balance outstanding. The trustee of your insolvent estate may, however, require you to pay amounts not needed for your immediate needs from future income in settlement of creditors' claims.

May not be attached

In practice, this is rarely, if ever done. So a new estate can be built up which may not be attached by any previous creditor.

After sequestration, however, no credit can be incurred without the trustee's written consent. Ten years after sequestration you will automatically be rehabilitated. But a court order may be sought for earlier rehabilitation.

It is often mistakenly thought that if assets are held in a spouse's name, they are protected from creditors where the parties are married out of community of property, under the accrual system, or by antenuptial contract.

In fact, the solvent spouse's assets fall into the insolvent estate, except where those assets can be proved to have been bought with the solvent spouse's own money.

Anti-crime policies needed

CRIM TALKS 30/7/90 (252)

A POST-APARTHEID South Africa will inherit the country's current dramatic spiral of violent crime unless immediate steps are taken to address the problem

CRIME

This is the view of Lloyd Vogelman, clinical psychologist and director for the Project of the Study of Violence based at the University of the Witwatersrand.

"In an interview, he said all major political players needed to develop comprehensive anti-crime policies.

Violent crime in South Africa will increase unless co-ordinated attempts are made to bridle the problem according to Lloyd Vogelman of the Project for the Study of Violence based at the University of the Witwatersrand. He spoke to DAWN BARKHUIZEN and outlined the aims of his organisation.

"The problem of violent crime is not going to disappear, if anything it will increase. The situation in Natal has already taken on Beirut-type proportions and there is the potential for it to spread throughout South Africa."

Existing social service programmes were hopelessly inadequate. Statistics showing that 72 percent of convicted criminals went back to prison compared to the 11 percent in the Netherlands illustrated his point.

"We are locked into old methods and have no culture of debate and dialogue. There is no co-ordination of existing social service organisations and projects, and information is not shared."

The expense of improving and co-ordinating these efforts might be great, but this should be weighed up against the enormous costs already incurred by violent crime.

While extreme violence was not peculiar to South Africa, there was no doubt that South African was at one of the extreme ends of violence in the world, he said.

Murder and rape were rampant — 11 murders took place daily on the Witwatersrand compared to five in New York. Violent crime had increased by 18 percent since 1984.

In the USSR, with its population of 300-million, 10 298 incidents of rape and attempted rape were reported in 1988. In South Africa, with a population of 30-million, 19 368 incidents had been reported.

What made the South African situation particularly dangerous was

- The large number of people who were well armed and the easy access to weapons,
- A disparity of wealth which increased hostility,
- Factionalism,
- Diminishing trust in the courts and the police (Only 57 percent of serious crimes were solved. Violence became more extreme when individuals took the law into their own hands),
- A growing population aged 18 to 25 with diminishing prospects for the future (A large percentage of violence is perpetrated by people between the age of 16 and 25. In South Africa this group now constituted 60 percent of the population compared to the 50 percent of 1980),
- The legacy of apartheid was violent,

Mr Vogelman's project, initiated two years ago, is unique in that it deals with victims and perpetrators and examines ways of dealing with both.

It aims to

- Link individuals working in and around violence and to create a forum for free discussion,
- Publicise research information and thereby increase public understanding of violence, undermining myths and rumours surrounding violence,
- Expand once-a-week trauma counselling into a trauma centre that will not only operate in Johannesburg but in rural areas,
- Link into existing counselling centres and social programmes offering specialised knowledge about violence.

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CRIM T-413 30/7/90 (252)

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Three guilty of possessing explosives

4th 31/2190

200 152

By Marguerite Moody

Three East Rand men, one a former member of the Afrikanerweerstandsbeweging (AWB), were found guilty of the illegal possession of explosives by a Germiston magistrate yesterday.

Norman Palmer van Biljoen (33), Guilio Aramu (20) and Michael John Street (21) stood motionless in the Germiston Regional Court while Mr Justice J J van Eeden convicted them on two counts of contravening the Explosives Act

Found guilty

Van Biljoen was also found guilty of contravening the Firearms Act, due to unlawfully possessing a 38 revolver.

The three men had earlier pleaded guilty to two charges of being in possession of 39 M26 grenades, a stun grenade, three Claymore shrapnel mines, 3m of detonating fuse, 1kg of plastic explosives, two electrical detonators, five detonating relays, three fuse heads and one electrical current indicator.

Van Biljoen and

Aramu yesterday pleaded guilty to an amendment in the charge sheet to include the possession of 23 dynamite cartridges

The men had the explosives in their possession when they were arrested by the police on July 6

In a statement read before the court yesterday, Van Biljoen said he had been given the explosives by Street and Aramu and intended to sell them

Giving evidence during mitigation, investigating officer Lieutenant Nicholas Engelbrecht told the court he had an AWB membership card belonging to Van Biljoen

Van Biljoen's counsel claimed his client had not been a member of the AWB for the past six years

Lieutenant Engelbrecht said the explosives were not freely available to the public and suspected that all the devices, except the dynamite, had been stolen from the SADF

The hearing was postponed to August 28 for further evidence in mitigation of sentence.

Bail was extended for Aramu and Street Van Biljoen is in custody

HSRC sets up constitutional research body

By Kaizer Nyatumba,
31/7/90 Political Staff

252 advice to interested parties

In an attempt to help South Africans in their search for a new constitution, the Human Sciences Research Council (HSRC) has established a Centre for Constitution Analysis (CCA) to undertake research into constitutional matters, according to HSRC spokesman Bertus de Vilhiers

The centre will research constitutional matters and will furnish

It will involve more than 40 local and foreign academics presently involved in constitutional law projects

The CCA will conduct an analysis of all the modern constitutions of the world by computerised techniques and, once completed, the data gathered will enable researchers and constitutional lawyers to study and analyse the results

"The centre is convinced the constitutional development process in South Africa necessitates an objective analysis of constitutional models in order to develop and maintain a unique democratic constitution for the country," said Dr de Vilhiers

The CCA will also bring together "a variety of interested parties" through organising a variety of workshops and conferences to discuss contemporary constitutional issues.